

# LYONS INQUIRY INTO LOCAL GOVERNMENT

## STAKEHOLDERS ISSUES

### RESPONSE OF THE LONDON BOROUGH OF BARNET

“The Barker Review: Developing a Planning System to Meet Local Needs”

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#### Introduction

Kate Barker’s report on the Land Use Planning System highlights the fundamental role planning plays in delivering sustainable economic development in the context of a growing population, rising house prices and incomes, changing demographics and climate change threats. There is a presumption in the Barker report (which is not the case in Barnet Planning) that the current planning system is unnecessarily slow (Barnet is one of the top performers on planning applications in the country and processes 87% of all major applications within 13 weeks), unpredictable (3 out of 4 applications are approved in Barnet), expensive and bureaucratic (in national league tables on value for money Barnet Planning is bottom quartile cost and top quartile performance and customer/developer/community responsive).

#### Content:

1. Lyons Review – links to Barker issues on land use planning
2. Barnet’s response as a stakeholder in place shaping
3. Main findings of Barker report
4. Barnet’s situation and response to Barker in addition to Lyons Inquiry and the White Paper.

#### General Stakeholder Comments

The review is comprehensive and Barnet welcomes this given the complexities of the current planning system. Barnet has specific responses it can offer the review and the connections to the wider Lyons Inquiry into Local Government. In particular,

- Barnet supports many of the “strategic level” proposals for further planning reforms but has concerns that in the context of delivering sustainable outcomes and communities there is a real risk to the micro-planning and micro development of sensitive suburban areas and quality of environment that this borough contains. This should be strongly borne in mind when Barker and the Government consider extending Permitted Development rights for householder developments. Swathes of suburban areas could be adversely affected by this approach and mediation alternative solutions will not necessarily be the answer to environmental and sustainability objectives being eroded.
- Funding of infrastructure – Barnet’s rapidly developing idea for a Barnet Bond is a robust alternative model for front funding of major infrastructure to support growth and housing. Before a national taxation or Planning Gain Supplement (PGS) route is followed this “local” devolved and economically attractive model could make a real difference to providing sustainable viable funded infrastructure and place shaping solutions. PGS could reduce local autonomy and local authority ability to manage development impacts particularly in long term regeneration and growth projects like Cricklewood/Brent Cross. Barnet has a wealth of research and modelling on these local projects supported by the concept of the Bond which will deliver cost effective, timely and necessary infrastructure, with minimal impact on the public purse and borrowing levels.

- Barnet’s Suburban strategy for growth, protection and enhancement: PEG, is a real innovation for delivering “place shaping” and achieving the right balance of economic, social, environmental and community needs and objectives in a growing and changing area. Developing the strategy and formalising its vision into a statutory LDF planning policy is a key objective for Barnet over the next 3 years and could be a template of best practice for other parts of London and the country. The importance of enabling “local creativity” and self-determination in spatial planning is a key factor in community ownership and achievement of sustainable outcomes as this borough is making.

## 1. Lyons Review – key questions:

### **Barker Review of Land Use Planning**

#### Governance

- What specific measures are needed to ensure that local planning authorities have appropriate flexibility over issues of solely local impact? Are there particular implications from the Review’s recommendations on the use of green belt land?
- What different approaches could be taken to enable strategic decisions to be taken at an appropriate spatial level? Can local authorities work effectively in partnership across wider areas to do this or are new/reformed institutions necessary?
- What role should local authorities have in relation to a future independent Planning Commission, and how should they best work with local communities on their concerns and potential benefits?

#### Convening

- How can local authorities link work on planning, housing and transport issues together most effectively?

#### Funding

- What would be the most effective and practical means of creating incentives for local authorities to support appropriate growth?
- How should the empty property relief in business rates be reformed? How should a charge on vacant and derelict brownfield land be introduced into the existing local land and property tax system? Would any local flexibility on such measures be desirable?

## 2. Barnet’s Response to Lyons on Barker – Stakeholders Comments

#### Governance

- Flexibility over local impact issues – Central Government controls should be relaxed over Council and LPA’s with more freedom to develop local planning policies, development solutions and sustainable outcomes. For example: planning guidance and central policy intervention should be curtailed to broad brush national priorities. The role of the regional Government Office should be scaled back to one of supportive and enabling rather than interventionist. Specific measures could include greater local authority powers and easier measures to regenerate local areas and undertake land acquisition through assembly and compulsory purchase orders (CPO).
- Green Belt land should remain protected but subject to fundamental 3 yearly reviews as part of the Local Development Framework (LDF) process and open space strategies. This Council’s own growth and Green Belt strategy: The Three Strands Approach (Protect, Enhance, Grow or PEG) is already a well-established local solution in Barnet to address Green Belt land. Our local policies and strategy provides a robust sustainable balance and trade off to protect Green Belt and open space whilst directing growth and intensification to brownfield sites and regeneration areas and to meet national, regional and local development priorities such as more housing. This strategy particularly tailored for “suburban areas” and edge of city locations can be applied to many other parts of the country as has happened for the North London boroughs that have embraced the concept of PEG.

There is no need nor justification in either economic or planning terms to challenge the fundamental purpose of the Barnet Green Belt which is one of the oldest and most enduring in the world (first designated in 1937). What is required is better access and increased open space/recreation based resources to ensure Green Belt serves the wider community and is fit-for-purpose for 21<sup>st</sup> Century urban, suburban and rural living. In this respect Barnet's Green Belt and LDF strategy is already innovative and progressive and a better solution to Barker's approach to slice it up into wedges and build on parts of it (giving rise to speculation and development value opportunism).

- Spatial structures and partnerships – London already has a single coherent strategic planning authority – the Mayor and GLA. Barker's comments appear to be primarily aimed at areas outside London particularly areas of growth across the south east, east of England and southwest. Further reforms are planned for the GLA and Mayor and Barnet's views have already been formally expressed. Further reforms are not considered necessary. Barnet already works across boundaries in partnership including the North London Strategic Alliance (NLSA), North London Waste Authority (NLWA), GLA/TfL/LDA area partnerships e.g. regeneration projects including Cricklewood/Brent Cross/West Hendon, Colindale and Mill Hill East developments. New or reformed institutions are considered unnecessary except some minor reforms of the spatial sub regional boundaries (which are the subject of review in the Mayor's London Plan in any event).

- Planning Commission and role of LPA' – this will be a Government appointed body with responsibility for major infrastructure decisions. It could reduce the role of local authorities but should speed up major decisions, which are vital for economic prosperity and infrastructure delivery. The Commission should provide for LPA input to major development proposals and partnership working without diluting its efficiency on speedy decision making. Very few examples are likely to come Barnet's way except very big projects like the North Circular Road improvements.

## Convening

- Barnet is already well structured and integrated under the "Place" and place shaping areas of Environment, Planning, Housing, Transport and Regeneration executive directorship. The Council has adopted Key Priority Plans (KPPs) for "Successful Suburbs" and Cleaner, Safer Greener borough. What needs to be improved in terms of better links and coordination is outside the authority particularly external funding streams (i.e. Planning Delivery Grant, Housing Corporation funding and TfL transport funding plus the government's Growth Area Funding (GAF). Most importantly, working with strategic partners and the Mayor of London could be better coordinated between the boroughs. There are local area successes of transport, housing and planning links in Barnet, notably the GLA/TfL and private sector partnerships in Barnet on the housing estate regeneration programme and strategic developments at Cricklewood/Brent Cross etc.

## Funding

- Housing and PDG will have some effect to incentivise local authorities to support growth but Growth Area infrastructure funding is the key to ensure sustainable communities and development. A clear example and trade off is Colindale and the funding for Aerodrome Road bridges (GAF 2 funding £7 million) which was critical in obtaining local and political support for higher growth and density.

- **The Barnet Bond concept is a front-runner** and in line with the Lyons and Barker recommendations for the local community to benefit for increased economic growth.

- Rate relief, vacant or brownfield land charges will be more of a complexity and disincentive. What is needed is funding for land acquisition and remediation and stronger CPO powers for Local authorities to deliver growth and their local regeneration objectives. The Planning Gain Supplement (PGS) to be introduced in c.2009 is likely to be a strong disincentive for growth both for local authorities who lose local control over Section 106 funding and the developer/land owner as the charge becomes a tax on development and therefore incentive. The Government should scrap this initial Barker idea and move towards further reforms and widening of the existing S.106 framework under local control.

### 3. Main Points from Barker Review of Planning

Principally the Chancellor of the Exchequer commissioned the Review with the economist Kate Barker. It is therefore financially and economically motivated. There are concerns that it does not sufficiently take an overall balanced approach to “sustainable development” and environmental /social issues, particularly with the new direction of travel and agenda for “place shaping”. The conclusions clearly reflect the initial brief: -

“to consider how, in the context of globalisation, and building on the reforms already put in place in England, planning policy and procedures can better deliver economic growth and prosperity alongside other sustainable development goals. In particular to assess:

- ways of further improving the efficiency and speed of the system
- ways of increasing the flexibility, transparency and predictability that enterprise requires;
- the relationship between planning and productivity, and how the outcomes of the planning system can better deliver its sustainable economic objectives; and
- the relationship between economic and other sustainable development goals in the delivery of sustainable communities.

**Key Recommendations –of which there are 15** (see or page 6 of the Executive Summary to the Barker Report)

- (i) Streamlining policy and processes – LDF produced in 18-24 months rather than 3 or more years;
- (ii) Updating PPG4 on economic development in planning decisions – more weight given to the market and price signals (i.e. high house prices triggers more generous housing development decisions);
- (iii) Planning commission set up to speed up major infrastructure decisions;
- (iv) A positive planning culture and a presumption in favour of approving (not refusing) planning applications unless good reason not to (rather than local parochial or community pressure reasons);
- (v) Lyons Inquiry context – enhance fiscal incentives for more efficient use of urban land;
- (vi) Green Belt boundary review and more positive approach to planning applications that will enhance its quality (highly controversial and not convinced in Barnet).
- (vii) Regulation reforms to reduce form filling and speed up decision making including significantly extended Permitted Development rights over the very minor developments (household extensions, etc which make up over half of Barnet’s 5,000 planning applications per annum). Serious concerns about the micro-development impact on sensitive suburban environments and lack of sustainable development controls.
- (viii) Extended PD rights for minor commercial and microregeneration development. The same concerns apply as per item (vii).
- (ix) Supporting the ‘town centre first’ policy in PPS6 for new retail development but removing the requirement to demonstrate the need for development – this represents a serious weakening of control over out-of-centre retail development.
- (x) Fiscal incentives better aligned so that LA’s can share the benefits of local economic growth (addressed above under Lyons). Commercial rates and PGS collected locally, rather than nationally would be one process in addition to s.106 benefits which merely address “impact”.
- (xi) Reduce Secretary of State call-ins of major planning applications (like Brent Cross);
- (xii) Ensuring sufficient resources for planning, linked to performance and increased planning fees; PDG has already boosted resources and performance related incentives but is proposed to be phased out next year;

- (xiii) Enhancing efficiencies in processing applications via greater use of partnership working with private sector, joint working with other LA's – Barnet is already funding 3 of its largest strategic developments through private sector/land owner funding (Cricklewood/Brent Cross, Colindale and Mill Hill East). Barnet is working with the NLSA, NWLA and Brent/Harrow/GLA/TfL on shared major projects and growth strategies including the North West London to Luton Growth Corridor concept.
- (xiv) Speeding up the planning appeals system through a Planning Mediation Service and reduced turnaround times. Barnet was a pilot on planning mediation in the UDP and reservoir proposals in Arkely. However, the experience was more time consuming but better outcome.
- (xv) Improving skills, including raising the status of the Chief Planner, training for members and officers, and wider use of business processes. Barnet has already done and continues to do all of these although skills gaps with high staff turnover remain an ongoing problem locally and for all planning authorities.

#### 4. Implications and suggested response from Barnet

Many of the above 15 key recommendations are sound and practical solutions to the issues in the planning system. Barnet welcomes these proposals and a speedy implementation.

**Support:**

Barnet particularly supports those recommendations that streamline and speed up the system without exclusion of local community input and create a democratic deficit; support increased resources nationally and partnership working mechanisms which we already do well, improve fiscal measures like rate relief and derelict land charges.

Recommendations (i) to (v) and (x) to (xv) especially the last recommendation!

**Oppose:**

Those recommendations that challenge fundamental planning policy principles and sustainability, including relaxation of Green Belt controls and out-of town centre retail development. Barnet also has concerns of those proposals that go too far in the direction of economic considerations at the expense of other sustainable development objectives such as environmental and social/community/residential impacts. This could undermine the very good work that councils like Barnet have developed locally for their areas to secure real sustainable communities and benefits for local people.

Recommendations (vi) to (ix)

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