

**Barker Review of Land Use Planning**  
**Response by Bond Pearce LLP to Call for Evidence**

Using your numbering to Annex 1, our comments are:

1. Flexibility and Responsiveness of the Planning System

In our opinion the planning system is not sufficiently flexible or responsive to ensure that the right development is delivered in the right place and most importantly is delivered at the right time.

We do not believe that this deficiency can be addressed solely by changes to policy. For example, in addition to policy reform, a new procedural mechanism could be put in place which would allow particular bodies to make certain applications which could then be determined separately but efficiently. Policy reform could help achieve an efficient determination by placing emphasis on need for a particular development in a particular place. Issues of delay (as set out further below) must also be properly addressed to ensure that delivery occurs at the right time, so that issues of need are not unnecessarily exacerbated.

2. Feedback on New Spatial Planning

We do not provide feedback upon the scope of plans at the different spatial levels. As policy is still emerging and is not yet tested for its robustness we feel it is too early to comment.

3. Sustainability

Generally, we believe that current (and forthcoming) planning policy strikes a good balance for consideration of competing issues such as sustainability, economic issues, social considerations, design, protection/ enhancement of our natural and historic environment and other goals. We believe that the process of decision making via delegated and committee powers with a right of appeal to the Planning Inspectorate helps to achieve this balance.

Notwithstanding this, areas of regeneration and in particular Compulsory Purchase still require urgent reform. If reform took place, areas requiring regeneration could play an important role in achieving the Government's goals for increasing housing supply through the development of sustainable communities. Without reform, regeneration of these areas is likely to be so delayed that it cannot contribute to communities short term needs. By their very nature many remaining key regeneration sites will be difficult to advance without expropriation and title clearance powers sufficient for the twenty first century. Reliance on essentially nineteenth century law will lead to inefficiency and uncertainty.

The Law Commission's reports in 2003 and 2004 provided sufficient and indeed compelling justification for this. It is therefore of considerable regret that the Government has shelved the reform.

4. Other Planning Systems

We do not propose to comment on this topic.

5. Transparency and Effectiveness of the Planning System

In our opinion, the reforms to date have done little to increase the transparency and effectiveness of the planning system (although a longer period is needed in order to properly assess the effects of those reforms). Indeed it has tended to confuse and obfuscate.

Where appropriate we support the use of formulaic calculations for planning gain as this promotes transparency. We would also support the use of standard draft section 106 agreements where standard clauses can be employed. However in practice it is the case that rarely are two sites the same and formulae have to be flexible and responsive to market issues. These standard documents must be commercially drafted in order to succeed in encouraging business investment.

#### 6. Interaction between Planning and related Government Policy

We do not believe that there is sufficient interaction between RDA's and RSS's in the preparation of regional strategies. Our experience suggests that policy emerges too slowly, there can be inconsistencies between national and local level and there is a risk of competing policy. Each body must give regard to the others current and future proposals.

#### 7. Speed of the Planning System

The planning system does not put unnecessary emphasis on speed. Appropriate speed is crucial to maintain confidence in the planning system, to encourage business investment and to maximise the benefits that delivery of development can bring to communities.

Applications at risk of not being determined within targets are often refused automatically and unnecessarily in order to meet unrealistic timescales. This puts the planning appeal system under unnecessary pressure and only leads to bad decisions and/or delay. Quotas and decisions in 13 weeks should not be allowed to become the key determinant as to whether permission is secured or not.

#### 8. Regulatory Expense and the Planning System

We do not propose to comment on this topic.

#### 9. Factors for High Occupation Costs

We do not propose to comment on this topic.

#### 10. Competition and the Planning System

We do not propose to comment on this topic.

#### 11. Innovation and the Planning System

The planning system does not encourage innovation through the formation of business clusters and wider agglomeration of economic activity. We would urge the Government to consider reform of the regeneration and compulsory purchase regime if they do wish to achieve this.

#### 12. Resources and Efficiency of LPA's

In our experience planning authorities are under resourced and overworked. Unfortunately, this pressure on authorities together with a lack of political support for officers' recommendations and decisions has led to a loss of skills from the public sector to the private sector. Authorities should be encouraged, incentivised and given sufficient resources to utilise their skills.

#### 13. Stakeholder Engagement and Economic Interests

We believe that the new arrangements are more likely to be successful given that the arrangements are now much less formal. It is easier for interest groups and developers to engage in the process.

#### 14. Community Involvement in the Decision Making Process

A balance must be struck between the local interests, the interests of the wider community and developers' interests. Any incentive structures proposed for decision makers and local communities must not inhibit proper consultation or necessary debate (whether for economic development or otherwise). We believe that it would be preferable (for controversial applications) to identify strict timescales in which particular key stages should be met. This would ensure that the system is transparent and that there is no unnecessary delay in determining applications.

#### 15. Planning and Economic Performance

The planning system can help to strengthen economic performance in regions, sub regions and at the local level. This can be promoted through encouraging appropriate development within that region by ensuring that the planning system is effective and efficient. However, the main driver for good

economic performance will be through the regeneration of areas in significant decline in the region. This can only be properly achieved after reform of the compulsory purchase system which is currently in place.