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Dear Ms Howard

Barker Review of Land Use Planning

Thank you for your invitation to the Church Commissioners for England (the 'Commissioners'), addressed to Andrew Brown, to submit comments on Kate Barker's call for evidence for her Review of Land Use Planning.

The Commissioners manage certain historic assets of the Church of England to produce funds to support the Church's ministry. The assets are worth some £4.3 billion (as at the end of 2004) and the Commissioners' objective is to get the best return without undue risk and in line with their ethical investment policy. Their portfolio includes stock market investments and commercial, residential and agricultural real estate.

In relation to agricultural property, the Commissioners own about 123,000 acres of agricultural land, spread throughout England, making them one of the country's largest landowners. This property offers development opportunities ranging from minor schemes (residential conversions, infill plots etc.) to major strategic sites. In relation to the latter, the Commissioners' strategic greenfield site portfolio includes extensive areas of land at Ashford (identified to help meet this Growth Area's long term expansion), substantial urban extension proposals at identified growth points and a series of other development opportunities.

Through these development opportunities, the Commissioners take an active role in the planning and development process throughout England and have amassed considerable experience of how the planning system operates to deliver specific schemes as well as the Government's Sustainable Communities Plan. We therefore welcome the opportunity to respond to Kate Barker's review of land use planning in England.

We note that this review focuses on the impact of the planning system on economic growth and employment, rather than housing (previously covered by Kate Barker). Although the Commissioners' experience of the land use planning system is primarily concerned with residential development schemes, they do have ongoing experience taking industrial and commercial schemes through the planning system. In addition, the increasing emphasis on sustainable mixed use schemes means that residential schemes, especially larger scale urban extension proposals, need to take account of the 'jobs-homes' balance. It is undoubtedly the case that the inter-linkage between residential and employment land use matters is increasing in importance.

The Commissioners' response to selected questions is as follows.

- 2. Do you have any views on the scope of plans at the different spatial levels in England which are now emerging following the introduction of the new system in 2004? Are there further improvements to the plan-making process at the different spatial levels in England, particularly regarding the need to encourage a positive/proactive approach to planning, which was a key theme of the new plan-making system? Does the current system strike the right balance between central direction and regional and local discretion?*

The simplification and increased efficiency of development plans was the clear intention behind the new system introduced in 2004. For example, removal of the county tier of Structure Plans was welcomed by many as a means of excising a part of the old system that often resulted in some of the most intransigent barriers to new development.

It is probably too early to say whether the new system is proving any more effective than the old one. It will take some years to 'bed down'. One of the main problems already encountered is the complexity of the system due to the apparent plethora of local development plan documents, as compared to the more easily understood local plan. It has taken (and is still taking) planning professionals time to get to grips with the new arrangements, suggesting that the general public must be finding it even more difficult to understand and use. In addition, we are encountering severe delay with many LDFs despite the intention of the LDSs to add more certainty to the process and its timetabling.

At the regional level, early experiences are mixed. The increased weight being attached to the regional dimension is welcome as a means to more efficiently disseminate development requirements often unpalatable to sub-regional authorities. However, it is a concern that this increased weight attached to the RSS may not be matched by adequate accountability. This is on two fronts: the fact that the plan-making authority is not an elected body; second, the examination process is comparable to the old-style Structure Plan EIPs and this means that a similar scale forum has to cover far greater geographical areas and many more interests, necessarily limiting the scope for interested parties to participate adequately.

Overall, our experience with the new system suggests that it is not proving to be any simpler or quicker than the old system. Looking back, the best aspect of the local plan system was its relative simplicity and the fact that there was just one key document containing all the information generally needed for practitioners and the

public to make informed decisions about development issues. It is at the local level that we have the greatest concern that the new system will not deliver more effectively than the old. We are more positive with regional planning. In relation to all tiers of the system, though, the challenge to ODPM is to maintain firm pressure on the planning authorities to deliver not just development plan documents but development itself. Although we are encouraged by more evidence of ODPM involvement where blockages exist, we would like to see ODPM take a very proactive role where it is clear that local barriers to development exist.

We would suggest that the Review looks at two issues in this regard:

- ❑ Reassessment of the local development plan system to understand the extent to which the panoply of documents is in fact a retrograde step in the push for simplification and better delivery.
- ❑ The role of ODPM in applying appropriate pressure to planning authorities to deliver on requisite development requirements.

6. *Is the planning system sufficiently "joined-up" with other related aspects of government policy? In particular, are Regional Economic Strategies delivering a clear economic framework to help inform Regional Spatial Strategies? Is there sufficient interaction between RDAs and RSSs when preparing their respective regional strategies and if not how might greater interaction be encouraged?*

Our experience with RESs is that they can be rather nebulous and broad-brush, lacking incisiveness. They should, of course, underpin the economic aspects of land use decisions taken by the RSSs but the suspicion remains that they could be too imprecise to achieve this. In addition, there seems to be a perceived imbalance in the importance of the RES as compared to the RSS. This is probably due to the higher profile that RSS issues (notably housing) tend to receive. However, it is a concern because of the increasingly recognised importance of, for example, an appropriate jobs-homes balance and the fact that sustainable communities are underpinned by such a balance.

We therefore request that the Review specifically looks at:

- ❑ How to better integrate RES and RSS.
- ❑ How to raise the profile of the RES.

7. *Planning applications for major projects will typically take a considerable time to work through all the necessary stages. Do you consider the system puts too much emphasis on speed or do you feel that it is too slow? If there is an undue emphasis on speed, what are the negative consequences of this and how could they best be avoided? If the process is too slow, what could be done to overcome delays? In particular, what improvements might be made to the planning appeal system to improve its speed and efficiency?*

This is a critical issue for the Review to report on. Even with a supportive planning policy context, major site planning applications take far too long to process. It is not uncommon for them to take so long that the policy context changes at least once, adding to the uncertainty and delays.

We fully endorse the recent emphasis on speed and in some areas we are experiencing improvements in delivery as a result. This increasingly appears to be the case in the growth areas where stakeholders are more likely to be accepting of major development in their areas. It is also notable that ODPM involvement is having a beneficial impact where under-performing authorities are targeted.

However, it remains a reasonable generalisation that many authorities are taking too long to determine major site applications. The reasons appear multifarious: underlying resistance to development at a political level; lack of resources and expertise in dealing with complex projects; lack of incentive or motivation for expediting planning applications; lack of synchronisation with local development plans.

We believe that all of these problems should and could be dealt with through a number of measures. For example, a greater involvement from ODPM is proving effective in some areas such as the South East and this should be applied further afield and not just in the growth areas. Planning authorities should understand that Government will intervene if they are taking too long delivering all-important planning permissions. The Planning Delivery Grant and initiatives such as ATLAS are helping to better resource planning departments to help them deal with complicated schemes. There remains, though, a shortage of commercially-minded officers with the inclination and ability to engage with applicants trying to progress major sites. With regard to synchronisation with development plans, we are encouraged by the clear message in PPS3 that applications should not be frustrated by an 'incomplete' development plan background where there is a demonstrable need for development release. Our encouragement is, though, tempered by what appear to be built-in 'get-out' clauses.

We consider that the Review needs to have strong focus on this issue because of its importance in getting new development delivered. In particular, the Review needs to look at both aspects of the issue: the mechanistic aspects (procedure, resources etc.) and attitudinal aspects (at officer and member level).

8. *Is there evidence to suggest that the direct costs of making a planning application are deterring investment? Are there any unnecessary burdens/how might information requirements be streamlined to reduce the regulatory burden from the process of making an application?*

It has been noticeable the degree to which the costs of making an application and taking it through to determination have increased markedly over the years. This seems due to two factors. First, the greater regulatory requirements (statutory and non-statutory), especially environmental and public consultation. Second, the extensive time taken to progress applications means that new requirements are introduced during the process, policy matters have to be re-assessed as development plans are reviewed or replaced, technical work becomes out-of-date and has to be repeated.

Unfortunately it is difficult to see how the first aspect of this problem (greater regulatory requirements) can be reversed without a sea-change in the way major applications are dealt with. There appears to be no let up in the amount of new (particularly environmental) requirements feeding into the system whilst very

recent Government guidance is demanding greater public involvement. Nevertheless, we consider it incumbent on this Review to take a hard look at how the system could be streamlined to tackle some of these burdens on swift delivery.

The issue of time delays is perhaps something that could be more easily addressed if a suitably proactive approach to taken to shifting some of the in-built blockages in the delivery system. We would refer back to our response to Q7 and the issues flagged in that context.

12. *Do planning authorities have the skills and resources required to help promote sustainable economic development? If not, what is the best way to ensure that resources match the challenges the system faces? Are there ways to increase further efficiency of process?*

We would again reiterate some of the responses made in relation to Q7. In our experience, many planning authorities do not have adequate resources to deal with the quantum or complexity of planning applications. For example, despite many authorities now recruiting 'major site managers' (a welcome move), there remain many without such specific resource.

We would therefore welcome moves to augment and target resources at those authorities that are lacking. The ATLAS initiative is well conceived and should be strengthened. Resources are, though, one half of the equation, the other being the appropriate attitude and the need for a positive and pro-active approach to the promotion of sustainable economic development.

Q12 also asks about ways to further increase efficiency of the process. We would take the opportunity of expressing concern over the recently introduced development control reforms that, in some cases, appear to be hampering efficiency.

As a general point, some of the reforms engender greater inflexibility because they seem to place the meeting of targets above the process itself. Resource-scarce authorities can be placed under additional stress by having to meet targets, resulting in precipitative decision-making. It is, for example, becoming increasingly difficult to get pre-application meetings, something which should be a vital part of an effective process. In addition, some authorities will not allow any post-registration amendments to plans thereby denying the applicant the opportunity to address potential reasons for refusal. These problems inevitably frustrate the development process. We would be reluctant to soften current targets because they do provide focus and impetus for more straightforward applications. The answer lies with greater resources and clear guidance to authorities about the need for flexibility and a common sense approach, whilst also meeting targets.

Yours sincerely,

Steve Melligan