

BARKER REVIEW OF LAND USE PLANNING

COMMENTS ON BEHALF OF EAST SUSSEX COUNTY COUNCIL

Overall Comment

Major reforms of the planning system are usually a once in a generation event – 1947, 1968 and 2004. The very fact that a review of the new planning system has been commissioned so soon after its introduction seems to imply the government sees major flaws in it. It is not clear what flaws the government sees nor what evidence there is to support its views.

The planning system is essentially a process of intervention in the market by central and local government that has been established specifically to balance social, economic and environmental interests on behalf of the community. So, to conduct a review of that system that focuses only on the economic dimension, very important though that is, is misconceived. The holistic nature of the system and its aims demands a more rounded review.

We support a plan-led system with local authorities playing a leading role. Land use planning should be at the heart of local authority policy making, with clear and direct relationships with Community Strategies and Local Strategic Partnerships, and linked to resource allocation at local, sub-regional, regional and national level.

However, although the new system is young, it is already clear that it is not meeting some of the key aspirations the government had of it – if anything, it is more complex than the old system, not simpler; and it is difficult to see how it will be faster or more predictable. This, however, does not just relate to economic issues.

Question themes

Flexibility & responsiveness of the planning system

In a region like S E England, high environmental standards and a high quality planning, assessment and consultation process is a necessary part of engaging public support for (or acquiescence in) development even though it may add time to the process. High environmental standards also help attract and retain human talent and higher level economic activity.

However, there are aspects of the planning process which are time consuming and complicated, and the new planning system, although originally intended to address some of these issues, seems to be adding to complexity. Particular problems with the new system may be identified as:-

- the democratic deficit at the upper tier level of the development plan – the Regional Spatial Strategy (RSS) – and the difficulty in engaging any but the most specialised of stakeholders at this level of strategic abstraction;
- the lack of recognition in legislation of the essential contribution of sub-regional planning and of a formal structure to take forward implementation at this level;

- the complexity of the structure of Local Development Frameworks (LDF) and their preparation, which is time consuming, repetitive and not easily understandable to the public; and
- the overly bureaucratic and disproportionate processes for preparation of Statements of Community Involvement (SCI).

The securing of significant infrastructure to support new development is often critical in facilitating national and regional policies and in achieving public acceptance. However, whilst the planning process could be made more expeditious, a significant flaw is that those responsible for delivering infrastructure are not necessarily committed to the priorities and timing required by planning strategies and decisions. This has resulted in a widespread concern that development takes place without timely provision of the necessary infrastructure, thus hardening public resistance to development.

The new LDF 'folder' system of planning documents, which was meant to allow a more flexible response to the need for changes in policies and plans, is in danger of becoming, through excessive regulation and 'guidance', more bureaucratic than the former local plans. The advantage of allowing parts of the plan to be changed rapidly in response to new circumstances is likely to be compromised if each development plan document (DPD) has to go through the same elaborate process as the Core Strategy. This reduces the responsiveness of the plan system as well as adding to public confusion from not having a comprehensible single 'local plan' document.

As with local plans before them, the bureaucracy of LDFs is in danger of standing in the way of good planning and timely delivery. Complexity and delay in plan-making throw the burden on to development control and increases the risk that major opportunity sites have to be dealt with outside the plan system by way of ad hoc development briefs or consideration at planning application stage, undermining the credibility of a plan led approach to sustainable development.

A solution might be to reduce the number of separate LDF documents, with a single DPD (Core Strategy) to include key land allocations, subject to one SA process, with an expedited process for the remaining documents.

Scope of plans at different spatial levels

In the South East Region the gulf between a region of 8 million people and local planning at the level of current districts has proved too wide to bridge without a large sub-regional element to the South East Plan. This sub-regional planning advice has been provided by the county and unitary authorities (the section 4(4) authorities in the 2004 Act). The sub-regional policies produced on the advice of these authorities provide the basis for informing and implementing regional aspirations and provide the clear strategic spatial guidance that local development frameworks will need if the South East Plan is to be implemented. Yet sub-regional planning remains an activity carried out at the discretion of the regional body and legislation envisages it as a discretionary rather than universal activity.

Implementing the sub-regional strategies will be crucial to the delivery of the South East Plan yet there is no specific mechanism to do this. Implementation of the Plan

will require ongoing continuous involvement at a level below the regional level. The continued involvement of county and unitary authorities in driving the strategies will be essential yet without a statutory requirement, or even agreed mechanism, to engage in this activity there is nothing to prevent the resources currently available in the respective authorities from withering away – especially under the pressure to reduce the burden of council tax.

The loss of a county tier in the statutory plan process has also reinforced a number of other discontinuities between land use planning and the strategic direction of other public services including transport, education, social services, health planning and the direction of police and fire authorities. There is also little correlation between major infrastructure providers, including water, sewage treatment, river basin management plans (Environment Agency) and the Highways Agency and the current pattern of LDF authority boundaries. Most infrastructure providers operate on a more strategic level which relate better to sub-regional areas.

It is hard to avoid the conclusion that, in terms of effective delivery of sustainable development, the removal of structure plans and their unitary equivalents, the proposers and drivers of sustainable development, has not been adequately compensated for by current sub-regional arrangements.

If there is to be discussion of political structures in local government this year then the impact of any structural change on the effectiveness of the planning system should be a key consideration.

Sustainability – the balance between economic and other goals

The concept of sustainability is a valuable element in planning, although not especially new. Seeking a balance between social, economic and environmental goals has long been part of the planning process.

The greater rigour offered by formal sustainability appraisal in the new planning system is greatly to be welcomed. However, the contribution of appraisal will be undermined if it develops into a new bureaucracy of process which diverts scarce resources from innovative thinking on spatial policy. The requirement for a separate SA process for each item in the LDF folder should be reconsidered on proportionality grounds in the light of the added value it might bring.

Impact of planning on business investment and the effect of the recent reforms to the planning system.

The planning system has an obvious influence on the spatial location of business investment – it is less clear that it influences the overall level of business investment.

When working well the planning system can assist business investment and the growth of local economies by creating places which are ‘good to do business in’. This may benefit the level of business investment in the overall economy although this depends on secular trends in the economy as a whole and the extent to which land in pressured locations can be substituted by land elsewhere. It is worth

investigating the ways in which the planning system might be used to increase the overall level of business investment

Most planning policies in development plans (in the South East at any rate) are reflections of the reality on the ground. This is that the uncontrolled release of land in the economically most desirable locations would quickly lead to the destruction of the advantages that those areas have, either through congestion, deterioration of the built environment or the loss of publicly valued environmental assets (AONB, SSSI, Green Belt). These assets are valued in themselves as public goods but do not have a commensurate land value, although they do have an economic value by virtue of their ability to attract tourism and business investment. There are also the constraints of public protection e.g. aquifer protection, avoidance of flood risk etc. Planning also seeks positive benefits from intervention to prevent economic and social failure in those communities which are currently seen as less attractive by the market. Strategies for regeneration may include targeted land allocations to positively influence market value in these communities and stimulate private investment.

Provided development plans adequately assess land needs across appropriate strategic areas the overall impact of planning allocations on business investment should not be constraining – in fact, through support for infrastructure investment planning policies can actively facilitate investment. By setting out land use policies for some time ahead plans also provide more certainty to investors that their investment will be secure.

The planning system and ‘joined-up’ Government policy.

Integration between land use and transport is particularly vital to the achievement of economic goals yet links between them in the new planning system are not close – outside unitaries, for example, separate authorities are responsible for LDFs and Local Transport Plans. There is a lack of ‘joined-upness’ with spatial policies at central Government level where the East Sussex experience has been that either the Government does not agree, or the Highways Agency does not deliver, trunk road improvements needed to open up housing and economic development land allocated in development plans.

Time taken to decide major planning applications

Public consultation is a significant element of the time spent on planning applications and may sometimes result in amendments which make the development more acceptable to the local community.

A performance target for major planning applications based solely on speed, irrespective of the issues raised, is arbitrary and unhelpful. Applicants value certainty – such as a clear timetable and process matched to the circumstances of the case – rather more than speed and a precautionary refusal within the statutory period is not helpful to applicants. There are positive benefits in Planning Delivery Agreements replacing targets for a limited range of complex applications.

Planning and high occupation costs.

Provided overall land supply across an appropriate strategic area is in line with regularly updated estimates of demand, and reflected in up-to-date planning policies, the planning system should not be adding to overall occupation costs. There always will be some locations that command a premium because of their accessibility and land values / rents reflect this. It might be expected that firms will locate according to the value that particular locations have for their organisation.

The planning system and competition.

In the case of retailing it has been argued that the effect of the planning system is to limit entry to newcomers. However, development plans are required to include assessments of retail demand, and provide land allocations to meet retail need. Major retail applications are determined in accordance with assessments of retail need and demand.

The application of retail policies prioritising town centres over out-of-town retailing is the consequence of considering social and environmental objectives, as well as economic. Where out-of-town retail development is discouraged, there are of course difficulties for those businesses with 'out-of-town' business models. This should not be confused with hindering competition.

Planning permissions do create surplus land value. The answer to this is to secure much of that value for local community infrastructure or, in pressured areas, to invest in the infrastructure of alternative locations, through mechanisms such as S106 Agreements or the proposed Planning Gain Supplement.

Planning authorities and the skill and resources to promote sustainable development

A shortage of planners as experienced in East Sussex has affected the ability of local planning authorities to progress their Local Development Frameworks as rapidly as hoped. However, delivery of the new planning system depends upon more than just planners – it requires successful partnership working across a range of skills and organisations. This requires other organisations to commit personnel and resources to the task of delivering the new spatial planning system.

New stakeholder engagement arrangements and those representing economic interests.

The desire for greater economic stakeholder involvement is supported - our sub-regional experience is that the most productive involvement has been where groups representing the business community, such as economic partnerships, develop their views on what businesses need from the planning system, and build up experience in how to engage with, and influence, the development of planning policy.

However, it sometimes seems that business interests are unwilling to put in the time to influence matters and their engagement in the planning process is more limited than it should be.

There may be a danger with the LDF process that there are too many stages of consultation and too few of substance. However, the business community is being invited to make their collective views known, if they are prepared to articulate those views.

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