



THE NATIONAL TRUST

BARKER REVIEW OF LAND USE PLANNING

**A response by the National Trust to the HM Treasury & ODPM Review
April 2006**

1. The National Trust welcomes the opportunity to input to the review of land use planning by Kate Barker. The structure of this contribution is designed to set out:

- a summary of our key points
- our extensive experience of the planning system,
- some general observations on the present planning system
- headline thoughts on the Review
- more detailed material in relation to the 15 questions posed (see Annex)

Summary

2. Our response emphasises the following:

- The Trust has a very wide experience of planning as a business. We consider a robust, democratic and efficient Plan-led system is essential to a successful economy as well as to society and the environment.
- Planning makes a substantial and largely unrecognised contribution to the wealth of the nation, in various ways. Conserving and enhancing the historic and natural environment is itself a massive economic driver.
- There is scope for some further improvement and evolution; particularly in relation to resource planning, climate change, stakeholder engagement in plan-making, and a national framework; but not major surgery. We question the need for a major review.
- The planning system is a boon not an obstacle to improved productivity and competitiveness and there is a need to separate the experiences of individual businesses from the wider impact on the economy
- Sustainable development involves the integration of economic, social and environmental issues. The objective of planning is to deliver more sustainable development. It is not productive to look at how planning delivers against economic elements in isolation
- The planning system has only very recently undergone major change. It is far too early to make a judgement as to whether the system is now delivering against sustainable development objectives.

The planning system and the role of the National Trust

3. The National Trust is an independent charity founded in 1895, with a statutory purpose and obligation to '*permanently protect places of natural beauty or historic interest for the benefit of the nation.*' We have over 100 years' experience of managing land and buildings, and of using the planning system since its inception to help conserve our properties and the wider environment around them. The Trust takes a long-term view of environmental management – a key element of a genuinely sustainable approach - because by statute we are 'here to stay.'

4. We currently protect and manage on behalf of the nation over 270,000 ha of countryside and 700 miles of unspoilt coastline and estuary. Our coast and countryside open spaces attract over 50 million visits per year. We are also responsible for a significant proportion of the country's designated wildlife sites (10% of ASSIs and SSSIs), and many hundreds of buildings and gardens of historic or cultural significance.

5. But while much of our work is about looking after special places 'for ever, for everyone', the Trust is also a major business in its own right with a £300m annual operating budget and some 5,000 employees. The Trust acts in many ways as a regeneration agency, investing in parts of the country that may otherwise be bypassed by normal market forces, and supporting thousands of other local businesses. Conserving and interpreting the environment is a major economic driver in its own right, as evidenced by our *Valuing our Environment* research. Up to 70% of jobs created through tourism in rural areas rely on the quality of the environment – itself reliant on an effective planning system. The Trust is also a major provider of tourist facilities in many areas, with Europe's largest network of holiday cottages and gift shops.

6. The Trust is an innovative developer committed to sustainable development. We submit in the region of 250 planning applications each year, and we therefore have a highly informed view of the planning system's strengths and weaknesses. There will be only a handful of other organisations or companies in the UK who have this degree of day-to-day interaction with planning.

Headline observations on the present planning system

7. In the Trust's view a robust, democratic, and efficient Planning system, consistent for developers, stakeholders and the public to understand and use, is absolutely essential to our economy, as well as to our society and the environment. It is no accident that the UK had the first formal planning system of modern times, since we live in a comparatively small island where there is competition for both resources and land, and some means was required to ensure maximum public interest was maintained while enabling appropriate development to take place. In general the planning system provides the necessary safeguards for protecting communities (including business communities) from proposals which might damage their interests or quality of life. It has proved to be an effective tool in promoting engagement of stakeholders in the future of their local environment.

8. The foundation of the planning system, which is widely valued across all sectors, is the Plan-led system enabling decisions on individual proposals to be made within an agreed context. Not only does this allow for developer, community and stakeholder involvement in policy formulation and allocation of land for development; but – critically – it provides a reasonable degree of certainty which all businesses require in planning and investment. From a business as well as other perspectives, the Trust strongly supports the Plan-led system. We would be in some difficulty in making major investment decisions without the reassurance that, other things being equal, our development proposals will be considered against the policy background set out in regional and local development plans. It is also of great value to a national business such as the Trust that, in general, the same ‘rules’ apply across the country. We are generally not in favour of local arrangements to alter permitted development rights (local development orders), since this would greatly add to complexity - and cause additional confusion for users.

9. The Trust also strongly supports the new statutory purpose for planning set out in the 2004 Act and subsequently in PPS1 – namely that of furthering sustainable development through integration of economic, social and environmental interests.

10. An effective planning system also assists the Trust in achieving its statutory purposes, since the conservation of our business assets, and the public’s enjoyment of them, depends to a considerable extent on the proper conservation of the wider environment in which they sit.

11. The Trust considers that planning makes a substantial – and greatly undervalued and unrecognised - contribution to the wealth of the nation, and its quality of life, in the following fields:

- Enabling urban and rural regeneration which contributes to economic prosperity
- Natural and built heritage protection, which adds greatly to quality of life
- Community involvement and engagement in planning the future of ‘their place’
- Planning in a co-ordinated way for development and related transport access.

12. While the planning system is a very effective tool it can be improved in some important areas:

- Planning for natural resources (like water) - on which communities, businesses and quality of life depend - is inadequate, with a lack of integration between the statutory planning system and catchment or shoreline management plans, and insufficient weight given to resource protection and management.
- Planning for adapting to inevitable climate change impacts (such as sea level rise and coastal change), and reducing greenhouse gases, are both thoroughly inadequate despite PPS1 and other PPS references. As a result investment continues to be made in areas, or in forms, that are likely to be at serious risk and in development which will increase emissions further.
- Genuine public and business engagement is very difficult to engender in local development plans and this has been exacerbated by the additional complexity of the new LDF system compared to its Local Plans predecessor.

- There is a strong case for developing a simple ‘national spatial plan’ or framework to assist provision of key infrastructure, and provide an understandable and consistent context for regional planning in RSSs in England.
- Sustainability Appraisal is potentially hugely beneficial but in practice is proving something of a ‘tick-box exercise’ and is not fully influencing regional and local core strategies.
- Planning authorities are poorly resourced across their plan-making and development control functions [including enforcement, where delays bring the system into disrepute].

13. We have particular concerns about the operation of the planning system in Northern Ireland where we have supported an independent inquiry through the work of a Planning Commission. A copy of its report is enclosed for information.

14. Despite recognising the scope for further improvement, in our view and experience there is no fundamental problem in planning’s approach to the element of sustainable development relating to economic development. Its overall impact is strongly beneficial and we believe that there will be other regulatory or fiscal processes which have far greater impact on business development and profitability.

Headline thoughts on the Review

15. The terms of reference of the Review appear to start from a position which, in our view, is difficult to reconcile with actual circumstances. Firstly, they assume that planning is not delivering economic growth and is somehow an impediment to further growth. The Trust would firmly contest both points. The nation is experiencing a long period of economic growth and a very high proportion of planning applications are approved (80%+). The majority of those that aren’t approved are refused for very sound social, economic or environmental reasons and there is recourse for developers (not third parties) to appeal. Furthermore, a 1998 study for the DETR showed that well over 90% of businesses do not submit planning applications in any year and that those businesses which do are concentrated in the development sector (*The Economic Consequences of Planning to the Business Sector, DETR 1998*). Planning is therefore not going to be a critical factor in determining level of growth.

16. It is a much-perpetuated myth, but a myth none the less, that planning is somehow ‘getting in the way of business.’ We would confirm that as a major business we find great benefit in a Plan-led system in helping us take major investment decisions and obtaining planning permission. A few recent examples include:

- The Trust’s new headquarters building in Swindon – a major sustainable construction project on an allocated brownfield site, where time ‘in the planning system’ was not a major % of the overall project time, let alone the life of the building, and negotiation with the local authority resulted in an improved and mutually acceptable scheme.
- Stamford Brook housing development at Altrincham – 700 unit sustainable community. The allocation of the site in the Trafford development plan gave the Trust the confidence to establish a major project and devote significant staff resources to it.

- Outline consent achieved for major housing development to high environmental specification at Erddig, near Wrexham on an allocated site in the Local Plan.
- The Trust's regional headquarters near Bury St. Edmunds – part new build, part change of use; compliant with development plan policies.
- Major new visitor facilities at Polesden Lacey, Surrey – a Green Belt site, where compliance with Local Plan policies was carefully considered in the formulation of the scheme.

17. The Trust considers that the Government's pressure on local authorities to deal with applications promptly, the new requirement to produce local development frameworks to a tight timetable, and revised appeal procedures such as concurrent sessions at major inquiries for different issues, will all combine to make for speedier outcomes for business than was previously the case. There is probably not much more that can be safely achieved in terms of speeding up the development control system without seriously jeopardising proper consideration of the issues, which would be in nobody's interest. However it is important to keep speed of decision making under regular review. The greatest concerns of those involved in the process are to ensure that it is open and transparent, and that it results in quality developments that promote a more sustainable future.

18. Our other headline concerns on this Review are:

- The review singles out the economic aspect of sustainable development for attention. The critical point about sustainable development is the need to integrate all aspects, as is recognised in PPS1. Looking at economic impacts alone is not productive; particularly given the newly established purpose of planning.
- The review misquotes the economic goal of sustainable development as being one of 'economic growth'. The Government's adopted guiding principle in the 2005 Sustainable Development Strategy is one of "*building a strong, stable economy which provides prosperity and opportunities for all*"

19. The Trust would welcome an opportunity to discuss our submission further with the Barker Review team if that is helpful. More detailed responses to specific questions are included as an Annex.

ANNEX

Detailed responses to selected questions in Annex 1 of Barker Review:

- Q1. The statutory purpose of the Planning system is to achieve sustainable development, including necessary development to meet economic and social needs in the most appropriate location and safeguarding environmental assets. The current system is less successful in planning properly for natural resources and is, as yet, not dealing with either mitigation of, or adaptation to, climate change to the required level given the urgency and scale of the problem. Greater 'flexibility' would be likely to lead to more ad hoc decisions and confusion – removing some of the certainty which is a real benefit of the system.
- Q2. The fundamentals of the new English spatial planning system – i.e. regional strategy, sub-regional elements for conurbations, and detailed local planning based on map-based policies – are broadly correct. There *is* a case for a simple national spatial plan within which regional strategies can be drawn up to complete the picture. But the real problems with the new system flow from the complexity of the LDF arrangements. Rather than have a single local plan document which all can see and understand, there will now be a suite of documents being reviewed at different times. All practitioners recognise that there is already a democratic deficit in terms of genuine public involvement in development planning (as opposed to stakeholder engagement). The new system is likely to exacerbate the issue, given that it is difficult even for planners to fully understand it. A return to a single local planning document would be widely welcomed, but with imposed deadlines for preparation and review.
- Q3. Sustainable development is not about balance (trade-off), but about integration of economic, social and environmental objectives. Provided techniques such as sustainability appraisal or checklists for development control are applied these should identify which proposals are broadly compatible with sustainability and which are not. If an individual proposal is in serious conflict with one element then - by definition - it is not sustainable. Our experience is that in the past local authorities have placed greater value on economic benefit than community or environmental interests. PPS1 and other PPSs set out how that better integration should now be achieved in decision making, but it is far too early to make a judgement on progress. It is true to say that natural resource issues are seriously undervalued at present.
- Q4. No doubt there are lessons to be learnt; though the Trust is unaware of the details of alternatives. We believe the Royal Commission on Environmental Pollution's report on Environmental Planning (2002) did some detailed analysis of the Dutch and New Zealand systems in shaping its recommendations. The economic environment will always be subject to regular fluctuation and change, and the planning system needs to be robust and long-term focussed enough to meet its core purpose irrespective of those changes.

Q5. The wording of this question implies that a primary purpose of planning is to encourage - or impede - business. In practice it should encourage and facilitate business which contributes to sustainable development and discourage that which doesn't. The Plan-led system should provide the certainty business needs, by indicating those areas within which business will be either accepted or rejected, and by being clear about the nature of development that is to be encouraged (i.e. re design, access, environmental specification etc). The evidence seems to suggest businesses do not find planning a major impediment compared to some other regulatory processes, since over 90% of businesses have no contact with planning in the course of any one year. The Trust would not recommend major reforms are necessary in this area.

Q6. Again, it is too early in the life of the new system to establish whether the various other regional strategies, including Regional Economic or Regional Environment Strategies are sufficiently integrated with RSS, although the early signs are not encouraging. There are very widespread concerns that in some regions the aspirations of non-statutory 'strategies' such as the Northern Way are distorting the RSS process, so that a sustainable and integrated approach is not being achieved. Greater integration is best achieved through clear guidance to Regional Assemblies about the need for all issues to be considered together within the statutory RSS.

Q7. There is a significant backlog in the appeals process at present in relation to inquiries. The Trust has a major project at present that is likely to be significantly delayed by the time-lag in getting an Inquiry date (assuming we get approval). This raises concerns about Planning Inspectorate available resources.

The recent proposal to instigate concurrent sessions on different subjects will help to reduce length of major inquiries; though some poorly-resourced third parties may be significantly disadvantaged by this. A significant cause of delay on major projects is through the lack of a 'national plan context' against which to consider infrastructure proposals. However major projects are only a very small percentage of appeals, and shouldn't distort the general workings of the system. The Trust strongly opposed the suggestion made in 2002 that Parliament might take on a role in relation to deciding on the principle of major infrastructure projects, which would not have assisted decision-making or stakeholder engagement (see *In the national interest?* and submissions, enclosed)

Q8. Given the reportedly very high level of applications received by local authorities, it suggests that planning application costs are not deterring investment. Certainly in the case of the Trust as a developer, we do not feel constrained by application fees even though we are a charity with limited funds. Fees are not likely to be a significant issue for most businesses. Recent improvements in documentation have made clear to

developers what is required by way of supporting material to enable an informed decision to be made speedily.

- Q10. Given that it is not the purpose of the planning system to either encourage or discourage competition this seems rather academic. The 2002 report for the House of Commons Select Committee on *Planning and Competitiveness* concluded “*there is no evidence that Planning is a significant explanatory factor for the UK’s low productivity compared to its main competitors.*” A range of other factors will have a much greater influence on this issue.
- Q11. Regional Spatial Strategies, such as that for the West Midlands, have identified corridors where this type of development might be acceptable, subject to certain safeguards. But individual decisions will rightly still be based around a thorough consideration of the potential impacts and assessment against adopted planning policy. It is arguable that highly defined clusters may actually restrict other businesses establishing.
- Q12. The Trust considers that there are skills gaps in many local authorities on all elements of sustainable development, not just economic development, and in public participation, and that most planning departments are significantly under-resourced for the workload in hand.
- Q13. It is vital that all interests are involved in plan-making, including the business sector. As noted above, the recent reforms to local development planning - while imposing much-needed deadlines on plan preparation time - have added vast and unnecessary complexity to the system which statements of community involvement will not solve.



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