



Campaign to Protect
Rural England

A Levett-Therivel report commissioned by CPRE

Deconstructing Barker

A one dimensional misunderstanding of a multidimensional issue: a critique of the Barker Review of planning.

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Foreword

August 2007 sees the sixtieth anniversary of the *Town and Country Planning Act*. Our planning system remains, along with the NHS, one of the great continuing legacies of the post-war Attlee Government. It symbolises the belief that government exists to advance the public interest, rather than any sectional interests.

For sixty years, planning has been understood by all parties as a democratic process that mediates between different interests – local and national, economic and environmental, short-term and long-term. The questions with which the planning system deals are complicated. Sometimes it will get the answers wrong, frequently the answers it gives will be unsatisfactory to particular interests. But the complex questions with which planning deals will not be made simple by changing the system, or elevating economic interests over those of the community or the environment.

Unfortunately, the Government, egged on by some free-market think-tanks, is now contemplating a radical break with the principles that have underpinned the planning system since the war – a system that has done so much both to protect our countryside and, particularly in the last ten years, revive our towns and cities.

Kate Barker's *Review of Land Use Planning* is the Government's latest attempt to revamp the planning system so that it delivers economic benefit, narrowly conceived. This report questions both the remit of the Barker Review and its conclusions. It provides a convincing defence of the planning system's success in 'integrating and reconciling multiple environmental and quality of life objectives' – or, in other words, delivering public benefit.

Whether one thinks of the report by Sir Nicholas Stern on correcting the market failure that has resulted in climate change; or of David Miliband's desire to move towards one-planet living; or of promoting the sustainable development to which the Government is committed; or simply of giving communities a real say over decisions that will profoundly affect their futures, the planning system has a vital role to play in representing the interests of all of us. It would be a

tragedy if, in implementing the recommendations of the Barker Review, the Government was to emasculate the planning system in favour of the interests of individual businesses and short-term economic growth.



Shaun Spiers

Chief Executive

Introduction

In December 2005 the Chancellor and the Deputy Prime Minister commissioned Kate Barker 'To consider how ... planning policy and procedures can better deliver economic growth and prosperity ...' The *Barker Review of Land Use Planning Interim Report – Analysis*, was published in July 2006. The *Barker Review of Land Use Planning Final Report – Recommendations* followed it in December 2006.

The Barker Review of planning ran in parallel with Nicholas Stern's review of the economics of climate change and Rod Eddington's review of transport. All three were published shortly before the Chancellor's 2006 Pre-Budget Report and taken into account in it. They are likely to be major influences over policy in their respective fields for years to come especially if Gordon Brown, who co-commissioned all three, becomes Prime Minister.

CPRE therefore commissioned Levett-Therivel consultants to assess the robustness and balance of the Barker findings and recommendations and their implications for sustainable development. This is their report.

In this report 'IR' means the Barker Interim Report, 'FR' the final report, numbers like 2.4 are paragraph numbers.

Summary

The Barker Review's remit

In line with its terms of reference the Barker Review privileges economic growth over other possible objectives, and approaches the planning system with the assumption that it is an obstruction to growth. But 'wellbeing' research now shows that economic growth is no longer increasing life satisfaction in the UK. The whole review is therefore based on a premise for which no justification is offered.

What are costs and what are benefits?

The one-dimensional nature of Barker's approach leads the review to a naïve and simplistic view of costs and benefits. Many of the apparent costs of planning, such as investment foregone or the extra expense to developers of complying with planning requirements, are really benefits of the planning system in the form of damaging development prevented or poor quality development improved so that it meets environmental and social goals. No evidence is provided that the planning process is imposing costs on private developers that are not justified by the public goods secured.

A 'more responsive planning system': evidence

The Review claims that the planning process is systematically biased against development. The evidence tends to show the opposite. The planning system frequently supports development against the wishes of local communities, showing that it resists Nimbyism for the sake of broader benefits, contrary to Barker's claims. The short term private interest benefits of development are more obvious and provable than its long term public interest disbenefits, again contrary to Barker. The 'plan led system' still has a 'presumption in favour of development' because policies and decisions restricting development have to be justified while development does not. There is an asymmetry: development only has to get lucky once to win, while resistance to development has to be lucky every time in order not to lose.

Recommendations on 'responsiveness'

In the light of the previous chapters, the Review's recommendations on responsiveness can be divided into three groups. A few are for common sense procedural tidying: these are welcome. Several are for moving the balance of the planning system substantially towards development and growth. These should be opposed because no case has been made that this is in the public interest and there are strong reasons to expect it to be damaging. The remaining recommendations seem to be statements of the obvious or of what the planning system is already doing.

'Efficient use of land'

The Review calls for flexibility in Green Belt boundaries and for development in parts of the Green Belt to pay for better management of other parts. These may be acceptable in some places but the Review does not give enough recognition to the benefits of keeping Green Belt undeveloped continuously in space and consistently over time. Without this consistent approach to resisting development, developers may well hold off investing elsewhere in the hope of redesignation of Green Belt land for development some time in the future. Where better management of Green Belt and urban fringe land is needed, there is no logical reason why this should be paid for by developing other areas of Green Belt or urban fringe land.

Major infrastructure projects

The Review proposes a new process of national 'shopping lists' and an Independent Planning Commission to decide major infrastructure applications. This is a sensible solution if the problem is, as Barker frames it, simply to ensure quick and reliable delivery of infrastructure on a 'predict and provide' basis unobstructed by any environmental, wider public interest or local challenges. But a more sophisticated approach is needed, emphasising minimising the need for infrastructure and then using the least intrusive and resource-intensive methods. These will often be local, devolved and sustainable technologies. Clearer national policy would be very helpful but it must apply this option hierarchy, not a simple predict-and-provide

approach. Ministers should remain accountable for decisions on major infrastructure projects and the proposed model for the planning commission would be of limited value since the aim should be to avoid and minimise large scale projects not expedite them.

The administrative chapters

A few points should be highlighted from these chapters. The Review devotes considerable effort to arguing the planning system imposes unacceptable delays. However the hard evidence the Review quotes for this all pre-dates the 2004 reforms, much of it from the 1980s and 90s, so is of negligible relevance now. The only recent evidence offered is uncorroborated business anecdotes. Since there is no solid evidence that speed is still generally a problem, there is no justification for proposing further reforms to solve it – especially since the 2004 reforms were largely driven by concerns about speed, and it is too early to tell if they have worked. Planning gain supplement will give developers an incentive to develop profitably not sustainably. It is a missed opportunity to reform planning obligations to give an incentive for sustainable development by charging for public goods damaged.

Towards really positive planning

The planning system could and should make a much stronger contribution to reducing and adapting to climate change. This requires a systemic approach to combining planning with other interventions to change vicious circles into virtuous ones. The wellbeing agenda vindicates the ‘sustainable settlements’ agenda that the planning system has promoted since the 1990s. Wellbeing and environmental sustainability can be reconciled. Many planning aims already support both. But the growth and competitiveness agenda which underlies the Barker analysis undermines both.

Conclusions

By concentrating solely on planning’s contribution to economic growth narrowly defined, the Barker Review fails to understand the planning system’s role, or recognise its success, in integrating and reconciling multiple environmental and quality of life objectives. It does not provide a useful guide to planning reform.

Indeed many of its recommendations are likely to weaken what is, with all its faults and limitations, potentially one of the most powerful tools we have to deliver sustainable development at just the point it is most needed.

There is now an urgent need, and an exciting opportunity, for the planning system to be developed, strengthened and better connected with other interventions to drive rapid cuts in greenhouse gas emissions while giving greater recognition to the long term public value of the countryside and maintaining and indeed improving quality of life. A very different kind of review is needed to guide this.

The Barker Review's Remit

The Barker Review's terms of reference predetermine the way it approaches the planning system, how it construes problems and what it can suggest as solutions. This Chapter examines these.

Terms of reference: the primacy of growth

The 'headline' aim from the Barker Review's terms of reference is: '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'.

Thus economic growth is the Review's priority. Everything else that might matter for human wellbeing or environmental security is relegated to an offhand mention of 'alongside other sustainable development goals' which are not specified.

This 'headline' aim is amplified as follows:

'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.'

The first three of these are all 'have you stopped beating your wife?' points, each presupposing a failure of the planning system – that it is not quick or efficient enough; that it is inflexible, opaque and unpredictable; that it does not do enough for the economy. Only the final one of these aims is framed in terms that do not presuppose a failing or weakness in planning. Unfortunately, this is hardly discussed in either the Interim or Final reports.

Thus the terms of reference 'hard wire' the view that economic growth should take priority over other policy objectives, that planning is basically an obstacle to growth, and that the main purpose of reform should be to stop it getting in the way.

The Review adopts and applies this view enthusiastically and uncritically. It determines the Review's choice and interpretation of evidence, and drives its main recommendations. The Interim Report's stated focus 'is on understanding how the planning system impacts on economic growth and employment, by analysing the direct and indirect impacts of policy and processes on the key drivers of productivity – enterprise, competition, innovation, investment and skills'. This narrows the focus twice more: first by replacing 'economic growth and prosperity', a formulation which at least admits the possibility that 'prosperity' might have more dimensions than just growth in the monetary value of traded goods and services, with 'economic growth and employment', which implies that the only other dimension which might matter is paid jobs. Second, the 'key drivers of productivity' discourse makes clear that only the Anglo-American model of aggressive competitive capitalism is under consideration.

The Final Report follows this narrow agenda consistently. Para 1.1 sets the tone: 'This Chapter focuses on how the planning system, in a period of rapid economic change, could be more capable of producing outcomes that support economic growth and prosperity (in the form of employment opportunities, greater consumer choice and lower prices) as part of delivering its broader sustainable development goals. The recommendations are fundamentally about ensuring plans and planning decisions respond positively to changing circumstances. The context of these recommendations is the evidence presented in the Interim Report, which suggested that while effective planning can help support economic growth, it also has the potential to impact negatively on all five drivers of productivity. The British Chambers of Commerce (BCC) has noted the danger of the UK losing out to our competitors as a result of a planning system that "often seems set against development which would promote economic growth". As the CBI

has argued, “we need the system to be part of the solution, helping to promote enterprise and growth, rather than part of the problem”.’

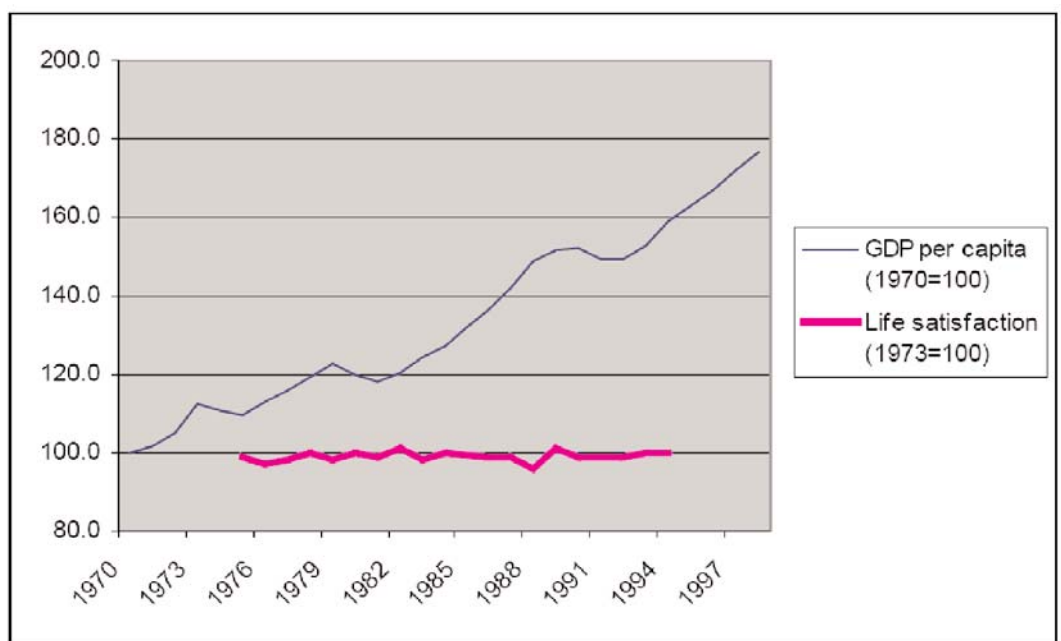
The wellbeing agenda: growth isn't happiness

This would be fine if, as a matter of fact, GVA or GDP growth could be relied on to improve human wellbeing, and Anglo-American ‘turbo capitalism’ based on ever-intensifying competition was the only way to achieve it. Unfortunately reality is less simple. Research on life satisfaction, wellbeing and happiness – starting with a seminal Cabinet Office Strategy Unit report in 2002 *Life satisfaction: the state of knowledge and implications for government*, (Cabinet Office, 2002) (http://www.strategy.gov.uk/seminars/life_satisfaction/index.asp) – shows increasingly clearly that in ‘developed’ economies such as the UK there is no reliable correlation between economic growth measured in GDP or GVA per head and human happiness.

This literature reports consistently that people’s level of satisfaction with their lives (which we take as a proxy for quality of life) depends heavily on matters such as:

- positive health (which is not the same thing as just freedom from sickness or good access to sickness treatment services);
- rich and secure personal relationships (and the time, energy and opportunity to nurture them);
- engagement in constructive and challenging activities in collaboration with other people (whether paid work or community / voluntary action);
- respect;
- confidence in the future;
- feeling part of a fair, equal, well administered and democratic society.

Box 1: UK GDP and life satisfaction



Source: Cabinet Office 2002

Income and wealth do matter for life satisfaction: within each society, richer people are generally more satisfied. But a particularly significant and challenging finding is that, in the UK, a near doubling of GDP per person since 1973 has not increased life satisfaction at all: see Box 1.

Three possible explanations are offered in the Cabinet Office research, and have been amplified and substantiated by subsequent literature. The first is that *relative* income matters more than *absolute* income. Being higher in the income 'pecking order' gives people access to better things than their neighbours, and it is this ability to 'get ahead of the Joneses' that gives people a kick, rather than the particular forms of consumption they use. An experiment in which more than half of a sample of American students said they would prefer to earn \$50,000 dollars in a society where the average was \$25,000 than earn \$100,000 in a society where the average was \$250,000 supports this.

One person or household can only 'get ahead' by pushing others back, so more gratification for those who rise is always offset by more envy and discontent for those who fall. The two effects are not necessarily equal. In Europe it seems that wider differentials reduce life satisfaction. This means that raising a whole society's income does not improve life satisfaction at all. (Of course this only applies to countries wealthy enough to meet all basic needs. It does not mean that poor countries could not greatly increase wellbeing by increasing wealth.)

The second possible explanation for the 'flatline' is *habituation*: people get used to higher income and their expectations and aspirations rise, so increased prosperity gets taken for granted and does not produce any lasting increase in satisfaction.

The third possible explanation is that any increase in life satisfaction which higher income may cause is being offset by worsening in other, non-income, contributors to quality of life: for example more stress and insecurity, or less time and energy for relationships and social engagement.

These three explanations are all intuitively plausible, and consistent with a range of insights from sociology and

psychology (though not, in general, mainstream economics: the one-dimensional neoclassical concept of 'utility' tends to stand in the way of a more nuanced, insightful and fertile exploration of the nature of economic wellbeing.) Research is far from being able to say how much each of them (and probably other factors too) has contributed to the observed failure of the last three decades of the UK's economic growth to produce any improvement in overall life satisfaction.

However the observation itself is enough to strip the Barker project of most of its claim to influence policy. If in England economic growth no longer improves life satisfaction, there is no automatic justification for making the planning system more supportive of economic growth. Doing so would need to be justified by arguments that the growth was likely to produce more benefits than would be lost by compromising other objectives of planning to achieve it. The Barker Review does not offer any arguments of this kind since it treats promoting growth as self-evidently and axiomatically a good thing.

Timing

The remit and timing of the Barker Review are in any case puzzling. *The Planning and Compulsory Purchase Act 2004* initiated the biggest upheaval of planning structures and processes in decades. All planning authorities are working through a new and untried set of procedures for the first time. At the time of writing, January 2007, only two out of 500-odd new local development core strategies have actually completed the course to adoption, and not a single new-style Regional Spatial Strategy is complete. It will be years before most planning authorities have most of the new plans in place, let alone until the performance of the new system can be assessed in anything more than a superficial, impressionistic and anecdotal way.

The Interim Report acknowledges this: 'the overall flavour of the consultation process indicated little appetite for a radical rethink of the plan-making processes set in place by the PCPA 2004, and many observed that this still needs time to bed-down'. It is therefore reassuring that it goes on, 'As the terms of reference indicate, the Review will aim to build on those reforms'. But this makes its timing and purpose

perplexing. How can anyone judge how to 'build on' the reforms currently being implemented before we know what effect they will have? Especially since the 2004 reforms were largely intended to improve the planning system's performance on the very issues the Barker Review concentrates on.

Conclusions

Recent research suggests that the last 30 years of economic growth has not increased UK life satisfaction at all. There is no evidence or good reason to suppose that the Barker Review's main aim of reforming the planning system to promote growth more would increase life satisfaction in future. The Review itself offers no justification for its recommendations beyond promoting growth, which is circular.

Now is in any case a silly time to have another go at reforming the planning system, when extensive reforms have just been made to address just those issues which the Barker Review has been asked to concentrate on, but it is too soon to tell if they are working.

If there is a justification for proposing any significant further reform of planning during the current Government, it would need to be informed by a far wider and more balanced assessment of the current role and future potential of the planning system in promoting human wellbeing, environmental sustainability and quality. This should include a broader and richer conception of economic prosperity itself.

What Are Costs and What Are Benefits?

One consequence of the Barker Review's growth-oriented view of planning is that it takes a naïve and restricted view of costs and benefits. Since the resulting misleading assumptions pervade the argument we have pulled the issues out for discussion here.

Refusal of planning permission: cost or benefit?

A convenient point to start is the argument in the Interim Report (especially the section entitled 'But investment can be hindered' starting at para 4.15) that refusals of planning permission deprive the UK of inward investment. The Interim Report acknowledges that refusals are not a reliable measure of investment lost because an investment turned down by planning may go elsewhere in the UK, or subsequently go ahead in a modified form, or another investment may go ahead in its place.

However there are several further reasons why refusals are not a useful measure: see Box 2: *The ambiguity of refusals*.

In any case, losses of investment because of refusal of planning permission can only be regarded as a cost of planning if the benefits that would have accrued from the blocked investment would have exceeded the disbenefits of the development.

This exposes a deep logical flaw in the Barker argument. The basic idea of development control is that planning permission should only be refused if the expected planning disbenefits of the development are big enough to outweigh its expected benefits. Planning policies simply codify the criteria against which developments must be tested for their benefits and disbenefits, and imply 'decision rules' for development control.

It would therefore seem to follow that planning applications to accommodate investment will only be refused when those disbenefits of the development which are admissible as 'material considerations' in planning clearly outweigh the assumed benefits of development. Where this is the case, any investment foregone should be seen not as a net loss but as a price that was worth paying to avoid greater

disbenefits that would have been caused by the development. In other words, what Barker presents as a *cost* of planning is really a sign of planning accepting a *smaller* disbenefit in order to avoid a *greater* one.

Refreshingly, the Interim Report itself acknowledges this: 'The planning system will rightly have a negative impact on investment in some circumstances due to its need to consider economic, environmental and social objectives. Turning down applications that will have a net cost to society is an important function of the planning system. An application likely to damage the local environment, or impose a poor quality of design on a community, may often be correctly refused.' (IR 4.28). Just so.

IKEA, presented in the Interim Report as an example of the costs of planning, is in fact a good example of several of these points about benefits: see Box 3. This is the first of several examples from the Barker Review whose real meaning is rather different to that the Review claims. In honour of A P Herbert we call these 'misleading cases'.

Of course this is only the case where plan policies are justified by the public interest, and where they are applied to an individual development decision appropriately, fairly and with proportionate regard to potential economic benefits. There may well be individual bad decisions where investment is being turned down for the sake of benefits which do not justify it.

But the Interim Report does not offer any evidence that a significant proportion of planning decisions are bad in this way. Such evidence would be needed before any case could be made that the planning system is *avoidably* or *unjustifiably* restricting investment. Without it, even if it can be established that planning is reducing investment, this doesn't mean anything since it is perfectly possible we are better off without those particular investments because of the damage they would bring.

Is compliance with planning policies / conditions a cost ... or a benefit?

A very similar argument applies to the costs developers incur in complying with planning policies and requirements. The point of these requirements is to make sure that developments enhance and protect, rather than damage and destroy, public goods which have been confirmed and endorsed through the forward planning process as legitimate concerns of planning and important for the area in question.

The Interim Report (4.20) states that: 'A third relevant factor is that planning applications often come with associated conditions or may be accepted only after substantial revision to the size, format or proposed location of the development following pre-application discussions. Conditions are attached to permissions to allow development to proceed that would otherwise have met with refusal. But they can have an impact [on investment].'

A random glance through the case files in any local authority development control section will reveal

Box 2: The ambiguity of refusals

Rates of refusals of planning permission are referred to at several points in the Interim Report as evidence of how much the planning process is obstructing development, and how this varies over time or between places.

A high level of refusals could mean a variety of things. It might mean that a plan is unclear, or that planners do not explain it clearly, or that applicants (or their advisers) are poor at understanding them. Or it might mean that everything is perfectly clear to all parties, but that the potential profits of particular kinds of development at particular locations are so high that applicants think it is worth trying for planning permission even when the chances of success are small. This may be part of the reason for high refusal rates in London (IR 4.16).

Likewise a low level of refusals may mean that a plan is weak and permissive because it rarely provides grounds for rejecting a proposal. Or it might mean that the plan has been highly effective in influencing development, by encouraging developers to bring forward the kinds of development the plan wishes to see and discouraging them from even thinking of development that does not comply. Or it might simply mean that the market already incentivises the kinds of development the plan seeks, so the plan does not need to constrain developers to get the desired results.

If potential developers don't even try for planning permission for projects because they think they won't get it, the planning system might be preventing investment which never becomes visible. This is an example of a general problem that it is difficult or even impossible to quantify the effects – both positive and negative – that the planning system may be having through making developers and others take or refrain from actions because of what they believe the planning system will or will not allow.

The real position is very probably a mixture of all of these factors, and probably some more too. The Barker analysis presents no evidence to judge their relative prevalence or how this may have changed over time. Without this, no sensible conclusions can be drawn from simple statistics about refusals.

Box 3: Misleading cases: IKEA

The Interim Report states that:

'In 2000, IKEA was looking for a major expansion in the UK. They aimed to invest £1 billion over 10 years in 20 new stores to complement the 12 they already owned, which were attracting 2 million visits per year each. With an average 750 staff per store, this would have increased employment and driven competition in the sector. It also had the potential to lower long-distance drive times: over 30 per cent of customers drove more than 2 hours due to the lack of local stores. Strict national planning restrictions and lack of available sites meant that only one store was delivered by late 2005, despite some local authorities wanting to attract the company to their area. IKEA has now changed its business model, but this may lead to higher construction and operating costs and potentially lower capital returns, while planning permission has only been secured on one new site to date in Coventry.'

One reason IKEA is so commercially successful is that they minimise staff costs through a very high level of automation. What the Interim Report blandly refers to as 'driv[ing] competition in the sector' means IKEA driving out of business competitors who were less 'efficient' because they had higher staffing levels, or making them become more 'efficient' by slimming their workforces. Either way, even if each new IKEA did create that impressive sounding 750 jobs, more would be lost elsewhere.

Another reason IKEA is so successful is that they operate globally and source a large proportion of their products from low-wage countries. Growth of IKEA is therefore likely to result in more 'offshoring' of manufacturing jobs, a trend which another of the Barker case studies (Cumberland Pencil co) recognises as a bad thing – and on a rather larger scale than the 25 jobs affected at Cumberland. (This is not the only case where a consideration advanced to support one business's case for a particular planning result is ignored where it doesn't support another businesses case for what it wants: see also Keeler, Box 5, below. The report is consistent in supporting what businesses want against the planning system, even at the price of inconsistency over principles.)

A third reason IKEA is commercially successful is that by building very large stores with motorway access and unlimited parking, they can cream off wealthier car-born shoppers from a wide area. It is very likely that almost trebling the number of stores would have significantly reduced the worryingly high proportion (30%) of visitors who drove more than 2 hours to reach one. But it would also have increased the number of people driving to edge-of-town shops instead of urban ones practicably accessible by public transport, and further increased the relative disadvantage of those without access to a car.

These are the reasons why national planning policies have for some time sought to discourage further car-dependent out-of-town retail development. So if it is really true that 'strict national planning restrictions' helped prevent a further 20 IKEAs easily accessible only by car, this should be seen as a success for environmental sustainability, social equity, town centre vitality, and probably for UK manufacturing, the balance of payments

and overall employment too. And if planning restrictions were part of the reason that 'IKEA has now changed its business model' to one less irresponsible about transport emissions, car dependency and social exclusion, this should be counted a further success since the 'higher construction and operating costs and potentially lower capital returns' to the company also mean lower environmental and social costs to the community.

*Reassuringly, planning minister Yvette Cooper seems to realise this is good news rather than bad, commenting at the RTPI annual planning convention 2005 that 'We have also seen a retail-led renaissance in many cities such as Leeds and Birmingham. Even IKEA, the champion of the out-of-town shopping concept, has said it is coming into town'.
<http://www.communities.gov.uk/index.asp?id=1122758>*

correspondence, negotiations, agreements and conditions on such matters as ensuring development can be accessed as easily as practicable on foot, by cycle or public transport; that access to open space is maintained; that new buildings harmonise with their surroundings and add to rather than detract from the public realm; that new development has the least practicable deleterious effects on its neighbours; that opportunities are taken to minimise energy and resource consumption and waste both in construction and operation; that new provision matches social needs, and so on.

Planning processes only engage with these matters when developers will not do them voluntarily. This is often because they will cost more. The costs to developers of complying with planning requirements are one side of the coin; the other side is the public benefits thereby achieved. Of course it would be possible to argue that in some cases, planning demands are frivolous, misguided, or cost more than the benefits justify. But unless this is true of a significant proportion of requirements, these costs are not evidence of any failure or disadvantage of planning. And the review offers no evidence of this. The relevant section concludes:

'There has been no national study of the nature and extent of planning conditions that are imposed by planning. But in the late 1990s, conditions were more common than not – according to one survey of the 75 per cent planning applications granted, around two-thirds included non-standard conditions relating to

issues such as materials, lighting, traffic and hours of operation. And there is a widespread perception that conditions are becoming more common. It is perhaps unclear that the benefits of conditions always outweigh the costs, though evidence on this issue is limited.'

Since the Review does not identify *any* evidence on the relationship between the benefits and the costs of planning conditions, the final sentence is rather an understatement. Even if the perception that conditions are becoming more common is true, none of the material presented gives any basis for saying whether this is a good thing or a bad thing.

Development proposals that are never proposed

Perhaps the most extreme case of the Barker Review treating as a defect the planning system simply doing its job comes in the discussion of waste infrastructure projects at FR 3.27: 'Although DCLG's development control statistics indicate that some 90 per cent of waste applications are granted there is some anecdotal evidence that a number of applications for waste disposal or recovery do not come forward at all. It is not possible to be clear about the reasons for this, but factors such as failure of the planning system to bring forward suitable sites, local communities' concerns about the possible health implications of waste schemes, and insufficient thought on the part of developers regarding how to engage positively with the planning system may all play a part.'

There is a far simpler possible explanation. If a developer realises early on that a possible scheme would be turned down because it would not be able to comply with planning requirements, for example about noise, smell, traffic generation, access or proximity to where the waste arises, and therefore stops work on it, the planning system has achieved a double success: it has not only stopped an undesirable development, but has also saved everyone wasting their time and money working up a proposal that would eventually fail. The principle applies to all kinds of development, not only waste.

Barker's implicit assumption that if the planning system prevents some schemes from 'coming forward' this is a defect which requires investigation and correction, betrays a failure to grasp a very basic point. Forward planning is there to formulate and agree criteria for the kinds of development that should be allowed. Development control is there to ensure that developments that don't meet these agreed criteria don't go ahead. Provided the criteria are the right ones, then the earlier the planning system can stop non-complying ones the better all round: for developers who are saved futile costs of working them up; for interest groups who are saved the effort of resisting them; for local residents who are saved the worry and blight from potential development; and for local planning authorities (and therefore the taxpayers who fund them) which are saved the costs of processing them.

It is impossible to calculate how much money the planning system saves in this way, because there is no limit to the range of barmy development schemes that could be dreamed up. It would be more intelligent to see clear negative planning rules as supporting the efficient running of the whole development business (in terms of human effort required to make decisions) by saving everyone wasting time on hopeless cases and allowing effort to be concentrated on working up and deciding potentially promising ones. Where the potential commercial gains are very large, developers will still be rational to spend large amounts of money pursuing their projects until all procedural avenues are exhausted even if they know the chances of success are very small. Arguably Dibden Bay was an example of this (see Box 6).

Conclusions

The Barker Review takes a naïve and one-sided view of the costs of planning. Where planning succeeds in preventing development whose social and / or environmental harm would outweigh its economic benefits, or making developers modify such development or incur extra costs to avoid the problems, this should be seen as planning securing net benefits, not incurring costs. By failing to recognise, or perhaps even to understand, the difference between private and public benefits, the Barker Review makes itself unable to give any reliable messages about costs.

'A More Responsive Planning System': Evidence

Barker's case

The strongest theme running through the Barker Review is that the planning system obstructs development and economic growth and should be reformed to support them instead (FR1.1).

The Chapter titled, *The Barker Review's Remit*, has already argued that this depends on a one sided view of the purpose of planning which follows from the Review's unbalanced terms of reference. The following chapter, *What Are Costs and What Are Benefits?*, has shown that the review misrepresents as costs of planning several important effects which are actually benefits.

The current Chapter considers the case the Review makes that the planning system is biased against development.

Financial incentives

The Interim Report (4.30) argues that 'there is currently *little financial incentive* in many parts of the country for spatial planning to favour economic growth and development'. This is a surprising claim given that housing growth provides more households to pay council tax, business growth provides more employment out of which people can afford to pay council tax and other charges and planning agreements are widely used to fund affordable housing, community facilities and infrastructure. Government provides massive funding for infrastructure and derelict land remediation (which should be seen as a retrospective State subsidy to polluting businesses of the past) and Regional Development Agencies promote a pro-growth agenda backed with discretionary funding that local authorities can only dream of.

If despite this there is any lack of enthusiasm for growth, it might be that despite these measures the costs to local authorities of accommodating growth exceed the revenues obtainable, which would suggest a need to enable local government to secure greater contributions. Or perhaps it simply means that local authorities are responding to the will and preferences of their residents. The next section discusses this.

Public views

The Interim Report itself quotes striking evidence for the latter: 'Evidence suggests that 60 per cent of planning changes brought about by the process of public participation result in a reduction in the amount of development proposed as against 13 per cent where development targets are increased.' (IR 4.30, bullet 2) The Interim Report implies this is due to disproportionate influence of minority anti-development interests. A more straightforward explanation might be simply that, when given a chance to express a view, people affected often don't like development.

The Interim Report (4.31) suggests this is the case. It complains that: 'The issue of concentrated interests against development should not be underestimated. While it might be anticipated that local communities only object to certain types of perceived 'bad neighbour' developments such as casinos or late night bars and clubs, a recent survey suggests that the majority of the public appear to be against almost every type of private development in their area, with the exception of new roads. The strongest opposition is likely to be towards waste collection or power plants, which serve a much broader area than the local community. But there is also net opposition to developments such as offices. Only public sector developments have clear net approval. Equally, while 19 per cent of people report that someone in their family has opposed a new development project, only 6 per cent report a family member actively promoting one. Many structural issues in the current planning system may therefore tend to work against an impartial assessment of costs and benefits of development, which may in many cases result in a potential bias against growth ...'

This reasoning here is misleading. It complains about '*concentrated* interests', but the evidence presented is that opposition is *diffuse*: most people don't want most kinds of development. What is billed as a conspiracy by an unrepresentative minority to hijack the planning system turns out to be simply the preference of the majority of the people affected.

Then these revealed anti-development preferences are described as 'structural issues in the planning system'

where in fact they are the *content* of people's preferences which planning *structures* have, among other things, to deal with. And far from kowtowing to these preferences, what the planning process actually does is ensure that developments – not just offices and roads but also waste and power plants, casinos and clubs – can and do get built where their broader benefits justify them, *despite* such opposition. Thus compared to what most residents apparently really want – not far off BANANA, 'Build Absolutely Nothing Anywhere Near Anyone' – the planning system is strongly pro development.

This passage in the Interim Report thus reveals a doctrinaire assumption that growth is good no matter where or what it consists of, and regardless of what the people directly affected feel about it. Reluctance to have development in one's back yard is seen not as one of the many conflicting factors which the planning system should take into account, but as a threat to progress which the planning system must arm itself to resist.

This is looking through the wrong end of the telescope. Planning and development, like any area of public policy, should start from what people need and want. Economic activity is an important contributor to wellbeing. But it is not the only one, and there is no justification for privileging it over all the others. The job of the planning system is to reconcile and integrate different ones so far as possible, and to make justifiable decisions where they conflict. Very often the result is to permit development for the sake of wider benefits against the wishes of people directly affected, just as Barker says should happen. But that is not always the right answer. Decisions to permit development are just as much in need of justification as decisions to prevent it.

Politics airbrushed out

This line of reasoning also provides an innocuous explanation for something presented as it were somehow problematic in IR Box 4.5: 'attitudes to growth sometimes depend as much on the make-up of the council as on geographical issues'. Of course they do! 'Attitudes to growth' are very properly a matter over which political parties, and individual politicians, differ. At different places and times, voters will take different

'attitudes to growth', will elect MPs and Councillors partly on the basis of *their* 'attitudes to growth', and the party group(s) that can form administrations will reflect these in more or less development-friendly national and local planning policies. That is what democracy is *for*! Politics matters.

It is therefore regrettable that the Review tries so hard to avoid mentioning politics, even to the extent of resorting to the rather quaint term 'the make-up of the council' in the quote above. Apart from titles in references, there are only four occurrences of a word starting 'politic...' in the whole Interim Report. However the omission is not surprising. Barker's case depends on the proposition that supporting economic growth is naturally, objectively, inevitably the right thing to do, needing no debate or justification. The moment it is acknowledged that growth is only one among many possible policy objectives, and that how much weight should be given to it as against other competing and conflicting ones is legitimately and unavoidably a matter of political debate, the Barker analysis and recommendations cease to be universally valid and are revealed to be just the expression of one particular political point of view – one that may have dominated British politics since 1979 but which is now increasingly contested and embattled because of its increasingly clear failure either to make us happier (see section 3) or to respond adequately to environmental limits.

Three of the 'p-words' in the Interim Report are reiterations of the same point that '*the nature of political pressures and time-horizons* means that there can be a bias against developments that could have long-run gain and short-term costs' as are two of the seven occurrences in the Final Report. Given how much this single negative point dominates the Review's treatment of politics it is ironic that political short-termism will actually tend to favour development because, as the next section will explain, development more often produces conspicuous short term benefits with the costs hidden in the longer term.

Are wider beneficiaries of development given inadequate weight?

Another assertion in para 4.30 is that 'there may at times be not enough weight given to *wider interest[s]*

who benefit from development. While there are many benefits to community involvement, the plan-making and development control process can favour smaller and more locally-concentrated special interest groups at the expense of more diffuse interests, and these groups are becoming more vocal and better organised. If a development will, for example, lower prices, it will do so for a wide group who each gain marginally but may affect a small group who may feel increased costs of higher congestion in the area. The

sum of the diffuse benefits may exceed the sum of the concentrated costs, but it is the latter that will gain influence in the decision-making process.'

The previous section has pointed out that evidence quoted in the Interim Report suggests that it is the majority of residents who often oppose development rather than unrepresentative minorities, and later sections will offer further arguments that if the planning system has an inbuilt bias it is pro-development rather

Box 4: Utilitarian ethics and planning

Barker's argument depends on the assumption that loss or harm to one group of people can always be justified if it results in greater gains or benefits to another group of people. This relies on the strict and simple version of Utilitarian ethical theory memorably encapsulated by Bentham and James Mill in the early 19th century in the slogan 'the greatest happiness of the greatest number'. According to this, the right course of action is the one that delivers the highest possible total utility, which is simply the sum of the pleasures minus the pains accruing to all affected.

A famous objection to this simple theory is that it would justify public torture or execution whenever the pleasurable entertainment provided to all the spectators added up to more than the pain suffered by the victims. This is an extreme example, but it illustrates a more general point that strict utilitarianism has no room for the idea that some actions are simply wrong, or that there are limits to what can legitimately be done to individuals no matter what the benefits to others. Utilitarian philosophers ever since (starting with James Mill's son John Stuart Mill) have been wrestling with the problem of how to incorporate these ideas without hopelessly complicating or limiting the central idea of maximising utility as a guide to decision taking (an idea which incidentally is the basis of any claim that orthodox economics can say what should happen rather than just describe what does happen).

Most planning decisions boil down to deciding whether a potential increase of some benefits to some people (for example access to affordable housing) justifies a loss of other benefits to other people (for example loss of open space or extra congestion). Planning is thus to some degree intrinsically utilitarian. But it is not unthinkingly or mechanically utilitarian. It makes largely utilitarian trade offs – but only within a framework of national planning policy and guidance that defines the kinds of considerations that should be admissible, and in particular limits the circumstances and the extent to which various kinds of individual rights (a term abhorrent to strict utilitarians) can be infringed. Regional and local plans reflect specific circumstances and express the policy priorities of the relevant authorities within this framework, and then individual development control decisions use these to inform judgements about the weight to be given to varied and conflicting considerations in particular cases. Much of the complication of the planning system – inquiries to test arguments in public, call-in to 'escalate' the level at which certain decisions are taken, appeals to review contested decisions – are safeguards to ensure that these judgements can be demonstrated to accord with prevailing values.

than anti. But first we should explain that even if the assertion is true, this does not necessarily mean the planning process gets it wrong, for two reasons. First, the argument depends on the assumption that loss or harm to one group of people can always be justified if it results in greater gains or benefits to another group of people.

This may seem the sheerest common sense, but if applied naïvely it leads to highly problematic conclusions – see Box 4. To safeguard against morally repugnant results, the planning process incorporates elaborate procedures for deciding, and justifying, the different weight to be given to different interests and considerations in each decision. The inspector's or panel report of any contentious planning inquiry or examination in public is full of scrupulous assessments carefully distinguishing the force of arguments and the nature and scale of the interests actually affected from the passion with which views are expressed and the numbers of people making representations. This is a highly effective process for preventing sectional interests and campaigns from getting disproportionate influence. If there is any process bias, it is likely to favour those able to afford expensive planning consultants and barristers best able to present their case effectively. As the Interim Report acknowledges, these are usually pro-development interests (4.32).

Direct and indirect benefits and costs

Evidence for the short term effects of a development on private interests will often be much clearer and more reliable than evidence for its longer term effects on public interests, because the latter are direct, causally simple and quantifiable while the latter are indirect, complex and often qualitative. The IKEA case already discussed (see Box 3 above) provides a clear example. The claimed benefit is a clear example of the reasoning often offered in support of development: that it will produce direct and quantifiable benefits (e.g. the claimed 750 new jobs per IKEA store). In contrast, the potential disbenefits – possibly greater job losses elsewhere, increases in car dependence and traffic, reductions in the viability of town centres – are indirect, longer term and impossible to put into precise numbers or prove are caused by IKEA. That

does not mean they are unreal or unimportant. But it does mean they are all too easy to disregard or undervalue, especially by politicians or officers under pressure to show short term 'wins' for the sake of re-election or performance measures.

The whole of Chapter 5 of the Interim Report provides a revealing example of the problem. Paras 5.6 to 5.10 review a range of ways that strong planning can 'directly or indirectly help promote competition and enterprise': for example through compulsory purchase powers (or the threat of them) letting desirable businesses get access to land; by 'provid[ing] wider public or club goods, such as busy and attractive high streets, which benefit local businesses', promoting business through pedestrianisation, and promoting enterprise and competition 'indirectly by ensuring that there is sufficient employment land available to support a variety of different firms'.

However these are mostly indirect and complex benefits which depend on the interaction of planning with a range of other influences and circumstances over a long period. The (much longer) following section of the Interim Report therefore has no difficulty chipping away at these macro benefits with a long litany of micro examples of how planning could work against the interests of particular companies in particular circumstances.

The presumption in favour of development

The Final Report (1.4 et seq) states that the 'presumption in favour of development' was abolished in 1991 with the strengthening of the 'plan led system'. This is literally true, but misleading in substance. The presumption in favour of development was never really abolished, it was just reframed. At every stage in plan making and development control, any policies or decisions that aim to prevent or restrict development have to be justified by reference to higher-tier plans or guidance and local circumstances, and are open to challenge. In contrast development is permitted unless it falls within some specific restrictive policy or provision. The burden of proof is opposite: development is 'innocent until proved guilty', whereas any restriction of development is 'guilty until proved

innocent'. Development control decisions may – indeed should – apply the provisions of the development plan neutrally, with no bias for or against development. But the pro-development bias is already built in to the plan.

The assassin's asymmetry

If a planning application is rejected, the proposer can appeal. The 2004 reforms introduced welcome safeguards against quick re-submission of the same scheme. But they cannot stop applicants from keeping on submitting variants of the same proposal at intervals indefinitely. And as soon as any one application succeeds, there is no provision for development to be stopped provided it complies with relevant conditions. Developers are therefore like assassins in the sense that they can keep on trying, and only need to get lucky once to achieve their goal. Opponents of development, in contrast, are like bodyguards: they have to be lucky every time to achieve their goal.

Moreover, undeveloped land can always be subject to a planning application for development, whereas there are only a few very exceptional circumstances in which the planning process has any opportunity to cause the 'de-development' of land which is currently developed. The planning system is one component of a development process which is overwhelmingly 'one way', leading to increases in the amount of land developed over time.

Land values as determinants of planning policy

A further reason Barker claims the planning system is insufficiently 'responsive' is that planners do not pay enough attention to the market prices land could fetch for different uses: 'Where the price of land for industrial use is substantially below the price of similar land for commercial uses, this is a market signal that the industrial land could be more productively used for commercial purposes. Substantial price differentials between land allocated to different use classes provides important information that planners should take into account as a "material consideration". The higher the price differential, the less likely it is that

other public interests will be of sufficient scale to justify not responding to that signal.' (FR para 1.20).

This reasoning is spurious because, as already pointed out, the Barker Review fails to recognise the difference between public and private benefit. Market prices for development land measure only the amounts of money that potential buyers think they could make out of developing the land in different ways. They tell us nothing about the public goods that could be created or harmed by these different commercial developments, or non-market developments, or uses of the land undeveloped.

For example the highest profit, and therefore the highest potential market price, for some urban sites may well be as a brothel, casino or computer games arcade. That does not mean these are the most desirable uses, or even acceptable ones. Barker's treatment of retailing fails to recognise any potential social, community or environmental benefit of economically 'inefficient' small shops.

Interestingly Barker admits one exception to the general principle of letting profitability drive what land is used for: 'Of course responding to these signals may mean, in certain circumstances, that land designated for employment use should be reclassified as residential. Where this is the case, it is of critical importance that the overall level of land supply is sufficient so that there is the right potential for both employment and residential use. This is particularly important given that sites currently used by smaller firms are more likely to be converted to residential units, resulting in difficulties for small businesses in accessing sites.' (FR para 1.20).

This is inconsistent whichever way round one argues. If what companies are prepared to pay for land should guide what should happen to it, then if housebuilders can outbid smaller firms for land then that's what should happen. But if it is justifiable in principle to block more profitable development (such as housing) for the sake of ensuring that smaller firms can get the employment sites they need (even if they can't afford to pay the market rate for them), then it should be equally justifiable in principle to block highly profitable development for the sake of other goals such as

Box 5: Misleading cases: Keeler

The Interim Report (Box 5.3) states that: 'Keeler was originally a family company founded in 1917, but bought by a UK group 20 years ago. They make ophthalmoscopes – tools for opticians to examine the eyes – exporting much of their production to 100 countries and having a 40 per cent market share in their niche product line. They still design and manufacture all their products in Windsor, on a 1.2 hectare site. When the Keeler family sold the company, the family house went to a separate buyer, who immediately replaced it with dense housing, some upmarket and some social, which surrounds the factory today. There is a workforce of 130, a number of whom walk to work, and who have developed specialist skills.

The factory is a single-storey building dating from 1930. To build on their recent sales and profit success, the firm would like to invest in a more modern format factory and R&D facility on the same site (which has plenty of space). This is not possible since its bulk would have an impact on the surrounding houses. As a fall-back, they would like to move somewhere close enough to retain the existing workforce. A new building could be financed by selling the current site to a housing developer – being in keeping with the surrounding houses.

There is no obvious site, and the local authority (although supportive of the basic plan) have not been practically helpful in finding one. A perfect derelict factory site about a mile away has been identified. However, the owner believes that if he leaves it vacant long enough it will eventually be re-zoned for housing and so will not sell. The council views this site as unsuitable for housing. Keeler has no prospect of a new site locally, which would free up much-needed land for housing, and no way of developing their current site economically.

This example is piquant in several ways: (1) the reasons Keeler hopes for support – local roots and loyalty, employees able to walk to work – are just the kinds of incumbency advantage which Barker criticises as obstructing competition; (2) Keeler's current problem is a direct result of housing development being allowed where it constrained the use of land for employment; (3) Keeler are now being prevented from cashing in on selling their current site for housing by the owner of the site they want to move to hoping to do exactly the same thing.

The implicit messages of the Keeler case study are thus that Councils should nurture local firms, cherish manufacturing, prevent housing development that would constrain employment, stop companies selling employment land for housing, and pressurise landowners to release property if needed by a local firm even where this is against the landowners' calculation of their best commercial opportunity. All these messages make good sustainability sense. But they all contradict the Barker Review's recommendations in favour of competitiveness.

keeping a school, hospital, playing field, local food shop, allotment, manufacturer providing jobs to people with few alternatives, or any other land use of low or no 'economic' value that might be judged desirable for its social or economic benefits.

Anti-competitive planning?

This inconsistency leads to an amusing contradiction between a passage criticising the planning system for favouring incumbents, to the detriment of competition, and a case study which criticises a planning authority for not doing so. The Interim Report (5.13) quotes Government research finding that 'planning departments are placing greater emphasis on supporting indigenous firms, for example by giving preference to local firms at particular sites'. Where this is true, it may be because of a wish to help companies that have commitments and roots in the area to develop there in the belief that they may give more to the local community, and with less leakage and risk of abrupt relocation, than footloose inward investors. These seem perfectly sensible and justifiable reasons.

Consider the Keeler example (Box 5) where the virtues of the company are described very much in these terms, and the local authority implicitly criticised for not doing more to nurture an 'indigenous firm'.

Conclusions

The proposition that the planning system is biased against development is central to Barker's case, and the Review devotes a great deal of space to it. However the evidence which purports to demonstrate it does not in fact do so. Indeed some of it shows the opposite.

For example, surveys showing most people opposed to private development in their areas do not mean the planning system is opposed to development. On the contrary, the fact that the planning system sanctions a great deal of private development despite such opposition suggests that if there is any bias is pro-development.

The Review claims that the protests of small minorities seriously adversely affected by development carry too

much weight compared to the interests of much larger numbers who would benefit, but only slightly, indirectly and unknowingly and who therefore do not make representations to the planning process. This claim disregards the evidence just referred to that it is generally the majority who oppose development, not just a small minority, and the elaborate procedures the planning system has developed for assessing the positive and negative effects of development on different social groups and objectives independently of the passion with which particular interested parties may make their case.

More seriously it disregards two asymmetries. First, the evidence asymmetry. It is often actually the direct, short term, private interest *benefits* of development which are conspicuous and easily provable (e.g. the jobs a new IKEA would create). In contrast, the public-interest *disbenefits* (e.g. the damage a new IKEA could cause to town centre vitality, retail employment, car dependency, relative disadvantage of shoppers without cars) are often indirect, longer term, dependent on second and third order consequences and therefore impossible to prove and easy to deny or downplay. Second, the 'assassin's asymmetry': development proponents, like assassins, can keep trying, and only have to get lucky once to win, whereas development opponents, like bodyguards, have to get lucky every time to avoid losing, and can't come back for another try if they fail.

The planning system is already exemplary in the way it seeks to balance short term, private interest considerations against longer term ones in the only way possible: through careful, patient, transparent, accountable debate.

If there are concerns that the planning system is not fair, priorities for reform would be:

- a third party right of appeal against development, which could reduce (although still not remove) the asymmetry;
- a requirement for all development proposals to make a case for their public interest benefits.

Recommendations on ‘Responsiveness’

This section reviews the recommendations and comments on them in the light of the preceding analysis.

Barker recommendation	Comment
Recommendation 1	
<p><i>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.</i></p>	<p>On its surface this appears to be a banal and obvious statement of what planning always does: approve development unless there are good reasons not to.</p> <p>However its effects depend on how ‘good reason’ is interpreted. Taken in its context in the Barker Review it appears to be an attempt to strengthen the presumption in favour of development by requiring objections to make a strong case while development is assumed to be beneficial without having to make any case at all.</p>
<p><i>One way of implementing this would be to make clear that where an application for development is in accordance with the relevant up-to-date provisions of the development plan, it should be approved unless material considerations indicate otherwise.</i></p>	<p>The pro-development bias could be removed by saying ‘applications should be approved if the benefits appear likely to at least balance the costs’.</p> <p>This is already the normal way the planning system works so it is not clear what the recommendation would change – unless it is intended to narrow down the range of permissible ‘material considerations’.</p>
<p><i>Where development plan provisions are indeterminate or where they are not up-to-date, the application should be approved unless there is a significant probability that the likely environmental, social and economic costs of the development will outweigh the respective benefits.</i></p>	<p>This is again a statement of the obvious, except that the drift of the other recommendations is to lower the bar for economic benefits and raise it for all other costs.</p>
Recommendation 2	
<p><i>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.</i></p>	<p>Nobody could have any problem with the idea of considering all the benefits development can bring – just so long as the costs of development (or the benefits of <i>not</i> developing) are considered on the same basis. So this recommendation again is, on its surface, just a statement of the obvious. However all potential benefits should be assessed on an equal</p>

Barker recommendation

Comment

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 plan-making and decision-making alongside consideration of any potential costs;*

footing. In particular, increases in commercial activity should not be assumed to be beneficial without an explicit statement of whose wellbeing would be improved in what ways.

PPG4 already states the relationship between economic development and other objectives very well:

‘1. One of the Government’s key aims is to encourage continued economic development in a way which is compatible with its stated environmental objectives. Economic growth and a high quality environment have to be pursued together. The Environment White Paper *This Common Inheritance* (Cm 1200) emphasised this relationship when it said that “Economic growth is not an end in itself. It provides us with the means to lead better and fuller lives. There is no contradiction in arguing both for economic growth and for environmental good sense. The challenge is to integrate the two.”’

The only change this needs is a more up to date reference than *This Common Inheritance* – if, indeed, any subsequent Government document can be found that makes the point as clearly and succinctly.

PPG4 also already states the principle that recommendation 1 advocates:

‘13. The planning system should operate on the basis that applications for development should be allowed, having regard to the development plan and all material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance. Development control should not place unjustifiable obstacles in the way of development which is necessary to provide homes, investment and jobs, or to meet wider national or international objectives.’

...and it argues for flexibility about where economic development should be permitted:

Barker recommendation	Comment
<ul style="list-style-type: none"> 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; 	<p>'15. It is now generally recognised that it may not be appropriate to separate industry and commerce- especially small-scale developments – from the residential communities for whom they are a source of employment and services. In areas which are primarily residential, development plan policies should not seek unreasonably to restrict commercial and industrial activities of an appropriate scale – particularly in existing buildings – which would not adversely affect residential amenity. Planning permission should normally be granted unless there are specific and significant objections, such as a relevant development plan policy, unacceptable noise, smell, safety, and health impacts or excessive traffic generation. The fact that an activity differs from the predominant land use in any locality is not a sufficient reason, in itself, for refusing planning permission.'</p> <p>... and for reusing old buildings:</p> <p>'19. It is preferable for buildings to be used appropriately than to stand wholly or partially empty. In older buildings, particularly those containing retail uses at ground level, the demand for the former mix of uses may have declined as a result of changing circumstances. A flexible attitude with respect to use may therefore be required to enable suitable re-use or new uses to be instituted in under-used space where this might contribute to the preservation of the building or enhancement of the townscape.'</p> <p>At only 8 pages PPG4 is also a model of the clarity and brevity which Barker (along with other commentators) commends, but which each subsequent wave of guidance seems to move further away from. As a sensibly balanced statement of how the planning process should support economic development as a contributor to human wellbeing, this PPG has worn well, and needs only minor updating.</p> <p>Price signals show what the market expects to be profitable. This is not the same thing as what is in the public interest. The planning system should continue to consider price signals as one of a number of</p>

Barker recommendation

Comment

<ul style="list-style-type: none"> • <i>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;</i> • <i>making clear that where a Core Strategy is in place, decisions on commercial development should not be delayed simply on the basis of prematurity;</i> • <i>ensuring that development in rural communities is not unduly restrained and allows for a wide range of economic activity; and</i> • <i>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.</i> 	<p>factors planning should take into account in reaching decisions.</p> <p>PPG4 already says: ‘21. Many urban areas contain large amounts of land, once used for industrial purposes but now under-used or vacant. Getting this land back into beneficial use is important to the regeneration of towns and cities. Optimum use should be made of potential sites and existing premises in inner cities and other urban areas, taking into account such factors as accessibility by public transport, particularly in the case of labour-intensive uses. Local planning authorities should identify such areas and indicate their appropriate alternative uses, including industrial and commercial uses, in their development plans, keep up-to-date details on available sites, and provide information about them to potential developers.’ This seems quite adequate to make the point.</p> <p>A reasonable point. The ‘prematurity’ issue has been worsened by the extra elaboration of the new LDF process.</p> <p>The operative word is ‘unduly’. No case has been made that the planning system is currently ‘unduly’ restrictive.</p> <p>The key question is how ‘appropriately located’ is interpreted. Tall buildings are widely resisted because, whatever their individual design quality, they would fundamentally disrupt the distinctive visual and spatial character of many English cities and towns and therefore cannot be ‘appropriately located’ in them. This is a perfectly legitimate view for the planning system to take into consideration alongside the commercial profit tall buildings might yield, or their proposers’ wish to show off.</p>
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The Final Report (1.31) states that ‘Policy revisions are also desirable to ensure that developments are not turned down on inappropriate grounds. It is not the role of local planning authorities to turn down development where they consider there to be a lack of market demand or need for the proposal. Investors who are risking their capital and whose business it is to assess likely customer demand are better placed than local authorities to determine the nature and scale

of demand’. Again this recommendation fails to recognise the difference between private and public benefit. Need is not the same as market demand. There was probably plenty of market demand for more out-of-town IKEAs. That does not mean they met any human need. IKEA’s expectation that they could make lots of profit out of such stores is not a reason for local planning authorities to abdicate their responsibility to plan in the best interests of their residents.

Barker recommendation

Comment

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;*
- *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.*

An effective response to climate change requires tighter control of parking, not looser.

This is sensible.

This fails to recognise the distinction between market demand – which can be left to applicants to judge – and social need, which applicants cannot be left to judge and which the planning system can and should consider.

This is hard to disagree with.

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.

Again it is hard to quarrel with a call for better evidence. However it is important to remember that it is easier to produce convincing evidence of short term

Barker recommendation

Comment

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.

private interest consequences than longer term public interest consequences. 'Evidence' needs to be interpreted and combined with judgement.

Another recommendation that is hard to disagree with. However its 'either/or' thinking is unimaginative. The real challenge is how to *combine* planning with price signals, regulations and other interventions to achieve policy objectives.

Recommendation 5

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 fully take into account the implications of proposals for planning legislation, policy and the resulting outcomes for future development.

On the surface this is harmless. However the grudging and hostile tone to European action in the accompanying text is distasteful and reminiscent of the UK's attitude in 1990s. It is worth remembering that most of the worthwhile improvements in UK environmental policy over the last decades have been driven by European regulation.

Additions to existing domestic regulation should be avoided except where needed to address remaining areas of market failure.

This is absurdly restrictive. New regulation should be considered wherever it can help achieve public policy goals. Addressing 'market failure' is only one of these.

Where possible, transposition should use existing regulatory mechanisms.

This is just common sense.

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;*

Better integration would be a good thing, and the current position where RSSs and RESs can pre-empt and contradict each other according to the accident of the timetables for each to be produced is unsatisfactory. But there is no justification for the RES to come first and the RSS to have to fit with it. If either strategy should take priority, it should be the RSS which is the broadest strategic plan for an area, and is adopted through a more democratic and accountable process.

Barker recommendation	Comment
<ul style="list-style-type: none"> <i>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);</i> 	<p>Productivity is only one aspect of economic performance, and economic performance is only one of many contributors to human wellbeing which RSSs should be concerned with. RSSs should not be required to have policies specifically on these means: as the very next bullet recommends, they should relate to desired outcomes.</p>
<ul style="list-style-type: none"> <i>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;</i> 	<p>This is an excellent recommendation. It is currently obstructed by the doctrine that the planning system should not discuss energy efficiency in buildings because this is covered by the building regulations. A clarification that planning authorities can set carbon outcome standards would be very helpful. The same principle should apply to treatment of economic development in RSSs. The previous recommendation – that RSSs should have to have policies specifically for five drivers of competitiveness, small firms and new entrants – is as undesirably restrictive as imposing specific means of reducing carbon footprint. Instead, it would be sensible to require RSSs to have policies to improve wellbeing, and leaving it open to planning authorities to judge whether this is best achieved by exposing their economies to as much competitive pressure as possible, or by quite different policies.</p>
<ul style="list-style-type: none"> <i>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;</i> 	<p>This is sensible. However infrastructure needs should be minimised.</p>
<ul style="list-style-type: none"> <i>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;</i> 	<p>More flexibility would be welcome if it helps secure patterns of development which facilitate low carbon lifestyles, locate new development in order to make better use of existing infrastructure, and reduce the overall area of land allocated for employment use.</p>
<ul style="list-style-type: none"> <i>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</i> 	

Barker recommendation

Comment

- *delivery of the Government’s objective of avoiding rigid local landscape designations in the context of a robust network established at national level.*

Local landscape designations help protect important areas of countryside and should be maintained unless and until equivalent protection is provided in some alternative way.

Recommendation 7

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.

This is sensible. It is easier if there is no threat of reorganisation or need to compete with others for resources.

Conclusions

Some of these recommendations explicitly call for the planning system to move substantially towards favouring development and growth. The previous Chapters have argued that the Review has failed to set out any evidence or arguments to justify this. Accordingly this report calls for these recommendations to be rejected.

A small number of the recommendations are for common sense procedural tidying which should be welcomed.

Many of the remaining recommendations are puzzlingly inconsequential. Many seem to be statements of the blindingly obvious – for example, planning decisions should take all relevant factors into account – or calls for the planning system to do what it already does – for example, approve applications that are consistent with an up to date plan unless material considerations indicate otherwise.

This might suggest that, having worked up a (largely illusory) case that the planning system is

systematically biased against development, when the Barker Review team came to examine how the process really works they found little they could criticise.

However these apparently harmless recommendations are made in the context of the strong pro-growth and anti-restraint messages of the surrounding text, and are clearly intended to amplify and reinforce the effects of the pro-growth recommendations which we oppose. To prevent this, we have proposed a range of caveats and conditions on their implementation.

By focusing solely on the economy – and a narrow conception of the economy at that – many of these recommendations undermine the planning system’s greatest strength: its ability to consider a range of different objectives together.

'Efficient Use of Land'

Barker's case

Barker's starting point is that in a small crowded island it is important to use land as 'efficiently' as possible. It would be hard to dispute this, or the calls for reusing derelict land or getting more quality in land on urban fringe.

However there is a strong pro-business agenda under the reasonable words. First, Barker never defines 'efficient' but actually means 'supportive of development' so the reader is carried into quite tendentious arguments on the back of a reasonable word. This Chapter starts by considering Barker's use of the term 'efficiency' and then reviews the evidence and the recommendations.

Meaning of 'efficiency'

'Efficiency' is a measure of the ratio of benefits/ outputs to costs/inputs. 'More efficient' just means more benefit per cost. The word 'efficiency' can only be used meaningfully if both inputs and outputs are specified. The same thing can be efficient in terms of some costs and benefits, but inefficient in terms of others. For example, removing conductors from buses improves a bus company's efficiency in terms of the ratio of passenger kilometres to operating costs, but reduces its efficiency in terms of passenger kilometres to journey time, passenger kilometres to fuel used, and passenger kilometres to congestion caused – all because removing the conductor makes the bus have to wait longer at each stop.

Likewise, moving a supermarket from an urban location to an out-of-town one will improve its efficiency in terms of sales to transport costs for the supermarket company (because it can be supplied more easily by large lorries on fast roads) but will reduce its efficiency in terms of food provided to total transport impacts because the reduced distances and delays by delivery lorries is more than offset by a large increase in shoppers' car journeys (which are much less efficient when measured as the ratio of food kilogram-kilometres per vehicle tonne-kilometre.) The discussion of retailing in IR 5.43-5.45 revealingly ignores this distinction, arguing that larger stores are more 'efficient' without saying in what terms, suggesting that the Review

assumes that commercial profitability is the only kind of efficiency that really matters.

Both these examples show that *commercial* efficiency – the ratio of business takings to costs – cannot be assumed to be the same as social or environmental efficiency – the ratio of benefits for human wellbeing or environmental protection to the costs incurred. Indeed both our examples are of changes that are commercially efficient for the companies making them, but reduce some rather important kinds of social and environmental efficiency. This needs to be kept in mind when the Barker Review talks about 'efficient' use of land. Efficient in term of which benefits and which costs?

How much of England is built up?

The Final Report (2.3 – 2.6) presents various facts and figures to argue that only around 11% of England's area is built up; that Belgium and the Netherlands are more built up than England; and that some heavily industrialised parts of Germany are more built up than the average of England excluding London.

It is not clear what this is intended to mean. The Belgium and Netherlands figures are prefaced with 'Looking at EU countries with similar population densities', so all this is telling us is that the countries with the most people per land area also tend to have a large proportion of their land built up. This is not exactly surprising, and it does not tell us anything about whether having a lot of land built up is desirable for quality of life or environmental security, or how policy should respond to it.

Comparing the *most* developed regions of Germany with England *excluding* its most developed region is about as statistically rigorous and meaningful as observing that Shaftesbury's High Street is more built up than Hyde Park and concluding that London's density must therefore be comfortably within Wiltshire norms.

These facts and figures are juxtaposed with a public opinion survey in which '54 per cent of respondents thought that around half or more of all land in England is developed, while only 13 per cent believed that less than a quarter is developed'. Clearly this means most people's perceptions are wrong. But instead of just

noting this, it might have been worth stopping to consider why people have these perceptions. Might it indicate that respondents think very little of the country is unspoilt? Likewise it is easy to refute the perception that the South East of England is 'full up' at the literal level with the statistic that less than 20% of it is built up, but that may be missing the point that people feel development has already reached desirable – or even tolerable – limits.

'Environmental capacity' is notoriously a complex and socially mediated concept (as was thoroughly explored in M Jacobs, *Making sense of capacity*, CPRE, 1994). Limits to development are, rightly and intrinsically, partly a matter of people's perceptions of what is desirable and acceptable. The literal 'wrongness' of the perceptions reported in this research should perhaps alert us to deeper messages about values and preferences which they may reflect.

What do people really want?

A different pitfall of an excessively simple interpretation of public opinion results is shown in FR 2.18: 'There are also limits to how high densities can reasonably be taken throughout the whole of England, particularly once people's preferences are taken into account. One survey shows that only 2 per cent of people, for example, would choose to live in a low-rise flat and less than 1 per cent in a high-rise block, while 52 per cent of the population would ideally live in a detached house.'

If the survey had offered the option of living in a stately home set in Capability Brown parkland with peacocks strutting their stuff and a phalanx of servants to keep the mahogany and the silver gleaming, probably a large proportion of respondents would 'ideally' have 'chosen' that. Unfortunately this option is not available because even if more of us could afford it, there aren't enough landed estates to go round and most of us would have to *be* the servants. The potential popularity of this preference is of no policy significance because there are obvious practical reasons why it can't be delivered.

Detached houses are costly and antisocial in a wide range of ways. Compared with row houses of the same size and outlook, they need more land, more

infrastructure (because of wider frontages), more construction materials, and more energy because of their proportionately greater surface area. Low to medium rise flats are generally better on all these counts even than row houses. The important and interesting question is not 'why don't we give everybody exactly what they want?' but 'how far can we give people the housing they want without causing more damage to other goods than are worth it?' This is what a multicriteria planning system is for.

In any case an over literal approach to survey results obscures a potentially very interesting and fertile line of inquiry: do people really want a detached house? This may seem a silly question, particularly to economists who take personal preferences as autonomous, exogenous and the starting point for all decisions. But suppose that what people really want is that their house is spacious, well built, free of neighbour noise, not overlooked, and in a nice area with decent neighbours and a safe and pleasant public realm. These outcome preferences may manifest themselves as an expressed aspiration to a detached house because people expect it to have these qualities more than an attached or terraced house, or a low rise or high rise flat (in that order).

If so, it might be surprisingly easy to reconcile people's real housing aspirations with high density by building flats and row houses that are spacious, well insulated, well designed and well constructed. It is interesting that terraces that meet these standards (for example Georgian Pimlico, Islington, Stockwell, Bath, Cheltenham or Bristol) are among the most prestigious and expensive housing in England, and that much of the best, and highest value, housing in Glasgow and Edinburgh is tenements – but grand apartments utterly unlike the cramped squalor the phrase suggests to most English people.

The Urban Task Force explored in detail the opportunities for good urban design to give more people better living conditions while simultaneously reducing environmental impacts and land demand. It is disappointing that the Barker Review has failed to build on this, or to consider how far the planning process is now helping to deliver the Urban Task Force's aims.

Barker recommendation

Comment

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 makes good sense. But we should not give up on VAT equalisation between new build and renovation. If the Government can’t win the battle over VAT rules with Brussels and does not want to tax new construction (though not clear why this is seen to be unacceptable while also proposing planning gain supplement), ways should be explored to offset the extra tax on renovation.

The Final Report (2.32) states that ‘protecting the land that matters most’ implies that this just means not building in designated areas. This fails to recognise that it is the quality of all land that matters, not just the designated ‘crown jewels’. Planning needs to play a much more subtle and sophisticated role than just stopping development in some places: it should maintain quality everywhere.

is a simple case of justification for regulation; it does not need to be dressed up in talk of ‘market failures’.

Flood risk

The Final Report (2.34) states that ‘There may be market failures in the provision of insurance against flood risk, where developers cannot assess potential flood risk accurately, or where individual insurers cannot cover widespread risk’. This is a rather euphemistic way of putting it. Developers make their money by selling land with houses for a higher price than they pay to buy the land and build the houses. It is naïve and sentimental to expect them to take any more interest in possible future threats to that housing than they are made to by regulations or by their customers’ preferences. Insurance companies are not charities either: they will only offer cover for those risks, and at those premium rates, that they expect over the years to be profitable.

The Final Report (2.34) goes on: ‘By forcing developers to account for risk before building, planning can address these problems. A study by the Association of British Insurers suggested that planned development in four Thames Gateway designated growth areas would increase national flood risk by 5 per cent, but would add less than 1 per cent additional housing capacity and that using existing planning guidelines “would almost completely eliminate” the flood risk. Land use planning and performance standards, in encouraging private and public investment towards locations that are less vulnerable to climate risks and flooding, are important elements for managing flood risk in the long term.’ But why stop at ‘encouraging investment towards locations that are less vulnerable’? Why not simply prohibit development in foolhardy locations?

Therefore if as a matter of public policy we do not wish unwary and poorly informed home buyers, or ones who are desperate enough, to buy properties at serious flood risk and be made destitute by flood damage they could not afford to insure against precisely because it was so predictable, we have to prevent developers from building such properties. This

The Final Report (2.35) points out that ‘Lengthy commuting patterns are already apparent in the South East due to the “pull” of London as an employment centre’. The solution is not necessarily to let London expand more. It could also be to disperse London employment to suburban areas, or disperse economic activity to the rest of the UK.

Urban fringe land

The Final Report (2.36) states that ‘A survey commissioned for the Review asked respondents to

choose the three categories of land they would most like to see protected from development. The results were that 71 per cent of respondents chose land with endangered wildlife as one of their three categories, with 54 per cent choosing land with scenic value, and 47 per cent choosing green spaces in towns and cities. Only 17 per cent cited land on the edge of towns and cities as being among the most important to protect, indicating that such land did not have the greatest priority for respondents.'

If the public overestimate of the amount land developed referred to earlier is evidence of public ignorance, presumably it would be unwise to take the results of this survey very seriously. Particularly since the question was itself loaded: 'The question put to survey respondents was: "It is very likely that with a growing population, increasing wealth and changing household structure, more land will be required for development such as housing, infrastructure, schools, hospitals and commercial development. With this in mind, what type of land is it most important to protect from development? Please choose three from the following list: land with important or endangered wildlife; land with significant landscape or scenic beauty; green spaces within urban areas (towns and cities), such as parks and school playing fields; high-quality farmland; land with historic significance such as battlefields; land on the edge of towns and cities."'

By listing land defined by four kinds of special quality first – wildlife, landscape, parks and playing fields, and farmland – and then adding a final left-over class defined solely by location rather than quality, and in a negative way – 'land on the edge of towns and cities'

– the list clearly implies this is the residual category without any of these qualities. We suspect that if this category had been put further up the list or described positively as 'open land that defines and limits the spread of cities' or used the term 'Green Belt', or made clear that such land can have wildlife, landscape, recreational and/or agricultural value the results might have been rather different – let alone if more than one of these was done.

The Final Report (2.41) claims that the public largely misunderstand Green Belt because more of them think its 'functions' include protecting wildlife and landscape (which are not 'primary purposes' in PPG2) than preventing sprawl (which is). This rather misses the point. Most people (other than planning lawyers), if asked about the 'functions' of Green Belt will think of 'what it does' rather than as 'what PPG2 states as its primary purposes'. The 'wrong' answers suggest that people think Green Belt designation does, as a matter of fact, help protect wildlife and landscape. As one might reasonably expect from a designation that (whatever its original purpose) generally prevents development in bands of land around cities. And which – as IR note 87 acknowledges – does already have these as secondary objectives (which makes the point about public 'misunderstanding' of Green Belt even more forced and gratuitous!).

The Final Report (2.45) quotes the Urban Task Force's call for some urban greenspace to be given *the same* protection as Green Belt – not for this to be *instead of* Green Belt. In other words it is a call for extension of strong protection of open space to areas in cities, not for weakening it outside them.

Barker recommendation

Comment

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:

This happens already. However reviews only recommend change when there are strong reasons. This is the right approach. Green Belts have had their positive effects largely because everyone knows that they will be maintained with little or no change over long periods. This is a good example of the certainty

Barker recommendation	Comment
<ul style="list-style-type: none"> • <i>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;</i> 	<p>and predictability which the Barker report rightly calls for elsewhere in the planning system.</p>
<ul style="list-style-type: none"> • <i>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;</i> 	<p>Many benefits of the Green Belt depend on it being uninterrupted in time and space. Fluidity will reduce its effectiveness as a constraint on development. For all these reasons Green Belts should only be altered rarely and when there are very clear reasons.</p>
<ul style="list-style-type: none"> • <i>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.</i> 	<p>The principle of using development to pay for environmental enhancements is OK. However planning gain from development in the Green Belt is not the only possible source of money for environmental improvements in the Green Belt, and there is no reason for preferring it to other sources of money. Moreover improving Green Belt is only one possible use for money raised from development. Therefore there is no logical justification for bending Green Belt planning rules just because other bits of Green Belt could do with improving. If Green Belt land is as generally dilapidated as the report makes out, that is a problem that deserves attention. However it would make the problem worse if more 'flexibility' of the kind advocated gave owners an incentive to neglect or degrade land to improve their chances of being able to develop some of it to fund improvements of other parts of it.</p> <p>In any case there are a range of environmental and social reasons to bring land around towns back into use for food growing.</p> <p>Agree.</p>

Conclusions

Failure to acknowledge (or perhaps to understand) the distinction between private and public benefits is at the root of much that is misleading in the Barker analysis. It uses the term 'efficiency' liberally but without defining it or acknowledging that there can be many different kinds of efficiency, some of which conflict. As a result the term drifts into becoming a 'feel good' synonym for 'good for business'.

The Review seeks to provide reassurance that England isn't really all that built up, but the statistics offered are so selective that the result is inconclusive. Various public opinion results are quoted, but opportunities to make intelligent use of them are not taken. Marked public overestimates of how 'built up' England is are simply dismissed as incorrect without any consideration of what they may be telling us about how the public perceive acceptable levels of development. In contrast, a majority preference for detached houses is taken as a constraint rather than a prompt to provide in denser built forms the attributes or qualities people currently seek in detached houses: the review makes no attempt to build on or support the Urban Task Force's insights.

Better use of all land (in sense of getting multiple benefits) of all land – not just Green Belt – is desirable. This is an argument for more planning controls. There is no objection in principle to recycling planning gain to manage Green Belt land better. But there is no logical reason why the planning gain for this purpose should come from developing other Green Belt land, and no justification for assuming that this planning gain is the only or the best way to fund improvements in land management.

Delivering Major Projects

Barker's case

Perhaps the Barker Review's most distinctive set of recommendations are for a new centralised procedure for planning major infrastructure. The Final Report (3.1) states that: 'Ensuring the delivery of important major infrastructure projects is of critical importance for the UK economy ... The main problems that need to be addressed are:

- the **length of time** it takes to make a decision on projects ...;
- the **uncertainty** that this brings for developers as well as local communities ...;
- the **increased costs** to both the public and the developer which delay and complexity bring ...;
- the **lost investment** if schemes are not brought forward because of the perceived difficulties in obtaining consents.'

Barker's proposal is for national 'statements of objectives' for infrastructure to be set in advance by Government, and for a new national Planning Commission of independent Government appointed experts to decide individual cases consistent with these statements of objectives.

This is like the mechanism to manage interest rates brought in by Gordon Brown in 1997: the Government sets inflation targets, and the Monetary Policy Committee (composed of Government nominees) adjusts the Bank of England's interest rate month by month to hit the inflation targets. This has proved a highly successful way to take 'politics' (in a pejorative sense) out of the month-by-month management of the interest rate (although not, of course, out of the inflation target itself). This Chapter considers whether this is a good model for the very different challenge of planning major infrastructure.

Evidence for delays

The Interim Report discusses major infrastructure projects in the context of evidence which purports to

Box 6: Misleading cases: Dibden Bay

The Interim Report (Box 3.3) notes that the Dibden Bay port proposal which would have created 1,800 jobs, took over 3 1/2 years for a decision to be made, and that 'It was ultimately rejected on environmental grounds.'. Paras 1.16, 3.41 and 3.53 quote the costs of the application at £45 million.

The main environmental downsides to the proposed development were familiar to all parties before the proposal was submitted. The cost and the time delay should therefore be seen not as costs of the planning process, but costs which the proponents of the scheme saw fit to incur in attempting to make a case for a development whose environmental downsides were well known to them in advance. The length and cost of the planning process itself reflects the system's fairness and transparency, weighing all the evidence provided by all parties and explaining the reasons. It might be better to see this not as a defect but as a valuable and reassuring defence against an attempt to 'buy' the process.

The proponents of the scheme should be asking themselves whether it was really in either the public interest or even their own commercial interests to try so hard to promote a development whose demerits were clear from the start, rather than criticising the planning system for allowing them to do so and then scrutinising the results carefully and thoroughly.

show the planning system as generally imposing unjustified delays. The next Chapter examines this evidence and concludes that it does not establish that there is any general problem about speed. This Chapter concentrates on the major infrastructure issues.

The Interim Report (1.14) states that 'Major infrastructure delays – often determined under separate legislation such as the Electricity Act – are also still common'. It does acknowledge that 'These cases are often very complex, and so it is perhaps not surprising

that they take considerable time to be determined'. Certainly the six cases listed in IR table 2 qualify as 'very complex': they are the M6 toll road, Heathrow terminal 5, London International Freight Exchange, the West Coast rail upgrade, Dibden Bay port and the Camden Town tube upgrade. Only two of these six took longer than 43 months in total, which does not seem unreasonable for projects of this complexity. Particularly given that two cases highlighted in the Interim Report tend to undermine rather than support the idea that planning is the problem: see Boxes 6 and 7.

Box 7: Misleading cases: gas import infrastructure

The Interim Report (3.7) states that 'The importance of ensuring that there are no unnecessary delays to planning is, despite these caveats [referred to in the previous para] relatively clear.' It goes on: 'In the energy sector, for example, the UK is moving towards increasing import dependence on gas. To manage this change, new supply infrastructure is needed to increase the UK's capacity to import and store gas, with the market planning to deliver some £10 billion of investment in gas import and storage projects by 2010.'

This implies that the UK's transition from exporter to importer of gas is some kind of unanticipated external shock to which we must now quickly adapt, and that if this major infrastructure cannot be implemented over the short time left before 2010, any resulting energy supply vulnerability will be the planning system's fault for failing to make important national-interest decisions quickly enough.

Actually the UK's move to import dependence around the current decade was entirely predictable, and in fact widely predicted, ever since the Thatcher Government's decisions on electricity privatisation and deregulation led to large scale replacement of coal by gas as a fuel for electricity generation and thus greatly accelerated depletion of the UK's gas reserves. Indeed, the geopolitical vulnerability this would cause was one of the main arguments advanced at the time (unsuccessfully!) against these policies.

The industry has therefore had about two decades to get ready for large scale gas imports. If proposals for major infrastructure investments needed by 2010 are only now being brought forward, this surely indicates a failure by commercial energy suppliers to plan prudently ahead. It is therefore an argument for more planning (in the general sense) rather than less. The UK would now be less vulnerable to potential gas import disruptions had the Government intervened more proactively to ensure that the necessary infrastructure had been planned and built ready for when it would be needed.

We would be much less vulnerable still if the Government in the 1980s had continued to see planning for the nation's medium and long term energy security as a critical responsibility, rather than a quaint anachronism best handed over to the commercial decisions of privatised utilities operating in deregulated markets.

Planning is in any case often only a minor source of uncertainty or hold ups. The Final Report (3.13) quotes Transport 2000's submission: 'Where delays occur [to transport projects] they are often blamed on involvement of the public or the planning system per se... [However] most of the time taken to approve and build transport schemes is not in fact taken up by public consultation or inquiries, but in decisions by Ministers. This is particularly true of schemes involving public funding, notably road, rail, and light rail schemes.'

Unless the proposed Planning Commission includes the discretion to commit substantial Government investment in its 'one-stop approvals' powers, this will remain the case. It might improve accountability and transparency if the time it took to give planning approval could be clearly distinguished from the time Government Departments took to reach deals over infrastructure funding. It would certainly stop delays in the latter being unfairly blamed on 'planning'. But it would be unlikely to reduce the total time taken. Indeed if the Planning Commission was as independent as Barker intends it to be, Government Departments might well wait to see its planning decision before starting to negotiate funding in earnest, which could potentially increase the delay from planning decision to project implementation.

In our study for the National Trust of the Government's previous proposals to reform planning *In the national interest? Government proposals for planning major infrastructure projects* (National Trust, 2002) we commented (paras 3.16 – 3.20):

'Possible MIPs [major infrastructure projects] are usually "in the air" – thought about and discussed – for years before a firm proposal coalesces and finds backers. Permutations of extra runways and terminals and complete new airports at Heathrow, Gatwick, Stansted and numerous other locations around London have notoriously been under discussion continually since the 1960s. The possibility of a large new reservoir in the Abingdon area has been under discussion since 1975. Versions of the Central Railway idea have been under active consideration since the decision to build the Channel Tunnel was taken. The technical feasibility and design studies, and negotiating of commercial consortia and finance for such large and

complex projects takes many months if not years. Commercial uncertainties often cause doubts and delays over implementation that may last years irrespective of the timetable for planning approvals, and external events can alter the attractiveness or even viability of projects. MIPs are intrinsically capital intensive and therefore sensitive to fluctuations in interest rates. All our case studies illustrate this.

'MIPs in regulated utility sectors such as water, energy or rail are highly dependent on the relevant regulatory and subsidy regimes. Changes in (for example) OFWAT rules on leakage elimination and smart water tariffs, greenhouse reduction targets or freight lorry taxes could make projects such as the Abingdon reservoir, new fossil power stations or Central Rail either totally nonviable or licenses to print money. Even supposedly "free market" MIPs, such as air or road capacity, are highly policy dependent. Traffic growth responded to the fuel tax rise. The huge 'fear elasticity' of demand for transatlantic air travel following 11 September 2001 revealed how inessential many people felt their flights were, and therefore how much difference any measures to reduce incentives to fly could potentially make to demand.

'In view of the above, the assumption on which the Government's reforms are based can be readily contested. The country's economic well-being is not imperilled by an inability to make snap decisions to build ports, airports, railway lines, motorways, reservoirs, power stations and such like in places nobody had ever thought of doing so before. Government could do more for the orderly management of MIP investments by resolving big economic uncertainties, such as Euro membership, and setting a stable and predictable long-term regulatory and policy framework, than through reforming planning procedures for MIPs.'

In any case, as the Interim Report (3.9) notes, 'These concerns [over delays] led speed to rise to the top of the national agenda for planning policy. Recent steps taken to address this have included ... reforms put in place to speed up major infrastructure project inquiries'. IR 3.11 adds: 'The new provisions for major infrastructure projects have yet to be tested so it is not possible to evaluate their effect'.

So the evidence offered in the Interim Report suggests that excessive planning time can be seen as a problem only in a tiny minority of exceptional cases; that even in some of these it would be fairer to blame problems on developers unreasonably persisting with proposals whose demerits were clear from the start, or leaving to the last moment investments whose need was predictable years ahead; that in any case it has already been identified as a problem and steps taken to address it; and that it is too soon to see if they are working.

The only sensible response to this evidence would be to wait and see whether the recent fixes have worked, and not propose any further changes without up to date evidence that any remaining problems are both genuinely attributable to planning and significant enough to warrant radical action.

Clear national policy

Barker's first requirement (FR 3.4) is 'the need for clearer statements of national policy by Government. This will provide greater certainty for developers and a robust framework within which planning decisions for major projects can be made'.

It is indeed not sensible for each planning decision about an individual piece of infrastructure to re-examine all the fundamental underlying aims and policies, as has happened in some of the most notoriously long public inquiries in the past. However the failure of the Government's previous attempt to take public policy debate out of infrastructure project approval (the 2002 proposal to give consideration of major infrastructure projects to Parliament) provides a warning that any future attempt needs to understand and address the reasons it has happened there in the past.

The reason national and local NGOs, pressure groups and interest groups have been so insistent on using planning inquiries to open up fundamental questions about the need and justification for proposed infrastructure, and why inquiries have frequently allowed them to, is very simple: there has not been anywhere else to do it. It is a healthy response of a mature civil society to a major deficit in democracy, accountability and transparency.

If any procedural reform to suppress or bypass examination of underlying issues in planning inquiries on major infrastructure projects is to secure public acceptance, or even acquiescence, it must provide some other mechanism of investigating the need and justification for infrastructure fully, fairly and openly, and taking the full range of environmental and social as well as economic factors fully into account before any specific project proposals are brought forward.

Producing 'clearer statements of national policy' would be a sensible way to do this. However these would have to be more rounded and justified than Barker's suggested example, the *Air Traffic White Paper 2003*, a crude exercise in 'predict and provide' whose consequences, if they are allowed to go ahead, will over the period to 2050 negate all the potential climate change gains from other sectors.

The options hierarchy

To provide an acceptable substitute to case-by-case challenge of the rational for infrastructure, the process of producing national statements would need to follow the 'options hierarchy' set out in (for example) Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents Guidance for Regional Planning Bodies and Local Planning Authorities:

[1] need or demand: is it necessary?

Can the need or demand be met without implementing the plan at all? Can the proposal (development, infrastructure etc.) be obviated?

[2] mode or process: how should it be done?

Are there technologies or methods that can meet the need with less adverse effects than 'obvious' or traditional methods?

[3] location: where should it go?

[4] timing and detailed implementation: when, in what form and in what sequence, should developments be carried out? What details matter, and what requirements should be made about them?

The 'top end' of this hierarchy will inevitably become steadily more pressing and important because there are several reasons why 'traditional' infrastructure will become increasingly difficult to site and implement acceptably, and therefore finding ways to avoid needing them becomes increasingly beneficial. Again quoting from our 2002 report for the National Trust: 'There are several reasons why, as time goes on, the balance of benefits to disbenefits of new MIPs of any given kind will generally get worse.

- The best sites – that is, those that offer the best ratio of benefits to costs – will generally be chosen first. This is most obvious with reservoirs, where the massive engineering proposal at Abingdon is only being considered because all the more naturally suitable sites have been used. It follows that each successive MIP of each kind will have to go to a more problematic site.
- As household size decreases and the 'space intensity' of lifestyles increases, all land is subject to more competing pressures. Possible MIP sites may be lost to other developments. The opportunity cost of using sites for MIPs (that is, the other potential uses and benefits from the land that would have to be foregone) will increase. Of course, these effects will be strongest in locations already highly developed and/or subject to strong development pressures. Since MIPs are often proposed to provide for increased demand from new development, the places where MIPs are most wanted are likely to be precisely the places where it is hardest to fit them.
- Standards and expectations increase. For example, disturbances such as noise, vibration and diffuse air pollution are increasingly recognised as important threats to quality of life even at levels well below those conventionally regarded as health risks. As living standards rise, people place a higher value on amenity and environment and are less willing to accept losses for the sake of further increases in economic activity. Reopening Central Railway would be far more contentious now than its former operation (with noisier and dirtier steam trains).

- Diminishing marginal returns mean that the increment of demand serviced by each extra MIP will give less utility than the previous one. Some schools of economics would go much further and argue that, beyond some point of satiation, further increases in many forms of consumption produce more disbenefits than benefits.'

The next paragraph explains why the second step in the options hierarchy also deserves attention.

'Individual cases may buck these trends because of specific local circumstances. A new MIP may be easier and less contentious than foregoing ones if (for example):

- an opportunity arises to replace an obsolete piece of infrastructure with one with lower impacts or higher capacity;
- some constraint (for example land ownership) which previously prevented use of an appropriate site is now removed;
- technology improves;
- an increase in potential commercial benefits of the proposal makes a less intrusive technology economically viable (for example tunnelling under a sensitive area).'

The third step in the options hierarchy, location, is the most familiar and does not need any further comment here. However the fourth step does. The coordination and phasing of infrastructure with other aspects of development can have a major influence over behaviour and future infrastructure needs. For example, Vienna City Council requires that a new tram line is completed, and trams are actually running to a full normal timetable, before any residents move in to new satellite suburban settlements. This is obviously 'inefficient' in tram operation terms (eg passenger-kilometres per tram-kilometre or service delivery cost).

But it is one of a package of measures that implement a Council policy that no resident should have to resort to using a car because good quality public transport is not available. The package has ensured that Vienna

has steadily reduced traffic despite increases in population, affluence and car ownership.

This can be contrasted with Milton Keynes where space was left down the main boulevards for a tram system to be built as soon as there was sufficient demand to justify it. That happy day has not yet dawned and is not expected soon, because in the absence of trams residents have adopted car dependent lifestyles which could now make little use of trams even if they suddenly appeared.

The poverty of a reactive approach to infrastructure

Given both the growing need and the opportunities for creative 'outside the box' responses to apparent infrastructure requirements, it is disappointing that Barker construes the problem as the narrow and one-dimensional reactive one of delivering the infrastructure needed to service growth. The poverty of this is illustrated by examination of the examples the Final Report offers: 'Ensuring the delivery of important major infrastructure projects is of critical importance for the UK economy. Benefits include energy security (through securing increased energy supply in the context of rising demand), more flexible labour markets (through delivery of transport infrastructure) and limiting environmental harm (through supply of waste facilities).'

Consider these in turn. The best and most foolproof way to improve *energy security* is by reducing demand and reducing energy dependency. The planning system has sought to do this since the early 1990s through promoting lower energy development, reduction in the need to travel, and better transport access. The new proposals announced by Ruth Kelly in December 2006 are a welcome step forward.

The next best way to improve energy security is to promote diverse, small, embedded, low carbon energy supply: small renewables, local biomass, combined heat and power. The planning system is already making welcome steps towards a more proactive approach to these.

Traditional centralised major infrastructure projects are at best irrelevant to this new agenda, and at worst

reduce our security because they are vulnerable not only to climatic disruption of transmission infrastructure but also to terrorism and civil disobedience. The 2000 fuel price protests showed both how easily a tiny group of protestors could disrupt an energy distribution system based on a few centralised facilities, and how small a blip in petroleum distribution could cause wide disruption to daily life. The Buncefield oil depot fire was an accident, but showed how much damage and disruption could potentially be caused in a major installation by a small sabotage operation if it was technically well designed. Nuclear power stations bring problems of their own.

Accelerating approval of large scale energy projects will be irrelevant to the small scale embedded energy facilities that should be the future. Indeed if the proposals succeed in making getting planning consent for large scale, generally dirty energy quicker and easier, this creates an incentive to build another generation of 1960s style inefficient centralised plant rather than develop decentralised, more efficient and responsive alternatives. By favouring the big established companies able to develop big projects, this also contradicts one of Barker's own precepts of using planning to break down entry barriers and open to competition. The real competition in energy should no longer be between a handful of multinationals building huge central plants to exploit dirty and unsustainable energy supplies from geopolitically precarious sources. It should be between that entire 'sunset' industry and a smarter 'sunrise' one based on decentralised, decarbonised energy services.

Second, '*more flexible labour markets* (through delivery of transport infrastructure)' is an economist's euphemism for providing the capacity to enable more, longer commuting journeys. This is the opposite of what a sustainable approach to access needs. If the planning system has really obstructed this, that is a success.

Third, '*limiting environmental harm* (through supply of *waste facilities*)'. The best way to 'limit the environmental harm' caused by waste is to avoid creating it in the first place. In recent years significant increases in the costs of landfill have finally begun to motivate serious efforts to reduce waste arisings and maximise reuse, recycling, composting and other

environmentally efficient forms of resource recovery. The price rises have been largely driven by European regulation (notably the Landfill Directive) and UK policy (notably the Landfill Levy), but increasing scarcity of disposal sites caused partly by difficulty getting planning permission has contributed. Concern about the future availability of disposal sites has also directly encouraged local authorities to explore waste reduction opportunities more energetically.

The other waste technology that requires large plants that are unpopular neighbours is mass incineration with energy recovery. This is environmentally a poor solution since mixed waste inevitably contains pollutants which require elaborate technology to 'scrub' from flue gases and make the ash unusable, and because a lot of the energy potential is wasted driving water off the 'wet' fraction and making it burn. Its only attraction is that it is quicker, simpler and cheaper to set up than environmentally cleaner and more efficient methods based on separating waste streams and getting the maximum benefit from each component through appropriate treatments including refilling, recycling, pyrolysis, incineration of specific wastes, digestion and composting. As with landfill, planning obstacles to mass burn incinerators are a good thing because they encourage waste authorities to develop better methods.

These environmentally preferable waste installations are also often resisted by their potential neighbours, especially where the technology is unfamiliar. It is important for sustainable development that planning does support them by ensuring sites can be made available. However because these installations are generally small, the proposed new process for major projects would not help. Anyway a new process is not needed. Strong and clear national guidance properly reflected in regional and local plan policies can do the job.

The Final Report (3.29) points out that section 167 of the *Water Industry Act 1991* created a 'one-stop-shop' procedure 'whereby the water company can apply to the Secretary of State and then, if the Order is made, can also deem planning permission, provide compulsory purchase powers, and grant any other necessary consents....' However it also points out

that this power has never been used. It would be prudent to explore why not before proposing similar reform for other sectors.

Puzzling exclusions

The Final Report (3.31) states that 'Unlike applications for major infrastructure, it would not be appropriate for the Government to establish national Statements of Strategic Objectives for development such as retail, offices or warehousing'. Why not? Isn't it legitimate for Government to have a view on how much of these kinds of development is in the public interest, what kinds, and where they should go? The IKEA example quoted above (see Box 3) shows how cumulative effects of local planning decisions have altered the pattern of retailing we have. In this case we got the right answer by luck. It should be possible to do so by deliberate policy.

It is also puzzling that the Review seeks to weaken and restrict one bit of existing planning 'clockwork' which already helps ensure that development control decisions consistently support national policy priorities: the use of call-in Directions. The Final Report (3.46) proposes that 'In particular the Density Direction, the Greenfield Direction and the Shopping Direction should be reviewed with an eye to withdrawing them in the near future'. This would be an unwise and regrettable loss of three valuable and effective measures.

The inconsistency between this recommendation to dismantle a working, effective and relatively simple mechanism for national coordination while simultaneously proposing setting up a more elaborate new one in the form of the new process for major infrastructure suggests that the Review failed to develop any coherent guiding philosophy for how planning should work, but instead settled on a piecemeal patchwork of opportunistic fixes whose only unifying feature is the intention to advance business interests at the expense of any other considerations.

The Final Report (3.47) states a possible way to do this: 'An option here would therefore be to rethink the Departures Direction. Applications to which the local authority propose to grant consent should be

assessed to establish not just the degree to which they are a departure from one or more provisions of the plan, but to the extent to which they are in general conformity with it. A “general conformity” direction would mean that a local authority would have to assess how significant the proposal was in terms of its lack of conformity with the local development documents and the Regional Spatial Strategy. The fact that the proposed development would contravene one or more core policies would not of itself indicate that it should be referred to the Secretary of State.’

Not contradicting a plan’s core policies is a pretty good test of whether a proposal is in ‘general conformity’ with a plan, and is transparent and justifiable – compare ‘your proposal isn’t consistent with policy X’ with ‘hmm, your proposal doesn’t really seem consistent with the plan, though I can’t put my finger on any specific policy it is not consistent with’.

Barker recommendation

Comment

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;*
- *the Planning Commission would be comprised of leading experts in their respective fields. Proceedings would be based on a streamlined*

Clear statements of national policy for infrastructure would be very beneficial. But they need to be more sophisticated and joined up than the separate shopping lists for different kinds of kit implied here. In particular they need to apply the option hierarchy where obviating infrastructure is top priority, followed by promoting the most sustainable technical approach, and only then proceed to the location of any necessary installations.

These statements should be subject to independent sustainability appraisal to the standards already set for regional plans.

This is a sensible solution to Barker’s framing of the problem as how to ensure that a growing stream of major infrastructure projects are cleared briskly so as not to slow growth. We argue that this framing is completely wrong. The real challenge is to avoid the need for major infrastructure wherever possible and then choose the best (= least damaging) methods. There is no evidence that planning delays are a significant problem, and therefore no need to create a new institution to reduce them.

There is no need to create a new institution to achieve these results.

Barker recommendation

Comment

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.*

This is the status quo.

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.

More proactive and powerful institutions for the coherent planning of areas needing major change would be desirable. Continental examples such as Forum Vauban in Freiburg, Germany offer a possible model. This succeeds by setting stronger standards and constraints on commercial development. The UDC model is not helpful or appropriate for this.

Conclusions

The Treasury inflation target / Monetary Policy Committee mechanism that provides the model for Barker’s proposals is a successful response to an unusually simple, indeed almost one-dimensional, policy problem: manipulating a single policy variable to achieve a single quantified target, where the target responds strongly, sensitively and quickly enough to the variable for this single intervention to be able to achieve the desired result, and where the collateral consequences of changing the variable (e.g. the effects of higher or lower interest rates on business investment, mortgage foreclosures etc) can be left to other interventions to manage.

Barker’s Chapter title ‘delivering major projects’ and the headline statement quoted above show that she sees infrastructure planning as an almost equally simple and one-dimensional task of processing

applications briskly enough to ensure that developers are cleared to pour concrete on a grand scale fast enough to keep up with business’s demands.

This analysis excludes any reference to the need for infrastructure, its quality, the likelihood of steadily increasing difficulty finding acceptable sites as the best ones have been taken first and land pressures increase, the mutually reinforcing relationship between increases in demand and supply, or how infrastructure’s impacts can be minimised or avoided.

These considerations make planning public infrastructure unavoidably a complex multi-dimensional challenge: to select from and orchestrate interventions of variable strength and effectiveness to achieve the best trade-off between a complex range of sometimes contradictory objectives, where the

interventions have effects over a long period, and second and third round feedback effects may be more significant than the 'obvious' direct effects.

These considerations make it folly to weaken and bypass the current procedure's safeguards in order to ensure that traditional predict-and-provide planning can continue to deliver large scale facilities indefinitely despite their diminishing returns and increasing impacts. The prudent, environmentally sustainable and socially acceptable approach to infrastructure in future should be almost the opposite: to minimise the need for major infrastructure by smarter approaches to defining and meeting needs; to develop less intrusive and resource-hungry approaches (which are generally devolved, localised and involve renewable rather than fossil technologies); and to coordinate location and implementation of the remaining unavoidable infrastructure to support demand reduction.

Some examples which claim to show that quick planning decisions are needed for the public interest actually show that the issues are only urgent because the private sector has been late in planning for needs that have been predictable for many years: they are arguments for a more coherent, public sector led process of planning nationally important utilities, not for faster response on end of pipe solutions.

The Administrative Chapters

Much of Chapters 4 – 7 of the Final Report are devoted to proposals for administrative reforms to ‘streamline’ the planning system. These are, in the Hitchhikers’ Guide terms, ‘mostly harmless’ and are not discussed in detail here. However this section picks up on some which have substantive implications.

Evidence on speed

Much of the Interim Report is devoted to arguing that planning delays cause unacceptable problems. Arguments specific to major infrastructure projects have already been covered; here we discuss the more general points.

The Interim Report (3.7) states that ‘A recent select committee inquiry found that the majority of concerns expressed by business around the planning system related to “day-to-day operational issues such as delays, direct costs to firms, and uncertainty”.’ There is rather less to this than meets the eye: (1) if these operational issues were the ‘majority’ of concerns, all this means is that business had fewer concerns about other aspects – for example the wisdom and fairness of the decisions actually made; (2) the inquiry was in 2003, before the 2004 reforms which were largely driven by worries about speed (as the next paragraph makes clear). This is scarcely relevant to the position in 2006, especially given that IR 1.13 reports improvement.

IR Para 1.14 reports that appeals are slower (partly due to rising caseloads), some authorities are missing the 13 week target, and controversial applications take longer to determine – although we are reassured that the report acknowledges that ‘reliable data is limited’ which would seem something of an understatement given that the only evidence referred to is one submission to the Barker team by one developer (Barratt: see Box 8).

Nobody could disagree that planning decisions should not take any longer than necessary, or that any localised problems over timing should be tackled. But the evidence offered by the Barker Review that there is a *general* problem of speed in the planning system is flimsy and out of date.

The Interim Report quotes a selection of anecdotal complaints about delays by business interests. However no evidence is presented to show that they are representative, and the report makes no attempt to check the truth of the claims or investigate the context. So there is no way to tell whether any delays that actually occurred were due to shortcomings in the planning system, or to developers failing to provide information reasonably asked for, or to comply with planning policies, or simply reflect the difficulty and complexity of ensuring that development meets public as well as private objectives to the greatest extent possible.

Even if applications *are* taking longer, this is only a failing of the planning system if it is assumed that applications (including major and controversial ones) generally deserve to be given the nod with minimum formalities. The reality is very different. Consider two of the examples highlighted in the report: Dibden Bay (Box 6) and Barratt (Box 8).

In conclusion, the Review presents no solid evidence that there is a general problem of unjustified delay in planning. There is therefore no evidence-based case for further reforms now. It would be wise to wait until the effects of the 2004 reforms can be reliably and systematically assessed before proposing any further actions on speed.

Planning gain supplement

The Final Report (7.6) points out that ‘the *Barker Review of Housing Supply* recommended the introduction of Planning Gain Supplement (PGS) to capture a modest portion of the land value uplift accruing to land granted planning permission. The Government has committed that a “significant majority” of PGS revenues would be recycled back to local authorities, providing resources for the delivery of infrastructure and other public goods for new development.’ This is seen as an improvement: The Final Report (5.24) comments that ‘Protracted discussions to negotiate Section 106 agreements, arising partly from indeterminacy of process, can cause delay and frustration. The introduction of the Planning Gain Supplement, which was proposed to capture the value uplift accruing to land going through the planning process, combined with a pared back Section 106 should help to reduce the need for negotiation.’

Box 8: Misleading cases: Barratt

The Interim Report (3.21) reports that 'According to a major housing developer [Barratt] large applications now take around 14 months to process ... compared with 12 weeks in total 25 years ago'. The kinds of development Barratt were getting through the planning process so briskly 25 years ago made 'Barratt box' a byword for a type of poor quality unsustainable development which planning authorities and successive environment and planning ministers have been attempting to discourage and rectify since the early 1990s. The fact that Barratt could get those through planning in only 12 weeks is evidence not that the planning system was more 'efficient' then, but that it was too weak to do its most basic job of preventing poor development.

Moreover we should consider what is going on during those 14 months. Barratt are quoted as saying the 14 months is made up of '20 weeks pre-application discussion, 25 weeks from registration to approval and 20 weeks for Section 106 negotiation'. In other words only 25 of the 65 weeks are taken up with the formal application to decision stage: the other 40 are split between the informal discussions before and after.

Pre-application discussions are designed to help applicants understand the aims and effects of relevant planning policies and to frame their proposals in ways which meet planning requirements and are therefore likely to be approved. They are rightly commended by the Final Report (5.16-5.17). Section 106 negotiations then conclude planning agreements. These generally cover such matters as (for example) ensuring that there are sufficient school places and doctors surgeries ready for when families move in to new housing; that amenities such as public open spaces and bus stops are provided; and that the necessary infrastructure – roads, energy, water, sewerage – is provided without people already living in the area having to subsidise it for the newcomers.

Clearly the time these two stages of negotiation take depends on how readily the parties can reach agreement. Longer periods may indicate delays or unreasonableness on the part of the planners. But they might just as well indicate applicants repeatedly failing to match up to planning requirements, trying to get the planners to agree to development that falls short of the quality standards the planning policies are there to uphold, and/or refusing to offer adequate planning obligations.

Without a great deal more detailed evidence it is impossible to tell whether the increase in time reported by Barratt is typical, and, if it is, whether it signifies failings in the planning system or in developers' attitudes. Or whether it is simply the price of achieving markedly better development than was allowed in the good old days of quick uncomplicated planning approval in the 1980s.

The problem with this is that a money levy on development gain will give developers an incentive to develop *profitably*, not *sustainably*. It is a missed opportunity to reform planning obligations to give an incentive for sustainable development by charging for public goods damaged. As pointed out in the Barratt example (see Box 8), Barker offers no evidence that the (sometimes long) time taken to negotiate planning obligations is the fault of planners rather than a result of developer resistance or brinkmanship.

If 'indeterminacy of process' is really a problem – rather than just a pejorative term for what Barker elsewhere approvingly calls 'flexibility' when it operates in the interests of developers rather than the public interest – then one obvious and straightforward solution would be to institute a systematic and transparent process for identifying and evaluating the public goods potentially damaged by development, identifying the ways the damage could be avoided or reduced, and specifying how any remaining damage could legitimately be offset or compensated for as part of the development package. This could include the possibility of off-site compensatory 'shadow projects' such as subsidising retrofit of water economy measures, or better cycling and pedestrian facilities elsewhere in a district to offset increases in potable water demand or traffic generation from proposed new development.

Development control officers, and ultimately elected members, would retain discretion over how far to require developers to carry out or pay for such projects. They could decide to accept uncompensated losses of public benefits – for example loss of access to recreational open space or visual amenity, or added sewerage or waste loading – if they judged that the benefits of development justified them, and that the potential profits from the development were not enough to pay for all the offsets.

But the decision about what to seek and what to sacrifice would be open and accountable. This would be a great improvement on the current situation, where the combination of wide discretion and private negotiation makes it difficult to demonstrate fairness or consistency, or refute suspicions of arbitrariness, political or special interest motivation or even

corruption. It would also be a great improvement on the proposed planning gain supplement because it would enable planning authorities to continue to give developers financial incentives to develop in ways that are best for the public good.

We suspect that if the full 'balance sheet' of gains and losses was routinely assessed in this way, a great deal of current development would be revealed to be a poor deal for the public interest, depending on 'enclosure' or destruction of public goods to make private profit.

Intriguingly, Barker already commends something which at first sight looks quite like this in the Final Report (7.20): '... developers who choose to offer good-will payments to individuals – most likely in the form of standardised payments – in order to gain wider acceptance of their scheme should not face unnecessary restrictions on doing so'. Clearly this is attractive to anyone thinking about development in an exclusively market paradigm. If a would-be developer's willingness to pay for freedom to develop in a certain way at least equals the sums the neighbours are each willing to accept to compensate them for the resulting losses of amenity, then according to basic neoclassical economic theory the deal should go ahead because everybody wins.

However this idea – for intending developers to be able to buy acquiescence with cash payments to private individuals – is actually quite different from the approach proposed above. To anyone who does not believe that market transactions can satisfactorily capture all human values, 'goodwill payments' raise an uncomfortable question over whether it is healthy to add even minor planning permission to the panoply of opportunities and freedoms that money can now buy. Is it really good for society if a home owner rich enough to proffer wads of banknotes to the neighbours can build an intrusive new extension, while a less wealthy homeowner in otherwise identical circumstances can't? And is it right that the wealthy homeowner could buy the right to block the light and overlook the windows of a poor neighbour too desperate for money to risk turning down any offer, but pay much more to the richer neighbour the other side who could afford to say no at any price?

Because this is what will happen if development impacts are made tradable market goods. That is what 'rich' and 'poor' mean in a market economy.

Barker evidently sees no problem with this. Indeed she is emphatic that 'goodwill payments' must not be thought of as compensation: 'Critically, the contention is not that developers must compensate directly for any loss of welfare'. This would produce a number of problems, not least the incentive to mislead about the scale of harm caused in order to maximise the compensation payment, perversely increasing opposition to development. Further, it would not be right to establish the principle that development necessarily has adverse effects, or that any that do exist should always be compensated. It could also cause difficulties in terms of potential interaction with Section 106 and PGS (FR 7.20).

It is worth examining this reasoning in some detail. If the perverse incentive point is valid, it is equally so regardless of whether the process is described as 'compensation' or 'goodwill payment': in either case neighbours have the same incentive to pretend or exaggerate their opposition to a potential development in the hope of maximising their cash payoff. The objection that a compensation approach might complicate the operation of Section 106 and Planning Gain Supplement seems to put the cart before the horse. Surely a review of this topic should first decide what the right approach should be and then design administrative mechanisms to deliver it. If Planning Gain Supplement is not consistent with a fair and sustainability-enhancing approach to planning gain, surely the mechanism should be adapted to the principle, not the other way round.

This leaves reluctance to admit that development often has downsides that should be compensated. We would agree that creating a general right to individual compensation for private amenity harmed by development would be an unwholesome extension of the 'compensation culture'. But that is entirely different from the principle proposed above that harm to *public* interests caused by development should be systematically and transparently identified, and planning authorities should have the power to require developers to compensate the *public* for as much of

any such harm as they think fit. As with several previous topics, the Barker Review cannot grasp this idea because it does not recognise the difference between public and private interests.

Towards Really Positive Planning

The Barker Review frequently uses the term ‘positive planning’, but all this means is ‘positive towards business demands’. We think there is an urgent need for planning to be ‘positive’ in the more ambitious sense of proactively promoting a better way of life, in which environmental protection and human quality of life are advanced together.

As noted in the previous Chapter, *The Barker Review’s Remit*, one of the four indents of the Baker terms of reference is ‘the relationship between economic and other sustainable development goals in the delivery of sustainable communities’. This could have provided an opening for the Review to discuss ‘positive planning’ in this more ambitious sense. Disappointingly this is all but ignored in both Interim and Final Reports.

This Chapter therefore seeks to outline some of the main features of a genuinely positive planning. Our starting point is climate change.

Climate change

The Interim Report made only cursory and superficial reference to climate change. The subsequent publication of the Stern Review brought a marked and welcome increase in attention. The Final Report repeatedly acknowledges the importance of climate change. It includes welcome reference to the need for stronger planning policies to reduce vulnerability to flooding, and calls for plans to give more support to renewable energy and other climate-friendly technologies. However despite the repeated references it fails to make any connection between the climate change imperative and the consequences of its main recommendations.

There is a good reason for this. Barker’s main recommendations will mostly make climate change worse. A serious response to climate change would require different, often opposite, changes to planning: to strengthen and promote economic localism and reduce dependence on trade, actively reduce travel and transport, strengthen the containment of cities and towns, raise densities, resist sprawl, and promote energy efficient built forms (e.g. terraces and flats) as well as high levels of insulation, neighbourhood level combined heat and power and decentralised, local,

embedded provision of food, energy, water and waste management. Above all it would require determined and consistent efforts to reduce the amount of development, especially infrastructure, needed to meet needs, prioritise low carbon alternatives (for example provision for cycling, walking, bus, train, rainwater and local biomass crops) and prevent any increase in the least sustainable ones (for example air and long distance car travel, desalination and fossil fuel imports). Barker could not really get to grips with climate change without radically rethinking her whole programme.

The latest climate science – notably the February 2007 IPCC report *Climate Change 2007: The Physical Science Basis: Summary for Policymakers* provides compelling confirmation, if any were needed, that prompt and decisive action to reduce greenhouse gas emissions now needs to take precedence over policy objectives that cannot be reconciled with it. That would include most of the Barker Review’s main recommendations.

This Chapter begins by sketching some aspects of planning for climate change. It ends on an upbeat note by explaining that the same changes needed for climate security will also improve quality of life.

The challenge

The conclusions of the *Stern Review of the Economics of Climate Change* include:

- ‘the scientific evidence is now overwhelming: climate change presents very serious global risks, and it demands an urgent global response;
- the benefits of strong, early action considerably outweigh the costs;
- the earlier effective action is taken, the less costly it will be;
- policy to reduce emissions should be based on three essential elements: carbon pricing, technology policy, and removal of barriers to behavioural change.’

The role of planning in climate change

Spatial planning is a major tool for the third of Stern's 'essential elements', 'removal of barriers to behavioural change'. Since the issue of PPGs 12 and 13 in the early 1990s, promoting more sustainable (including, among other things, less carbon intense) patterns of development has been a major aim of the planning system. Policies to achieve this have included:

- encouraging development in existing built-up areas, where occupants and users can benefit from and anchor existing services and infrastructure, and discouraging development in remote locations where it would generate extra traffic, for example by applying sequential tests to location of new housing and retail development;
- promoting regeneration of urban areas, notably through high density mixed use redevelopment offering a good quality of life with minimum travel;
- promoting coordination of land use and transport, to maximise access to public transport and the practicability of cycling and walking;
- setting national maximum parking standards, and encouraging planning authorities to set more stringent standards where local circumstances permit;
- maintaining settlement boundaries and separation and resisting sprawl and unnecessary loss of countryside to development;
- promoting increased density, to reduce the need to travel, support more local services, and incidentally reduce the material requirements and energy use of buildings;
- promoting renewable energy sources both on- and off-site;
- promoting reuse of previously developed land and buildings, and use of local and recycled construction materials.

There are innumerable cases where development control decisions have prevented development that would have added to climate change through unnecessary transport dependence, and encouraged more climate friendly forms of development. Planning policies have helped achieve inspiring results, including the regeneration of inner city areas in Manchester, Leeds, Newcastle, Birmingham and Clerkenwell, Spitalfields or Southwark in London, and exemplary low energy developments including BedZed in Sutton and Hockerton in Nottinghamshire.

It would be difficult to dispute that over the last decade and a half the planning system has helped achieve lower carbon emissions, lower levels of car traffic and car dependency, and patterns of development in better shape to support adaptation to climate change, than would have been the case without it. Very often it has done this by thwarting or constraining the market's preference for dispersed, car-oriented, low density greenfield development.

However it is impossible to quantify the effect of the planning interventions, since in every case spatial planning was only one factor which came together with others – public investment in service provision, infrastructure and remediation, political ambition, new trends in lifestyle preferences, and not least entrepreneurial creativity, vision and willingness to take risks on the part of private developers – to produce results that could not have been achieved without all these inputs.

It is also possible to identify individual cases where well-meaning planning interventions may have perverse results, such as development 'leapfrogging' Green Belts or development prevented in one place moving to another worse for greenhouse gases (IR Box 8.3 reports assertions that the Oxford Green Belt has caused this at Didcot), and cases where planning interventions which *enable* lower carbon lifestyles do not lead to the desired behaviour change. For example, providing jobs, shops, schools, entertainments locally to housing does not guarantee that residents will use the local services rather than travelling to distant ones; providing public transport does not guarantee that people will use it.

It is also very clear that – however much worse things may have been without them – current interventions and initiatives on climate change are achieving nowhere near enough. The UK’s apparent success in reducing greenhouse emissions to date has been an accidental by-product of the ‘dash for gas’ and the ‘off shoring’ of manufacturing industry. Emissions are now rising anyway. We therefore need urgently to raise our game on climate change.

Stronger planning interventions

There are several ways the planning system could be far more effective in promoting a low carbon way of life in future. We start with two of the most obvious.

Setting low carbon emission standards for individual developments

‘Merton rule’ policies – named in honour of the London Borough that pioneered them – require certain categories of development (generally larger commercial ones) to include enough on-site renewable energy generation to meet a certain percentage of their energy demands. In addition to their direct effects on emissions, such policies also help develop the market for renewable technologies and the expertise applying them. Perhaps most valuably of all, they give developers an incentive to make developments more energy-efficient so as to reduce the amount of renewables capacity they need to provide.

However this reveals a problem. Piecemeal on-site renewable installations are often a very expensive way to achieve a given level of emissions reduction. Energy efficiency measures or purchase of off-site renewable energy are usually cheaper. Even taking into account the conservation-incentivising and market development effects, requiring on-site renewables is still a roundabout and economically suboptimal way to achieve carbon reductions.

Merton rule policies are becoming popular because Government does not allow planning authorities to use the obvious simple, direct and economically efficient method of achieving desired levels of carbon reduction: setting maximum carbon emission standards for new developments and leaving developers to achieve these through whatever combination of efficiency measures, on-site renewables and buying off-site renewables or compensatory shadow projects they wish.

The reason Government states for prohibiting this is that building regulations already cover energy efficiency standards in buildings, so planning policies should not duplicate them to avoid confusion or conflict. However this is a spurious argument. National Building Regulations would still apply: local planning authorities would have no power to reduce or ignore them, so there would be no conflict. And parking standards – where, as already mentioned, Government sets a national basic standard but planning authorities are free to set tougher standards

Box 9: Integrated waste management, Helsingor

In Helsingor, Denmark, in the late 1980s a new municipal waste collection system was introduced. Householders had to put out separate containers for recyclables, wet organic waste (including cooked and raw food waste, garden waste and nappies), and dry combustible waste including wood. The combustible waste went to the town incinerator. Because it was freed from wet material it released more heat; this was used to drive a power plant and provide waste heat to a district heating grid. The wet waste was digested, releasing methane, which was used as a fuel for another power generator, and the waste heat was again put in to the heating grid. The liquid effluent from the digester was sold to farmers as fertiliser, the dry fibrous residue was given away to local citizens as a soil conditioner, and only a small fraction of plastic from bags and nappies remained as waste needing to be landfilled.

if circumstances permit – shows that it is perfectly possible to combine national minima with local better standards without causing any great problem.

Supporting neighbourhood-wide sustainable energy infrastructure

Neighbourhood-wide coordination of energy and resources offers enormous opportunities to reduce greenhouse emissions. The two Scandinavian examples (from RTPPI 2005) illustrate what is possible (Boxes 9 and 10).

Once such an energy network is established, it should be relatively easy to extend it incrementally: extending the heat grid into new housing as it is built, or arranging for new energy-using businesses to hook up. But the entry barriers to starting such a project from ‘cold’ are formidable. To get it to work, ‘donors’ and ‘recipients’ with reasonably matching heat and energy requirements need to be able and willing to install the heat exchange technology at the same time, and someone has to be willing to pay for the infrastructure to link them.

Planning can help make it happen. For example the draft master plan for regeneration of the Riverside area of Leicester includes provision to require developers to contribute to a shared infrastructure fund which would be used (among other things) to fund installation of heat mains to extend a combined heat and power system which is (exceptionally) already operating nearby. This kind of mechanism could be used more widely. To work it would need to

be combined with development of suitable (preferably renewable) energy sources and other provisions to guarantee enough uptake to make the investment worthwhile (in the Vauban development in Freiburg, the energy utility was only willing to install a neighbourhood combined heat and power system in return for a monopoly on energy supply).

Systemic planning

The barriers to adoption of neighbourhood level low carbon energy are systemic. Currently the sensible course for each of the parties involved is *not* to incur the extra costs and problems of preparing for combined heat and power. The fact that others have not done so provides a further disincentive to each to do so. So, except in a few exceptional circumstances, cities remain ‘locked in’ to needlessly carbon-profligate patterns of energy supply and consumption. No single intervention will make much headway, but it would be possible for a set of co-ordinated interventions – heat infrastructure investments *and* planning requirements *and* energy pricing changes *and* waste management changes – together to ‘flip’ neighbourhoods into a different, equally self-sustaining pattern where low-carbon local energy networks were the norm.

The same principle applies to low energy construction. Currently the UK is locked in to a vicious circle in which:

- only a few specialists have expertise and skills in low energy building;

Box 10: ‘Industrial symbiosis’, Kalundborg

In Kalundborg, Denmark, a series of businesses evolved a rich network of waste and energy exchange. The Asnaes coal-fired electric power plant supplies steam to the Novo Nordisk pharmaceutical plant and the Statoil refinery, and waste heat to a district heating system serving 3,500 homes. The refinery removes sulphur from its natural gas, selling it to Kemira, a sulphuric acid manufacturer, resulting in a cleaner gas, in turn bought by Asnaes. Asnaes sells fly ash to a cement plant and waste gypsum to a wallboard plant, and uses still more waste heat in greenhouses and fish farms it operates. Sludge from Novo Nordisk becomes fertiliser for local agriculture, and refinery wastewater feeds the powerplant. <http://www.natlogic.com/resources/nbl/v04/n23.html>

- therefore the industry does not offer it as a normal service;
- therefore if potential house buyers are aware of it at all, they perceive it as mysterious, potentially expensive and troublesome, and for eccentric minorities;
- this tends to reinforce the building industry's prejudice that 'the market don't want it', and reluctance to promote it;
- while low energy construction remains a very small niche market, the relevant skills and equipment remain expensive, hard to source, and often problematic (e.g. components specially ordered from different overseas suppliers not matching);
- this again reinforces the reputation of problems and difficulties, discouraging further take-up.

As with the neighbourhood energy example it is easy to imagine a different situation where the low energy approach is the norm, and therefore builders and suppliers are geared up for it and can deliver it with no more problems or extra costs than what is currently accepted; where house buyers expect a home to be comfortable to live in with little or no space heating costs; where high demand supports a thriving energy efficiency sector, producing high performance products in high volumes with competitive prices, and continually innovating and improving its performance.

However unlike the neighbourhood energy example this could potentially be 'flipped' by a single intervention: a sufficiently strong and universal regulatory requirement for high energy performance.

The transport vicious circle

The systemic principle also illuminates one of the biggest challenges for reducing climate change: the way that despite a wide range of interventions (including several of the planning policies mentioned above) traffic and its resulting greenhouse gas emissions continue to grow.

Shops, employers and leisure amenities seek sites with good parking because the users they want prefer to come by car. This disperses and fragments them, so people need to make complicated criss-cross journeys at specific times to get from one commitment to the next. These are often too long to cycle or walk, and too sparse to service by public transport. So they drive. So the shops and businesses build bigger car parks and move further out to do so. And so on.

This vicious circle is intractable because any single intervention is thwarted or negated by other parts of the problem. Because journey patterns are already fragmented, what most people now regard as normal life is difficult if not impossible without a car. This makes serious restrictions on car use politically impossible. But it also means that even if heavy subsidies succeed in making public transport good, attractive and reliable, few people will switch back to it from cars.

As with low-energy buildings and integrated neighbourhood combined heat and power, 'it doesn't have to be like this'. Many continental cities show that amenities concentrated together in compact walkable town centres *and* good public transport servicing them and car restrictions can form a mutually reinforcing virtuous circle which delivers both a better quality of life and lower carbon emissions.

Arguably the biggest challenge for climate change policy is to flip our vicious circle into the continental virtuous one. It requires co-ordinated multiple interventions: a more proactive and coercive planning regime to make major trip generators move back to town centres, *and* funding inner-city schools and hospitals to make sure they are the best in the land *and* better public transport *and* serious car restraint.

Planning in combination with other tools

Consider one of the few passages in the Interim Report that considers the relevant issues. The Interim Report chart 8.5 reproduces the famous Kenworthy and Newman graph showing that cities with higher densities have lower gasoline consumption. The Interim Report (8.23 and 8.24) argues that the data does not present such a clear correlation when the

three very high density cities, Moscow, Singapore and Hong Kong, are excluded, and when fuel price (much lower in the US) is included in the analysis. No justification is given for removing these three – after all, they are real – and the fact that fuel price is also a significant impact on transport behaviour merely underlines the point that sustainable cities require a coordinated approach.

The Interim Report (8.24) argues that ‘There is also a question about what the best policy tools to achieve changes in travel behaviour might be. There are other policy tools; for example, elasticity estimates from the Department of Transport and other research suggests emissions are linked to fuel price.’ This is why sustainable transport organisations have consistently supported higher fuel prices and were dismayed when the Labour Government abandoned the vehicle fuel tax escalator which had been brought in by the previous Conservative Government – ironically at just the point where price rises caused by the escalator in combination with world oil price movements were beginning to have a significant impact on traffic growth.

But this is not a reason not to use planning interventions too. Prices should not be seen as an alternative to planning, but as a complement. The price elasticity of fuel demand depends on how readily people can respond to price increases by reducing their fuel use. The easier it is made for people to satisfy their needs and aspirations with shorter and fewer car journeys, the more readily they will respond to fuel price increases by driving less, the higher the price elasticity will become, and therefore the more effective any pricing instruments will become at influencing behaviour. Moreover, the easier it becomes for people to reduce their car use, the less political objection there will be to any policies to make driving harder. One reason the 2000 fuel price protests were so passionate was that people ‘locked in’ to patterns of high car use felt ‘held to ransom’ by price increases they could do nothing to avoid (at least in the short term).

The dense compact city makes it easier to reduce car use both by reducing the distances to amenities (making cycling and walking more practicable) and by making public transport viable to service a larger range of journeys.

It may be true, as the Interim Report (8.24) says, that ‘Influencing demand directly by influencing price of car travel may be a more efficient way of lowering emissions than indirect measures relating to spatial form...’. But framing the discussion in terms of which is better is as misguided as trying to choose between butter and toast. Each works better with the other. The smart approach to policy is not to choose one or the other, but to combine both.

Planning for life satisfaction

The list of main contributors to life satisfaction noted above suggests that communities with higher levels of life satisfaction would be ones where, in general, people:

- had occupations which were comfortably but not excessively challenging: enabling them to exercise creativity, develop and apply skills and rise to challenges while retaining a sense of being in control and not being overstressed;
- had fairly similar incomes, with neither poverty nor extreme wealth;
- had good opportunities to co-operate with others in sporting, cultural and other community and voluntary activities – and had enough time and energy left over from earning their livings and keeping their households running to do so;
- had fulfilling personal relationships and friendships – and (again) enough time and energy to keep them ‘in good repair’; (Samuel Johnson);
- enjoyed a good public realm, both literally in high quality public spaces and metaphorically in the sense of space for debate, interaction and collaboration with others;
- got a healthy amount of exercise as part of their normal routine;
- were free of uncertainty, insecurity and disruptive change.

Planning policy as it has developed since the early 1990s largely tries to maintain and re-create spatial

conditions which can nurture and support this vision of the 'good life': compact, mixed, balanced settlements with lively centres, good access, quality buildings and public realm. Moreover these spatial characteristics also generally reduce resource demands and environmental impacts. This has the very exciting and positive implication that there need be no general conflict between improving human quality of life and reducing environmental impacts.

Growth may undermine planning for life satisfaction

In contrast, the market competition driven model of economic growth and progress espoused by the Barker Review tends to undermine and erode these good life objectives.

Growth GDP measures the money value of goods and services traded in the money economy. It goes up when a household spends more on (for example) commuting, ready meals, commercial child care or home maintenance, home security, insurance, health club subscriptions, multiple sets of electronic entertainment equipment, or private education or sickness treatment. These are all markets which have grown strongly in recent years. Expenditure is conventionally assumed to increase utility and therefore welfare. But on the life satisfaction model just described, these kinds of expenditure are likely to be consequences of time starvation, stress, weakening of community solidarity and mutuality, and removal of healthy exercise, creativity and autonomy from daily life. They may therefore be markers of reductions rather than increases in quality of life.

Competition is the opposite of cooperation. Promotion of competition tends to erode trust and mutuality. Competing more broadly puts pressure on businesses to maximise their output, which (among other things) requires employees to deliver more per person. Competitiveness is likely to increase pressures on people at work and reduce the time and energy they have to spare for non-work activities. Opening companies to competition increases the vulnerability and insecurity of employment to changes and pressures over which local people have no control. These are all changes which will tend to reduce life satisfaction.

Mobility Travelling takes time and energy, reducing the amount people have to spare for non-work activities. Travel is also positively stressful if it involves unreliable or overcrowded public transport, waiting in unpleasant or threatening places, risks of unpredictable delays or congestion while driving, difficulty finding parking spaces, or incivility or danger while walking or cycling. A large proportion of journeys now experience one or more of these, and increases in the amount people travel and their dependence on it increase them. Mobility also opens places to competition from other places, reducing the 'policy space' available for any place to adopt policies (for example restricting or charging for parking) which might discourage businesses or visitors in the short term for longer term benefits.

Conclusions

The planning system could and should make a much stronger contribution to reducing and adapting to climate change which is belatedly becoming recognised as a precondition for achieving any social or economic benefits over more than a very short term. This requires a systemic approach to combining planning with other interventions to change vicious circles into virtuous ones. The wellbeing agenda vindicates the 'sustainable settlements' agenda that the planning system has promoted since the 1990s. Wellbeing and environmental sustainability can be reconciled, and many planning aims already support both. But the growth and competitiveness agenda which underlies the Barker analysis undermines both.

Conclusions

England is small, highly populated and already intensely developed. Its land and buildings have to provide multiple benefits to varied groups. Any change to land or buildings tends to increase some benefits for some people and reduce other benefits to other people.

Economic prosperity is only one of a range of things which spatial planning can influence which matter for the wellbeing of people living in England. Others include:

- good living conditions and access to facilities and services for all social groups and income levels;
- safe, attractive and meaningful public spaces;
- reduced fossil fuel use and dependency;
- resilience to climate change, geopolitical and economic turbulence, and other future risks and uncertainties;
- protection and enhancement of landscape, wildlife and the historical and cultural environment.

Reconciling all these public policy objectives in a process that constrains private property rights in an effective but also proportionate, consistent and fair manner is a demanding challenge. This is the purpose of the English land use planning system. It has been evolving for decades to meet this challenge.

Nobody would claim it is perfect and could not be substantially improved. The authors and the commissioners of this report are among the many who have devoted a great deal of time and effort to critiquing and proposing improvements to the system. But assessing this intrinsically multi-objective process in terms of just one objective is like assessing a diet solely in terms of the calories it provides. A planning system which privileged promotion of growth and productivity over all other goals would be as unhealthily unbalanced as a diet that gave calories precedence over protein, fibre, vitamins and antioxidants – not to mention flavour, texture, appearance or culture.

This is what the Barker Review seeks. It makes some valuable practical procedural proposals which can be

welcomed and should be implemented. But it is not anchored in any coherent conception of the nature and purpose of planning as a public political institution, understanding of its value or recognition of its achievements. As a result it is a not altogether consistent collation of opportunistic attacks on aspects of planning which it sees as anti-business, mostly prompted by untested anecdotes and assumptions rather than driven by coherent evidence or argument. Its main recommendations are generally harmful and should be set aside.

There is now an urgent need, and an exciting opportunity, for the planning system to be developed, strengthened and better connected with other interventions, to drive rapid cuts in greenhouse gas emissions while maintaining and indeed improving quality of life. The Barker Review has failed to recognise or understand this challenge, let alone respond to it. A very different kind of review is now needed to rise to it.



Campaign to Protect
Rural England

Campaign to Protect Rural England

The Campaign to Protect Rural England (CPRE) exists to promote the beauty, tranquillity and diversity of rural England by encouraging the sustainable use of land and other natural resources in town and country. We promote positive solutions for the long-term future of the countryside to ensure change values its natural and built environment. Our Patron is Her Majesty The Queen. We have 59,000 supporters, a branch in every county, nine regional groups, over 200 local groups and a national office in central London. Membership is open to all. Formed in 1926, CPRE is a powerful combination of effective local action and strong national campaigning. Our President is Sir Max Hastings.

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