

Barker Review of Land Use Planning

Construction Products Association response to Annex 1 Questions

1. The planning system is not sufficiently flexible to deal with the needs of 21st Century global businesses or major projects. It fails to respond quickly to the needs of businesses by reaching decisions in an acceptable period of time and one that is comparable with the time taken in other developed countries. Speed of decision does not just mean saying 'yes' as there are many occasions when it is right to say 'no'. But in saying 'no' the system should be much more flexible in making clear to business applicants what they need to do to amend their applications, or if the location is inappropriate, where would be. The current shortcomings mean that the planning system fails to give businesses the certainty they need and this is having a serious impact on the decisions of large multi-national groups whose operations are internationally mobile, and which see the planning system in the UK as a disincentive when considering where next to invest. Senior executives from major international companies have made this clear to Ministers on a number of occasions.

In terms of policy measures to address these shortcomings, we would like to see specific local authority staff develop expertise in dealing with business related applications, committees of members (who are also trained in the issues) specifically to handle these, and statutory undertakers and other consultees that provide comments on applications in the time frame set. If they fail to respond through lack of resources, that suggests they do not see this as a sufficient priority, in which case the development should be allowed to proceed.

2. It is still too early to say as national level planning policies are still being reviewed, regional spatial strategies are still being rolled out, and the local development framework in many areas has still to be approved. There are, however, some early concerns on transport issues, that regions are taking a parochial view on issues that really need a national decision. This does not augur too well for future major industrial and mineral applications.
3. People are fundamentally nervous about change and so the local planning system has a built in prejudice to status quo unless, or until, things have become totally unacceptable. As a result it is easier to mobilise a group, generally arguing on environmental grounds, to defend the status quo. Local politicians are easily influenced by this, even though it may not be the wishes of a silent minority. Equally, business is not good at presenting its case to demonstrate the benefits (economic and social) that development invariably brings with it. In summary, we all want to see sustainable development, but it appears that the environmental side of sustainability is being given far greater priority than the economic or social.
4. Other countries, like France, compensate those whose amenities might be adversely affected by new developments. This allows development to proceed much more quickly, and indeed some new developments are positively welcomed. In the UK the money is spent on expert witnesses and legal teams at

public inquiries. This not only slows down the process, it misallocates resources. We need a proper decision making process, but not one that is a protracted and expensive as happens all too often. It would also be wrong to argue that the reasons for delay are because we are an overcrowded island with little space for further development. Countries like the Netherlands and Hong Kong don't seem to have the same problem with planning that we do and yet they are also densely populated.

5. In some cases it is still too early to say whether the impact of recent changes will have a positive impact. However, setting deadlines for decisions has had a series of perverse consequences. In order to meet their targets, authorities have tended to refuse more applications as this is the easier option. Over the last 7 years the rate of refusal for commercial applications has almost doubled. In addition, our members are finding an increasing unwillingness to co-operate in non-statutory functions (primarily pre-application advice) and a reluctance to agree to amendments to submitted applications. This results in an increasing likelihood of refusal and applicants being given no option other than to withdraw and resubmit.
6. It is not clear to us how the relationship is developing and perhaps that is where one of the problems lies, in that industry is not making sufficient input to these various strategies.
7. There certainly needs to be confidence that the planning system can deliver good decisions, but that should not conflict with having speedy decisions. The UK system is undoubtedly much slower than in other countries, but there is no suggestion this results in manifestly better decisions.
8. We are not aware that the cost of making planning applications is a major factor in deterring investment. Delays and uncertainty are far more significant. In terms of information, one of the frustrations is when authorities keep coming back for more information. In a minerals application one company quotes an instance where they provided the authority with information requested in December, they heard nothing for 8 months; and then in August the Council came back with a request for further information. Why could they not have asked for this earlier, saving several months in what was already a truncated process?
9. The difficulties of obtaining planning permission do increase land values in the non-domestic sector, but it is difficult to assess how much this impacts on productivity. If, however, a business that is internationally mobile is discouraged from locating in the UK, this will potentially lead to less competition.
10. A planning application from a small business can be critical to the on-going viability of that business (e.g. small quarry operators), whereas larger companies are better able to flex production if permissions take excessive time. This will potentially lead to a greater concentration of industry which may have implications for competition.
11. No comment
12. Some authorities are competent and efficient, but generally there is a lack of skills and resource, particularly in specialist areas like minerals planning. One solution (see earlier) would be to identify staff who would specialise and be trained in business related applications, and to set up special Council Planning Committees

to deal with these applications. In addition, councils that are under pressure or failing to meet targets need to make much more use of private sector consultants to handle the workload. If the Government is serious about speeding up the planning system, it may need more resource on top of that already put in. In business terms that could be repaid by additional investment and jobs, as well as higher levels of productivity.

13. The opportunity exists for engagement in the process, but the difficulties for SMEs to engage in the plan-making process should not be underestimated. Generally they do not have the expertise to contribute in a way that is most likely to influence the process, and they do not have the time that some of the articulate lobby groups commit to stopping things happening.
14. This is probably one of the most difficult issues. In many parts of the country people are cautious about change and economic development is often only welcomed when there are serious economic problems in an area. These are not necessarily the areas where it is most appropriate for industry/business to locate if it is to be as efficient and competitive as it needs to be in the global market in which it now has to operate. Also, in our industry there is increasing international mobility, and if companies cannot develop where they want to in the UK, they may decide to locate in other countries. Unfortunately, these last issues are not ones that are of particular concern to politicians who are elected locally. It is much easier to simply say 'no', without any responsibility for finding where else the development would be acceptable. One option that might be worth exploring is to see whether more of the taxes (council tax etc) paid by industry/businesses which are given planning permission can be fed back (for a period of time) to the local community.
15. The simple answer is to have a more flexible and speedy response to planning applications for industry and business and, equally important, infrastructure proposals.