



# RTPI

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*...in brief*

## THE BARKER 2 REPORT

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## Terms of Reference

*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.*

Source: Barker 2 Report, 2006

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## Key Recommendations

- Streamlining policy and processes through reducing policy guidance, unifying consent regimes and reforming plan-making at the local level so that future development plan documents can be delivered in 18-24 months rather than three or more years;
- Updating national policy on planning for economic development (PPS4), to ensure that the benefits of development are fully taken into account in plan-making and decision-taking, with a more explicit role for market and price signals;
- Introducing a new system for dealing with major infrastructure projects, based around national Statements of Strategic Objectives and an independent Planning Commission to determine applications;
- Promoting a positive planning culture within the plan-led system so that when the plan is indeterminate, applications should be approved unless there is good reason to believe that the environmental, social and economic costs will exceed the respective benefits;
- In the context of the Lyons Inquiry into Local Government to consider enhancing fiscal incentives to ensure an efficient use of urban land, in particular reforming business rate relief for empty property, exploring the options for a charge on vacant and derelict previously developed land, and, separately consulting on reforms to Land Remediation Relief;
- Ensuring that new development beyond towns and cities occurs in the most sustainable way, by encouraging planning bodies to review their green belt boundaries and take a more positive approach to applications that will enhance the quality of their green belts;
- A more risk-based and proportionate approach to regulation, with a reduction in formfilling, including the introduction of new proportionality thresholds, to reduce the transaction costs for business and to increase the speed of decision-making;
- Removing the need for minor commercial developments that have little wider impact to require planning permission (including commercial microgeneration);
- Supporting the 'town-centre first' policy, but removing the requirement to demonstrate the need for development;
- In the context of the findings of the Lyons Inquiry into Local Government, to consider how fiscal incentives can be better aligned so that local authorities are in a position to share the benefits of local economic growth;
- Ensuring that Secretary of State decisions focus on important, strategic issues, with a reduction by around 50 per cent in the volume of Secretary of State call-ins;
- Ensuring sufficient resources for planning, linked to improved performance, including consulting on raising the £50,000 fee cap and allowing firms to pay for additional resources;
- Enhancing efficiencies in processing applications via greater use of partnership working with the private sector, joint-working with other local authorities to achieve efficiencies of scale and scope, and an expanded role of the central support function ATLAS;

- Speeding up the appeals system, through the introduction of a Planning Mediation Service, better resourcing, and allowing Inspectors to determine the appeal route. From 2008-09 appeals should be completed in 6 months; and
- Improving skills, including through raising the status of the Chief Planner, training for members and officers, and wider use of business process reviews.

Source: Barker 2 Report, 2006

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## Numbered Recommendations

Source: Barker 2 Report, 2006

### Recommendation 1 (to Recommendation 4)

DCLG should revise the policy framework for decision-making, in the context of the plan-led system, to make clear that where plans are out-of-date or indeterminate applications should be approved unless there is good reason to believe the costs outweigh the benefits.

### Recommendation 2

The Statement of General Principles should be revised to make clear that in determining planning applications due regard should be paid to the economic, social and environmental benefits of development, such as the benefits new development can bring through low average energy consumption, alongside other material considerations.

### Recommendation 3

DCLG should update its national planning policy on economic development by the end of 2007.

This should include:

- emphasising the critical role economic development often plays in support of wider social and environmental goals, such as regeneration;
- strengthening the consideration given to economic factors in planning policy, so that the range of direct and indirect benefits of development are fully factored into planmaking and decision-making alongside consideration of any potential costs;
- emphasising the role that market signals, including price signals, can play in ensuring an efficient use of land, both in plan-making and in development management;
- requiring a positive approach to applications for changes to use class where there is no likelihood of demonstrable harm, to provide greater flexibility of use in the context of rapid changes in market conditions;
- making clear that where a Core Strategy is in place, decisions on commercial development should not be delayed simply on the basis of prematurity;
- ensuring that development in rural communities is not unduly restrained and allows for a wide range of economic activity; and
- ensuring that in general a more positive approach is taken to applications for tall buildings where they are of very high design quality and appropriately located, and where there is the transport infrastructure to support them.

### Recommendation 4

Wider planning policy should be made more responsive to economic factors. This should include:

- building on the more flexible approach to car-parking spaces for housing, by applying this less prescriptive approach to commercial development in place of the current national maximum standards per square metre of floor space;
  - ensuring that any review of heritage policy builds on the recent reforms of the Heritage Review, by emphasising the critical importance of viability and proportionality, and by facilitating modernisation that does not damage the historic or architectural significance of buildings;
- (continues below)

- supporting the 'town centre first' policy and the impact and sequential tests that help to deliver it, but removing the requirement to demonstrate need (the 'needs test') as part of the planning application process; and
- if the Competition Commission concludes that there is a problem relating to the exercise of local monopoly power as part of its current grocery inquiry, to establish how best to address these issues, either through planning or through other means. In general, there is the need to establish a more robust evidence base for national policy, so that the costs and benefits of the policy can be better assessed.

Furthermore, the Government should ensure that planning is used as a tool for delivering policy only when it is an appropriate lever and provides an efficient and effective means of delivering objectives.

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### **Recommendation 5 (to Recommendation 7)**

The Government should engage more proactively at the policy development stage of European legislation with a potential planning impact. DCLG should resource and maintain close links with DEFRA, FCO and UKREP in particular, and other departments as necessary, in anticipating the domestic planning implications of emerging EU legislation. All departments should ensure that their negotiators take fully into account the implications of proposals for planning legislation, policy and the resulting outcomes for future development. Additions to existing domestic regulation should be avoided except where needed to address remaining areas of market failure. Where possible, transposition should use existing regulatory mechanisms.

### **Recommendation 6**

Regional and local planning authorities should make planning for economic development a higher priority. To achieve this there should be:

- better integration of the Regional Economic Strategies (RES) and Regional Spatial Strategies (RSS), including enhanced alignment of timescales and compatibility of evidence bases, so that the RES can fulfil its role of informing the RSS. The Secretary of State should have regard to RES policies as part of her adoption procedures for the RSS;
- policies that set out how the drivers of productivity (competition, investment, skills, innovation and enterprise) will be supported. Care should be taken to ensure that plans represent the interests of small firms and potential new entrants to the market (who may not be in a position to engage with the plan);
- policies that focus, wherever possible, on desired outcomes rather than imposing the means of delivering those outcomes – for example in terms of climate change – the outcome should be to reduce the carbon footprint with the best means being flexible;
- a stronger link between plans and infrastructure provision, so that there is greater confidence that the infrastructure necessary to deliver large development will be in place;
- a marked reduction in the extent to which sites are designated for single or restricted use classes – the need to ensure provision for live-work units is relevant in this context;
- where employment land needs to be separately designated, ensuring that employment land reviews are conducted regularly, making full use of market signals, so that there is a suitable range of quality sites which provide for all sectors and sizes of firm; and
- delivery of the Government's objective of avoiding rigid local landscape designations in the context of a robust network established at national level.

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### **Recommendation 7**

### **(to Recommendation 10)**

Local authorities should be encouraged to work together in drawing up joint development plan documents and determining planning applications where there are significant spillovers which are likely to spread beyond the boundary of one authority. In the medium term, consideration should be given to how the London model, where strategic planning application powers are being granted to the Mayor, could be applied elsewhere.

### **Recommendation 8**

The Government should make better use of fiscal interventions to encourage an efficient use of urban land. In particular, it should reform business rate relief for empty property and consider introducing a charge on vacant and derelict brownfield land. This reform could be considered in the context of the broader set of issues in relation to local government finance being examined by the Lyons Inquiry. In parallel with the introduction of the proposed Planning-gain Supplement, the Government should consult on reforms to Land Remediation Relief to help developers bring forward hard-to-remediate brownfield sites.

### **Recommendation 9**

In the light of growing demand for land and the need to ensure that areas of high public value (such as sites with important or endangered wildlife) or areas at higher risk from flooding due to climate change are adequately protected:

- regional planning bodies and local planning authorities should review green belt boundaries as part of their Regional Spatial Strategy/Local Development Framework processes to ensure that they remain relevant and appropriate, given the need to ensure that any planned development takes place in the most sustainable location;
- local planning authorities should ensure that the quality of the green belts is enhanced through adopting a more positive approach towards applications that can be shown to enhance the surrounding areas through, for example, the creation of open access woodland or public parks in place of low-grade agricultural land; and
- the Government should consider how best to protect and enhance valued green space in towns and cities. In this context, the Government should review the merits of different models of protecting valued open space, including the green wedge approach.

### **Recommendation 10**

To improve the framework for decision-making for major infrastructure to support a range of objectives, including the timely delivery of renewable energy:

- Statements of Strategic Objectives for energy, transport, waste proposals (including energy from waste) and strategic water proposals (such as new reservoirs) should be drawn up where they are not in place presently. These should, where possible, be spatially specific to give greater certainty and reduce the time taken at inquiry discussing alternative sites. Regional Spatial Strategies and local plans should reflect these national Statements and indicate, in particular, where regional facilities are needed;
- a new independent Planning Commission should be established which would take decisions on major infrastructure applications in the above areas. Decisions would be based on the national Statements of Strategic Objectives and policies set in the Regional Spatial Strategy, Local Development Documents and other relevant considerations, including local economic, environmental and social impacts; (continues below)

- the Planning Commission would be comprised of leading experts in their respective fields. Proceedings would be based on a streamlined public inquiry model, using timetabling to ensure timely decision-making. Full community consultation would be carried out and decisions would be taken in a fair, transparent and even-handed manner; and
- decisions which are of local importance only, including housing and commercial applications made under Town and Country Planning legislation, should continue to be made by the local planning authority. Where appropriate, and in order to ensure successful delivery of major commercial and housing development with national or regional spillovers, Government should consider the scope for greater use of delivery bodies such as Urban Development Corporations. [Go to index](#)

### **Recommendation 11 (to Recommendation 13)**

In order to ensure that this new decision-making model is effective the Government should:

- rationalise consent regimes to ensure that infrastructure projects of major significance can be treated holistically and that the independent Planning Commission can take all the necessary planning decisions (if more than one is still required) on a particular scheme. Environmental consents would, however, remain separate from planning consents and be the responsibility of the Environment Agency;
- critically examine whether there are smaller infrastructure decisions currently made at the national level that should instead be determined by the local planning authority, or by the Planning Inspectorate on appeal;
- end joint and linked decision-making so that large infrastructure applications, or applications made by statutory undertakers, which would previously have been decided by two or more Secretaries of State will be transferred to the independent Planning Commission for decision. Non-strategic applications will be determined by local planning authorities or by the Planning Inspectorate on appeal; and
- as an interim measure, all Government departments with responsibilities for planning decisions, should draw up timetables based on the DCLG model, for major applications decided by Ministers before the introduction of the independent Planning Commission and to ensure that decision-making is expedited in the short term.

### **Recommendation 12**

Measures should be taken to limit Ministerial decision-making to only those cases where there are national or wider than local spillover effects and to reduce the time taken to decide planning applications made under the Town and Country Planning legislation. The Government should:

- review the Town and Country Planning call-in directions. This should involve:
- revising the Departures Directions so that it more clearly indicates that only those proposals that are at significant odds with the core strategy of a new Local Development Framework, or similarly significant provisions of the Regional Spatial Strategy, could be considered a departure. The departures thresholds should also be tightened so that only those schemes of national and strategic significance, which are at odds with the development plan, could lead to notification to the Secretary of State; and
- reviewing other directions, in particular the Density, Greenfield and Shopping Directions and withdrawing them if no longer necessary. The overall aim should be to reduce significantly the number of cases referred to the Secretary of State for possible call-in;

- review the Town and Country Planning call-in policy by the end of 2007-08 and implement tighter criteria to the cases that are subsequently called-in following referral. Call-in should be used only in exceptional circumstances for those cases where significant national or wider than local issues are raised (particularly where there is no clear framework at the regional and local level to enable appropriate decision-making to be made). The aim should be to reduce the numbers called-in by 50 per cent by 2008-09;
- review the recovered appeals policy by the end of 2007-08 and so govern more strictly the appeals that are recovered, with the result that only those cases where significant national or wider than local issues are raised, are recovered for Ministerial decision;
- reduce the amount of time it takes to decide whether or not to call-in an application. In particular, the Government Office's secondary target of seven weeks should be reduced to no more than five weeks; and
- amend secondary legislation to remove the remaining categories of transfer excepted appeals: Listed Buildings in receipt of Grant Aid, Enforcement appeals accompanied by Environmental Statements, Tree Preservation Order appeals and Hazardous Substances appeals.

This Review does not recommend that there should be a change to Ministerial decision-making under the Town and Country Planning legislation. In the future, it may be appropriate for the Government to look again at the need for Ministerial involvement in decision-making on planning applications made under the Town and Country Planning legislation. [Go to index](#)

### **Recommendation 13 (to Recommendation 17)**

The Government should consolidate the secondary legislation related to planning. A priority is to consolidate the General Development Procedure Order and its subsequent amendments – this should be undertaken in 2007.

### **Recommendation 14**

There should be a substantial streamlining of national policy, delivering previous commitments. The Government should publish proposals by summer 2007. This should include consideration of the potential to remove some of the current range of Planning Policy Guidance and where necessary replace through an expanded PPS1. Any new policy should be consistent with the green paper principles of being strategic, concise and not mixing policy with guidance. Any new guidance should be published ideally alongside or otherwise within four months of publishing national policy. A desirable goal would be to reduce over 800 pages of policy to fewer than 200 pages.

### **Recommendation 15**

Local planning authorities and regional planning bodies should continue to develop their development plans as expeditiously as possible to provide a clear planning framework for decisions. DCLG should urgently review the regulations and guidance behind the new plan-making system to enable the next generation of Development Plan Documents to be delivered in 18-24 months in place of the current 36-42 months, while ensuring appropriate levels of community involvement. Draft guidelines should be published by summer 2007, drawing on the views of other stakeholders including the Better Regulation Executive. This will involve:

- streamlining of Sustainability Assessment (SA) processes including removing or reducing requirements where a related higher tier policy has already been subject to SA and

exploring how SA requirements can be streamlined for Supplementary Planning Documents;

- streamlining of Local Development Scheme processes to a short programme of intended development documentation by local planning authorities;
- refashioning the Statement of Community Involvement into a corporate 'comprehensive engagement strategy' along with removal of the need for independent examination, as proposed in the Local Government White Paper 2006;
- increasing the speed with which Supplementary Planning Documents can be delivered;
- regional and local planning authorities and Inspectors should ensure that regional and local plans deliver against the original objective of being short documents that do not duplicate national policy;
- the removal of a formal requirement for an issues and options phase of plan-making, leaving the Preferred Options and Submitted stage. Preferred Options should be generated via effective and focused engagement with stakeholders, especially those vital to the delivery of the plan;
- a reform of the challenge provision so that if a plan or part of a plan is quashed in the Courts the plan can be amended without the plan-making process having to begin from the start; and
- ensuring that the new Examination in Public process enables an effective scrutiny and a testing of the evidence base of policy.

Local authorities should explore the potential for efficiency gains (which could be in excess of £100 million over a three-year period) to be reinvested in enhancing the quality of their planning service provision.

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### **Recommendation 16**

**(to Recommendation 18)**

The Government should formally commit to the gradual unification of the various consent regimes related to planning following the proposed unification of scheduled monuments and listed building consents, and should set out proposals in 2007. One option would be to bring together the heritage and planning consents.

### **Recommendation 17**

The Government should, as a matter of priority, work with local planning authorities and other bodies such as the Better Regulation Executive to reduce substantially the information requirements required to support planning applications. The principle should be to move towards a risk-based and proportionate approach to information requests. Action should include:

- a review of the guidance on validating planning applications including the introduction of proportionality thresholds and the phasing of information required at different stages of the application process;
- the introduction of strict criteria to be fulfilled by Government, regional planning bodies and local planning authorities before any additional information requirements on applicants are introduced;
- an examination of the potential to raise the thresholds for EIA applications and limit the paperwork associated with Environmental Statements;
- a tighter enforcement of processes aimed at ensuring that resource transfers and training provision occur before other government departments implement policy via planning; and

- formal monitoring of progress based on representative samples of volumes of information, and associated costs, for like-with-like cases for both major and minor developments across a range of sectors. The first assessment should be published in 2009, benchmarking against 2006 volumes and costs. [Go to index](#)

### **Recommendation 18 (to Recommendation 19)**

There should be a rebalancing of the focus of planning on the cases that matter most, in line with the principles of risk-based regulation by:

- a widening of permitted development rights for minor consents by extending the 'impact' principle of the Householder Development Consent Review, so that in future only those cases where there will be non-marginal third-party impact will require planning permission, with the objective of an appreciable reduction in volumes of applications. This should be completed within the next two years; and
- the development of a voluntary new system of negotiated side-agreements between affected parties, so that where agreement can be reached a full planning application will not be required. This is likely to be most practical with smaller scale applications. The permitted development rights should also be widened to help combat climate change. In particular, proposals to extend rights to domestic microgeneration should be extended to commercial settings.

### **Recommendation 19**

The planning application system should be made more efficient so that high quality outcomes are delivered through a value-for-money process. This should include:

- more widespread use of pre-application discussions, which are often of great value to both planning departments and applicants. Where appropriate these should be used as an opportunity for early community involvement. Local authorities should charge for these only when this is unlikely significantly to reduce demand for the service;
- the roll-out of Planning Delivery Agreements (PDA) to ensure all applications are dealt with in a reasonable time frame. There should be a requirement for local authorities to offer these for large applications – revising the current thresholds for 'majors' by separating them from medium-sized applications would help here. Where a PDA has been agreed the application would be removed from the current national targets;
- a review of the statutory consultee arrangements to improve efficiency, to include consideration of the thresholds at which these bodies become involved with applications and better incentives to ensure a quicker response to enquiries;
- early engagement from statutory consultees such as Natural England, the Environment Agency and English Heritage. In particular, the Highways Agency should ensure that it adopts this approach rather than relying on late use of Article 14 holding powers; and
- speeding up the final stages of the application process, in particular by earlier negotiation of Section 106 agreements or use of tariffs, and discharging planning conditions. Businesses should engage with pre-application discussions to enable issues to be identified at an early stage and ensure that they submit complete applications.

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## **Recommendation 20**

## **(to Recommendation 22)**

The Government should review current resource arrangements for local planning authorities, related authority services (such as conservation) and key agencies. This should take account of the efficiency gains to be derived from other recommendations. In particular it should explore:

- raising the £50,000 threshold for fee payments on a tapered basis;
- making it easier for applicants to pay for a premium service or to pay for additional resource/consultants to help process their application expeditiously, if this can be done in a manner that avoids anti-competitive effects; and
- maintaining a form of Planning Delivery Grant beyond 2007-08, ensuring some form of benefit for commercial speed and delivery outcomes alongside other goals.

Any fee increase should only be allowed on the basis of a clear mechanism for indicating the higher quality of service that will be delivered as a result.

## **Recommendation 21**

The skills of decision-makers and others involved with the planning system should be enhanced and more effectively utilised. To achieve this:

- the Government should ensure continued funding for the Planning Advisory Service to promote continuous improvement, raise underperformance and facilitate joint working;
- the Government should work with the RTPPI, TCPA and other bodies to ensure a continued focus on getting new entrants into the profession. Postgraduate bursaries funded by DCLG should be tied to a number of years of public sector service, so that a return is provided for the public purse;
- the Government should raise the status of the Chief Planner within local authorities, potentially on a statutory basis, to reinforce the status of the profession for all parties, including members;
- wider use of business process reviews and best practice guidance to ensure that the time of more qualified planners is freed up to focus on the most complex cases;
- compulsory training for planning committee members, focusing resources in the first instance on new members, with increased training for officers; and
- the LGA and POS should establish a change management strategy/programme to help deliver culture change in local authorities.

## **Recommendation 22**

Local planning authorities should enhance the quality of service provided by their planning department through more effective interaction with external organisations, via:

- the introduction of more 'shared services' by local authority planning departments (or contracting to more efficient LPAs) to enable economies of scale and scope;
- increased use of outsourcing and tendering for development control services, so that private sector expertise is more effectively leveraged; and
- exploring the potential for greater use of accredited consultants to carry out technical assessments for selected tasks.

The Government should also expand the role of ATLAS both in scope, to remove bottlenecks in the delivery of large commercial development as well as housing developments, and in geographic range, so that the benefits of this model can be felt beyond southern regions. [Go to index](#)

### **Recommendation 23**

### **(to Recommendation 26)**

A robust system of performance management should be put in place to address continued poor performance, in line with proposals in the Local Government White Paper. DCLG should:

- conduct a review of measures to judge effectiveness of planning departments in the context of local government reform. A review should consider how best to measure the quality of service by the planning system, including consideration of development outcome measures and labour productivity figures, alongside a greater emphasis on customer satisfaction survey evidence. In addition, the end-to-end time taken to process the larger applications that fall outside current targets should be included in the DCLG annual publication of development management statistics;
- encourage the development of stronger sector-led support and intervention models;
- use the new performance framework to set improvement targets in the worst performing authorities; and
- encourage and, where necessary, direct local authorities that continue to underperform to tender their planning function, along the lines of the successful Urban Vision model or to contract with other more successful authorities to provide or share services.

For 2007-08, DCLG should require the chief executives of persistent poor performers to discuss improvement programmes with senior officials and, where appropriate, Ministers.

### **Recommendation 24**

Decision-makers should give higher priority to ensuring that new development has high design standards – both for function and appearance:

- design coding may be used strategically and carefully in the context of masterplanning to assist good design. Care is needed to ensure that design codes do not become formulaic or exclude contemporary architecture so that innovation and originality are restricted;
- pre-application discussions should be acknowledged as one tool in ensuring good design;
- design champions with high-level skills and expertise should be encouraged at all levels;
- design review panels should be facilitated at the local level and integrated within the pre-application discussion process; and
- local planning authorities and Inspectors should be encouraged to turn down poorly designed proposals, particularly where the costs of bad design will be high.

### **Recommendation 25**

DCLG should establish a planning mediation service to act as an alternative dispute resolution mechanism within the planning system. PINS should also explore further means of reducing the demand for the appeals system. This should include greater use of powers to charge for unreasonable behaviour leading to unnecessary expenses.

### **Recommendation 26**

The Department of Communities and Local Government should reduce the non-appeal demands made on the Planning Inspectorate. This should include working with local planning authorities to reduce both the number and the length and complexity of their Development Plan Documents, so that there is a reduction in the proportion of resources devoted to testing their soundness.

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### **Recommendation 27**

### **(to end of Recommendations)**

There should be a series of reforms to improve the efficiency of the appeals system. These should include:

- PINS setting out further proposals for how to increase the productivity of Inspectors, including ensuring appropriate use of support staff to free up Inspector resource;
- PINS being granted the right to determine the appeal route with a requirement to publish clear criteria for how this new power will be exercised; and
- DCLG revising regulations on appeal processes to reduce the potential for 'casecreep'. This would limit the issues and material considered to those that were before the local authority when it made its decision, subject to the Inspector retaining the power to ask for additional information as he or she sees fit in order to make a proper decision.

### **Recommendation 28**

Issues relating to the resourcing of PINS should be explored by:

- considering the case for an additional £2 million of public funding for appeals, conditional on the overall proportion of PINS funding on appeal work not being scaled back and on the delivery of stricter performance targets;
- introducing new powers to allow PINS to recover wasted administrative costs; and
- the introduction of cost-recovery for foregone expenses as a result of withdrawn appeals, which could result in savings of up to £1.5 million per year, to be used for appeals.

### **Recommendation 29**

As a result of the efficiency and resource measures outlined, the targets for appeals processing should be tightened to bring about a step-change in performance:

- the targets for 2007-08 should include a new requirement that 80 per cent of all written representations will be dealt within 16 weeks;
- the targets for 2008-09 should state that 80 per cent of written representations should be conducted within eight weeks and 80 per cent of all hearings within 16 weeks. Inquiries should be subject to bespoke timetabling, with 80 per cent conducted within 22 weeks; and
- from 2008-09 all appeals should be processed within six months. Where it proves necessary to extend this period, the Planning Inspectorate should make a public statement setting out the reasons for the delay (which may include appellants or other parties not being ready to meet timescales).

### **Recommendation 30**

That Government considers, in the context of the Lyons Inquiry into Local Government, further fiscal options to ensure that local authorities have the right fiscal incentives to promote local economic growth.

### **Recommendation 31**

Business should make use of the potential to offer direct community goodwill payments on a voluntary basis, when this may help to facilitate development.

### **Recommendation 32**

That DCLG publish a progress report on delivery against these recommendations by the end of 2009, drawing on the views of key stakeholders and users of the planning system. [Go to index](#)

## Summary RTPI Response

This analysis responds to the key recommendations from the Barker Review. More than most reports, it is not possible just to summarise this document through its key recommendations or through the Executive Summary, as key detail and thinking and implicit recommendations are contained throughout the report.

Overall, however, it is clear that the final report of the Barker Review is very mixed. Whilst the appraisal set out below shows more recommendations that the RTPI may support than ones which we would oppose, we also need to be aware that if some of its recommendations are adopted, it would be potentially harmful to a plan led spatial planning system and to the role that this plays in assessing the environmental, social, economic and resource impacts of development in a rigorous, even and democratic way. On the positive side, it does, firstly, reflect the Interim report in setting out clear messages about the efficacy of planning<sup>1</sup>. Secondly, whilst it does recommend that 'regional and local planning authorities should make planning for economic development a higher priority' (*Rec. 6, page 38*) it does, clearly acknowledge the roles of planning in achieving social and environmental goals.

The RTPI has graded the recommendations into those that are broadly:

[Supportable Recommendations;](#)

[Recommendations Requiring Improvement;](#) and

[Recommendations Giving Rise to Concerns](#)

## Supportable Recommendations

There are a number of recommendations which the RTPI can support and, indeed, lobbied for<sup>ii</sup>  
These include:

- New systems for dealing with major infrastructure projects – although this will depend on the detail (see below);
- An recognition of the need to remove restrictive use classes in the context of live-work developments– *Rec. 6 (p. 38)*;
- A reduction in Secretary of State intervention – although a simple quantitative target is naïve – *Rec. 12 (p. 93) – see bullet point 4*;
- Reviewing permitted development rights for commercial property;
- A focus on the resourcing of the planning system – *Rec. 20 (p. 126)*;
- Improving public perceptions of planning and supporting the status of the chief planner – *Rec. 21 (p. 129)*;
- 'A stronger link between planning and infrastructure provision' – *Rec. 6 (p. 38)*;
- A recognition of the value of community involvement in spatial planning – although proposals to reduce the opportunity for this in LDFs (*p. 105 and Rec. 15*) will have to be evaluated carefully;
- Coverage by Planning Aid in relation to commercial enterprise<sup>iii</sup> – *Para.4.26 (p.109)*;
- Support for greater use of pre-application discussions and Planning Delivery Agreements – *Paras. 5.16 and 5.18 p. 118 on and Rec. 19.*

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## Recommendations Requiring Improvement

There are some proposals which offer the RTPI the potential to continue to lobby either to improve or develop them. These include:

- Reducing the amount of guidance – although the RTPI will have to assess whether the proposals potentially reduce the value of guidance if it is reduced too much – *Rec. 14 (p. 100)*;
- Updating PPS4 – *Rec. 3 (p. 26)*;
- Linking fiscal measures to spatial planning (see below);
- The encouragement to review green belts<sup>iv</sup> – *p. 59 on and Rec. 9*;
- A more 'proportionate' approach to regulation;
- Supporting joint working (see, for example, *Box 1.3 (p. 40)* which uses North Northampton as a case study) including between the public and private sectors - although the RTPI will need to determine its stance on developer funded streamlined application systems;
- The suggestion for a Planning Mediation Service – *Rec. 25 (p. 140)*;
- The inclusion of a 'National Spatial Strategy' as one of the options for achieving a clearer national policy – *p. 75* – although the Report does not recommend this option<sup>v</sup>;
- Looking at the requirements related to Sustainability and Environmental Appraisal – although the RTPI should be wary of suggestions that this be reduced significantly (*see, for example par. 1.41*) in the name of competitiveness;
- The proposal for compulsory training for planning members – *Rec. 21 (p. 129)*;

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## Recommendations Giving Rise to Concerns

On the negative side, the Review appears, in parts, to have taken ideas from academia or from other systems and to have applied them in an unconsidered way to the planning system or to have made proposals without an understanding of their potential impact in practice. These recommendations include;

- A presumption for development<sup>vi</sup> where a plan is indeterminate<sup>vii</sup> - *Rec. 1 (p.20)*;
- Removing the 'need' test for retail development<sup>viii</sup>;
- The suggestion for 'side agreements' or payments – *Box 5.3, p. 117 and Rec. 18*;
- The idea that land price differential might be a key test in deciding on applications – *Box 1.1. (p.24)*.

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<sup>i</sup> For example:

- *planning is a valued and necessary activity. While the nature and extent of the relationship between planning and productivity can be debated, business is clear about the need for a high-quality planning system – 79 per cent believe that planning is important to supporting their competitiveness;*
- *plans and planning decisions can deliver positive economic outcomes through providing greater certainty for investors about the likely shape of future development; helping deliver public goods; supporting regeneration; and countering market power where the landowner is in a monopoly position, for example via the use of compulsory purchase orders. Planning also delivers important social and environmental objectives;*

<sup>ii</sup> The RTPI submitted a list of ideas to the Barker team following their consideration at the 11<sup>th</sup> October General assembly. Following that, the RTPI engaged in formal and informal lobbying with the Barker Team and its leader. It is worth noting as a non-scientific measure of influence that the RTPI was mentioned 22 times in the report whilst comparable scores for other bodies were CBI – 10; TCPA – 6; and CPRE – 4.

<sup>iii</sup> *'The Royal Town Planning Institute (RTPI) has operated its Planning Aid service as a charitable activity supported by DCLG and using over 600 volunteers to help local communities, groups and individuals who would not otherwise have access to professional planning advice. This is very successful, now helping 14,000 [should read 140,000] people and over 4,000 communities each year, with telephone casework approaching 5,000 calls. In guiding and advising its own clients, Planning Aid also reduces pressures on local planning authorities. The RTPI wants to extend this service through a social enterprise company so as to provide a comparable service for start-ups and SMEs. The RTPI is looking for business support for this, with a view to a pilot project in 2007. This could be a very helpful development.'*

<sup>iv</sup> The RTPI has suggested that criteria should be drawn up which can be used to assess the sustainability of green belt boundaries and of proposals to amend them.

<sup>v</sup> *'a full national spatial strategy would be extremely resource-intensive, and the complexity of the issues involved could lead to substantial delay in the production of such a strategy. It could also be inflexible. It is notable that the countries that have adopted this path – including Scotland, Ireland and the Netherlands – have much smaller populations and it could be argued that Regional Spatial Strategies are in some respects the equivalents of national spatial strategies for some countries. There is therefore merit in the middle approach of drawing up Statements of Strategic Objectives ....'* Par. 3.10.

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- vi The RTPI appeared on the *World at One* and the *Six O'Clock News*, Radio 4, on 5<sup>th</sup> December to state its case on this. The headline used was “a charter for tin sheds”.
- vii This is contradicted by para 1.6 in the report which states that, ‘While it might be thought that a system based on a presumption in favour of development would support economic growth better than one based on plans, this plan-led approach is to be supported as it provides an effective balance between certainty and flexibility.
- viii The RTPI appeared on *You and Yours*, Radio 4, on 6<sup>th</sup> December to state its case on this. This argument rests to an extent on the role of planning in encouraging competitiveness through involvement in choice over the operator of a store as opposed to its current role in assessing the impact of a store of a certain nature on e.g. traffic generation and on other businesses in general. It is relevant to note that the Association of Convenience Stores has come out against Barker – when one of the report’s rationales was to increase entry into the market for small enterprises.

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