

Leicester  
City Council

ALL WARDS AFFECTED:

ECONOMIC DEVELOPMENT AND PLANNING  
SCRUTINY COMMITTEE

8 FEBRUARY 2007

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**BARKER REVIEW OF LAND USE PLANNING**

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**Report of the Corporate Director Of Regeneration and Culture**

**1 Purpose of Report and Summary**

The report summarises and sets out the City Council's draft comments on Kate Barker's final report and recommendations for Land Use Planning.

**2 Recommendations**

That the comments contained in the following report, plus any additional comments from the Committee, are sent to the Department for Communities and Local Government as requested in the Barker Review and welcomed by the Government Office for the East Midlands.

**4 Financial & Legal Implications**

None directly

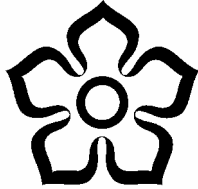
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### SUPPORTING INFORMATION

#### 1. Report

##### 1.1 Introduction

The following report sets out a summary of the recently published Barker Review. It is for your information and comment. I understand that the Government will be taking Kate Barker's review into account in formulating future advice on planning and land use matters. The Government Office has also invited comments on the Review to be sent to the Department of Communities and Local Government. This note therefore sets out a commentary on the proposals, which will form the basis of the City Council's response.

1.2 The final report of the Barker Review of Land Use Planning was published on the 5<sup>th</sup> December 2006. Kate Barker is a treasury economist. Her report sets out recommendations that she considers will ensure that the planning system better supports economic growth, while maintaining or enhancing the delivery of wider objectives, including ensuring community involvement, supporting local democracy and protecting and enhancing the environment. What follows aims to draw out the key findings of the report and comment on the implications of proposed changes, primarily for Leicester City Council's Planning Service.

1.3 The Barker report identifies 3 key issues in the planning system that need to be addressed. These are;

- 1) Enhancing the responsiveness of the planning system to economic factors;
- 2) Improving the efficiency of the system to reduce the costs associated with delivering desired outcomes;
- 3) Ensuring that there is an appropriate use of land.

1.4 The report makes it clear that there are no quick solutions to addressing the above issues but instead it sets out a wide-ranging package of reform aimed at all levels of the planning system (National, Regional and Local). The recommendations

range from updating and simplifying national planning policy to provide a clear policy framework, streamlining the planning process by reducing the amount of guidance, speeding up the process of producing development plan documents and introducing greater efficiency to processes in decision making for planning applications.

## **FLEXIBILITY AND RESPONSIVENESS**

### **1.5 Reforming National Policy**

It is proposed to update national policy (Planning Policy Guidance/Statement 4) on economic development. Key objectives of revised guidance would be:

- Stressing the positive role planning can play to promote sustainable economic growth in accordance with Planning Policy Statement 1 (PPS1) principles;
- Ensuring that all direct and indirect benefits of development e.g. innovation, more employment opportunities, a wider choice of retail and leisure services are fully factored into plan-making and decision taking on planning applications;
- Setting out the importance of considering market signals.

#### **Commentary**

*The proposed update of PPS4 would be a welcome revision. It was last revised in 1992 and is now very out of date. At present, other planning issues, such as the need for housing on brown-field sites has dominated decisions on applications relating to employment land. There are stronger, up to date and relevant national policy documents supporting their case. It is hoped that the revision would go a significant way to redressing the preference for housing on underused employment sites (set out in Planning Policy Statement 3; Housing) and start to address the need to achieve a balanced approach to the delivery of sustainable economic development. This is a prominent issue in Leicester due to the shortage of land for employment uses identified in the recent Employment Land Study and the trend that has seen the loss of employment sites to provide housing and other non-employment uses.*

### **1.6 Planning Policy Statement 6(Planning for Town Centres)**

Another key change recommended in the report concerns the delivery of PPS6. The report indicates that the preference for choosing town centre sites first is important and that the sequential and impact tests set out in PPS6 should remain. However, the requirement for applicants to demonstrate need should be removed. It is perceived that this can be done without harm to the overall policy. In future it would not be for planners to attempt to determine if there is sufficient “need” for a given application – rather the applicant, (who is bearing the financial risk), should be responsible for assessing that likely demand is sufficient to make the development viable.

#### **Commentary**

*If the current “test” of need were to be removed there is concern that out of town retailing and schemes such as Fosse Park could proliferate. There could be serious implications for city and town centres if the current policies were reversed. Comments in the planning press have highlighted concern over Barker’s recommendation for a general presumption in favour of development where local plans are unclear, unless economic, social or environmental costs outweigh benefits. The recommended change is seen to be harmful and to hark back to the pre 1991 era of looser planning controls. The Royal Town Planning Institute called this “callamitous” and said that it would lead to poor quality development and delays. Royal Town Planning Institute Secretary General said that “It will increase the burden on planning and do nothing to increase its speed. A presumption in favour of development is a charter for tin sheds”. However, the British Property*

*Federation praised Barker's pro development stance "Barker is trying to make the system work efficiently, not proposing that we demolish it". Ron Tate a past president of the Institute said "The presumptions towards development are obvious throughout the Barker report; a clear shift which if unchecked could negatively affect "town centre first" policy.*

*It is interesting to see the Barker recommendations in the context of other related publications, including the Eddington report on transport, the Chancellor's Pre Budget report, the Stern report and the awaited Climate Change Planning Statement. The Pre-Budget report promises to review brown-field tax incentives in the spring to ensure development. The Barker report also asks Government to make better use of fiscal incentives to encourage an efficient use of urban land. Specifically, business rate relief for empty property reform and a charge on vacant and derelict previously developed (brown-field land). The Barker review also suggests that the Government should consult on reforms to land remediation relief to help developers prepare hard-to-remediate sites for development. Regeneration professionals have pushed for these "carrots and sticks" for some time and it is interesting that they are now being endorsed by the treasury advisor to the Chancellor.*

*The issues over which the recent "bundle" of Government sponsored reports are most split appear to be community involvement and addressing climate change, whilst still fostering regeneration and economic progress. This further highlights the internal tensions between the Government's joint sustainable development aims set out in 1999;*

- Social progress which recognises the needs of everyone;*
- Effective protection of the environment;*
- Prudent use of natural resources and*
- The maintenance of high and stable levels of economic growth and employment.*

## **1.7 MORE EFFICIENT USE OF LAND**

There will be a number of pressures on land supply in coming decades due to growing population and changing household structure. It is anticipated that a significant proportion of this demand on land for development can and should continue to take place within existing urban areas on previously developed land. The recommendation is that this existing policy approach is strengthened with the suggested introduction of fiscal changes by the Government that encourage business property to be kept in use and provide incentives for the use of vacant previously developed land.

The report states that it is unlikely that using previously developed land in urban areas can alone accommodate all the development needs arising from population growth. In the longer term there will be the need to develop land with the least likely environmental or wider social impact. This may be low value agricultural land with little landscape quality and limited public access. Much of this land falls within the green belt on the urban fringe and has become rundown due to its location. The key principles of Green Belts would remain an important planning tool to support the regeneration of urban areas but there is the recommendation that regional and local planning bodies should review their green belt boundaries to ensure that their designation as such remains appropriate. Authorities are asked to adopt a more positive approach to development in the green belt with the view to allowing development on the lowest quality land, in the most sustainable location. Development that takes place should secure benefits to enhance the surrounding

green belt area and increase access to countryside on the edge of towns and cities

### **Commentary**

*Leicester does not have Green Belts but instead initiated and has successfully operated a green wedge policy for the past twenty years. The Barker report recognises the green wedge approach in protecting valued green space within cities and in providing accessible recreation opportunities that penetrate into the city rather than remaining on the edge, as is the case with green belts. Currently this policy is used by only a handful of local authorities in the UK but the recommendation is that the Government should review the merits of this approach with the view of making its use much more wide spread. Green Wedges enable development to take place in sustainable locations, close to urban centres. Their role and boundaries are reviewed alongside the implementation of sustainable urban extensions for residential and employment development.*

## **1.8 IMPROVING THE EFFICIENCY OF THE PLANNING SYSTEM**

The report makes a number of recommendations intended to increase the efficiency and speed of the system and reduce costs to businesses and local authorities that are caused by delays in what she sees as an over bureaucratic process. These recommendations are briefly outlined below:

### **1.9 Substantial changes to delivering Major Infrastructure Projects**

The Government should prepare national Statements of Strategic Objectives covering transport, energy, strategic waste and water projects. This would increase certainty and reduce debate as to whether there was the need nationally. A new independent planning commission should be set up to assess such major planning applications against this strategic framework

### **Commentary**

*Concerns over this approach centre on issues of local autonomy, consultation and democracy.*

### **1.10 Streamlining the Planning Process Policy Framework**

The Government should commit to substantially streamlining of national policy and possibly expanding the remit of PPS1 (Delivering Sustainable Development) instead of replacing some current Planning Policy Guidance notes (PPGs). Any accompanying guidance should be produced within 4 months of publishing new policy.

### **Commentary**

*Anything that streamlines but also updates and clarifies government guidance, without making it too prescriptive in relation to local circumstances, must be welcome.*

### **1.11 Plan Making**

The new plan making process should be streamlined with the objective being to secure a process whereby plan documents can be delivered in less than 2 years instead of the current 3. It is suggested that this could be achieved by ensuring that the current Sustainability Appraisal requirements are proportionate and removing the formal requirement for an issues and options phase of Development Planning Documents (DPD) in the next phase of DPDs.

### **Commentary**

*The new planning policy system that was introduced in 2004 is proving to be very onerous in terms of procedures and is not in Leicester's experience speeding –up or simplifying plan and policy making.*

#### **1.12 Planning Application Process**

The Barker report sees as a priority, the need to reduce the amount of information required in support of planning applications. It also recommends that proportionality thresholds should be introduced. Further it recommends the establishment of a threshold and a limit to the information associated with environmental statements, as this process can be particularly costly and expensive.

### **Commentary**

*The government has promised legislation to clarify what information must be submitted with applications. This is welcome. Recent changes, such as the requirement for design and access statements, have increased the burden on applicants. It is important, however, that applicants submit all the information needed at the start as the delay involved in getting this during the application process was a reason for slow decision making, affecting our BVPI's*

#### **1.13 Improving Performance at a Local Authority Level**

There are a number of recommendations to enable resources to be concentrated on major applications, which have wider impacts. These include extending Permitted Development rights to minor commercial applications and introducing a side system agreement that is currently implemented in New Zealand. The side system arrangement involves a process where if the potential applicants can come to an agreement with all affected third parties there should be no requirement for full planning permission. This would only be applicable to minor development for both commercial and householders.

### **Commentary**

*The ideas from New Zealand tend to ignore cumulative effects of minor development that may affect the wider public interest and would not appear to speed the process.*

#### **1.14 Pre application discussions**

Also in view of achieving greater efficiency in processes the importance of increasing the use of pre-application discussions is emphasised with the ability to charge for these discussions.

### **Commentary**

*Pre-application discussions can be effective if developers accept them in drawing up schemes. It is time consuming and diverts staff from processing applications. If it were charged for, it would have to receive a high priority.*

#### **1.15 Resources**

Barker states that Local Planning Authorities and other planning bodies need to resource their planning function properly – it recommends a review of the current arrangement of a £50,000 fee cap for planning applications. She also supports a continued role for Planning Delivery Grant.

### 1.16 Chief Planner

The Barker report recommends measures to support the skill base of planners and mentions that the status and professionalism of Chief Planners should be raised to put a confident and properly resourced planning department at the heart of each local authority. She also notes the role of design champions, design codes and pre-application discussions in delivering a high quality built environment.

### 1.17 Improving Incentives

The Barker review notes links with work being done in relation to local government finance through the Lyons Review. In addition to options being explored by Sir Michael Lyons, Barker promotes the use of the new prudential borrowing powers and asks the Government to consider further fiscal options for how authorities can share in the benefits of local economic growth. She also mentions further options for incentivising communities for the acceptance of development projects!

#### **Commentary**

*The Government has brought about a number of changes in recent years, with the aim of helping ensure that the benefits of effective planning are delivered in a timely and efficient manner. The proposals outlined in the Barker review are intended to build on these reforms. Some of the proposals require legislative change but a number could be implemented over the course of the next 18 months. The process recommendations appear to have merit, but some aspects of the policy changes proposed would harm the urban renaissance and the well being of cities such as Leicester and our ability to meet climate change objectives.*

- 1.18 The full Barker report and executive summary can be viewed at:  
<http://www.communities.gov.uk/index.asp?id=1504875>

## FINANCIAL, LEGAL AND OTHER IMPLICATIONS

### 2. Financial Implications

None

### 3. Legal Implications

None

### 4. Other Implications

OTHER IMPLICATIONS	YES/NO	PARAGRAPH REFERENCES WITHIN SUPPORTING PAPERS
Equal Opportunities	NO	
Policy	Not at this stage	
Sustainable and Environmental	Not at this stage	
Crime and Disorder	No	
Human Rights Act	No	
Older People on Low Income	No	

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Risk Assessment Matrix

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/or appropriate)
1			NA
2			
3			
4			
5			
6			
7			
8			
9			
10			

L - Low  
M -  
Medium  
H - High

L - Low  
M -  
Medium  
H - High

**5. Background Papers – Local Government Act 1972**

None other than the Barker Review mentioned above

**6. Consultations**

**Consultee**

All Councillors and Head of Planning Management and Delivery

**Date Consulted**

December 2006