

Department for Communities and Local Government, Communities England consultation
September 2007

Response of the Landscape Institute

Introduction

The Landscape Institute is the Chartered Institute in the UK for Landscape Architects, incorporating designers, managers and scientists, concerned with enhancing and conserving the environment. The Landscape Institute promotes the highest standards in the practice of landscape planning, design, management and research, representing members in private practice, at all levels of government and government agencies and in academic institutions and commercial organisations.

The Landscape Institute welcomes the opportunity to respond formally to the proposals set out by the Department for Communities and Local Government in its paper *Delivering Housing and Regeneration: Communities England and the future of social housing regulation*. Our responses to the questions posed in the document can be found below.

1) Do you agree that the Mixed Communities and Decent Homes roles (listed in Chapter 3) should be transferred to Communities England? If not, why not?

The Landscape Institute agrees with the proposals. In particular, we would emphasise the importance that should be attributed to the environmental improvement aspects. Research shows that poor environmental quality can have a severe effect on the perception of an area, which can lead to other social problems. We wish to highlight the importance of the quality of open space (not just formulaic responses to quantity). Planning for climate change adaptation is a crucial part of the role.

2) Do you agree that the Housing Market Renewal roles (listed Chapter 3) should be transferred to Communities England? If not, why not?

Yes, the Landscape Institute agrees that the Housing Market Renewal (HMR) role should be transferred. We believe that whilst there are significant opportunities for high quality development and a successful realisation of market renewal aspirations, the Pathfinder and local authorities are not sufficiently proactive or demanding in terms of design quality. We are also concerned that the relationship between different spatial scales and strategies is poorly expressed at present. It will be important that Communities England (CE) addresses the issues of design quality, and takes an holistic strategic approach to spatial planning. This is particularly of relevance when planning green infrastructure, which can play an important climate change adaptation and mitigation role.

It is crucial that masterplanning is undertaken at the right scale and time and linked with other aspects of the development processes. There are examples of masterplans funded by English Partnerships which are then "left on the shelf" by the local authorities. In bringing the HMR roles to CE, this lack of coordination should be avoided. The Landscape Institute also supports a role for CE in supporting developer procurement as this can have an impact on the demolition and re-use aspects of redevelopment in the HMR areas. In doing this it is important that the key role that CABE has played in bringing together all HMR Pathfinders and providing regular opportunities for sharing experience, particularly related to the design in the new housing areas, should not be lost. We consider that the ongoing role for CABE and CABE Space staff and enablers working with the Pathfinders should be continued. In this way the design elements of the proposed intervention areas can be monitored and support can be given to those local authorities that need it most.

The Landscape Institute considers it will be important for CE to address the issues on which the Pathfinders are monitored with the Audit Commission. The lack of design-related targets that are monitored does not, in our view, give sufficient pressure for insisting upon good design in areas where there is always a concern that the developers might walk away because any perceived increase in development costs might tip the balance in terms of profitability.

3) Do you agree that the Housing Growth roles (listed Chapter 3) should be transferred to Communities England? If not, why not?

Yes, the Landscape Institute sees the benefits in including Housing Growth roles as part of CE's responsibility. We wish to highlight again the absolute importance of the need to plan for climate change, in particular using green infrastructure strategies to identify and plan for a multifunctional approach to open space planning. This requires a strategic and sub-regional approach.

4) Do you agree that the homelessness capital investment delivery role (listed Chapter 3) should be transferred to Communities England? If not, why not?

No comment.

5) Do you agree that the National Land-Use Database of Previously Developed Land (outlined above) should be transferred to Communities England? If not, why not?

The Landscape Institute believes that this is a sensible arrangement. We note that, by virtue of the way the data are collected and the purpose for which the dataset is established, NLUD-PDL sites do not represent the full stock of derelict, underused and neglected (DUN) land in England. Brownfield sites unsuitable for hard end development and unused "non-PDL" open space are excluded from NLUD-PDL. Regeneration of the full stock of DUN land, often for green infrastructure purposes, is critical to the success of mixed and sustainable communities. This is recognised in English Partnerships' work on the National Brownfield Strategy. Therefore, we suggest that CE, in taking responsibility for the NLUD-PDL is also asked to catalogue all type of PPD and DUN land which can contribute to built and green infrastructure; and further to promote hard and soft end-use regeneration of all such land through its Brownfield Strategy.

6) What are your views on Communities England taking on responsibility for the Academy of Sustainable Communities (ASC)? Do you see any difficulties in achieving this, and maintaining the identity of the ASC?

We recognise that there is an overlap of roles and skills, so we can see the benefits of CE taking on responsibility for the ASC. However, one role of ASC is to innovate and develop new models of working and, where appropriate, challenge existing regeneration practices. The arrangements must be set up in such a way as to allow the ASC sufficient freedom to, where necessary, challenge delivery aspects of CE's work.

In relation to the specific interests of the Landscape Institute, both English Partnerships and the ASC have made strong policy statements about the importance of the public realm and green infrastructure. Landscape Architects have a unique set of skills in place-making for sustainable communities. We note that both EP and the ASC outsource landscape architecture skills through specialist panels but as far as we are aware there are almost no landscape architects directly employed by either body. If the ASC is to become incorporated within Communities England, we feel that strong advocacy for the public realm and green infrastructure requires a direct appointment of landscape architecture skills in-house.

7) As an alternative approach, what are your views about establishing the ASC as a separate statutory body?

No comment.

8) What do you consider to be the pros and cons of each of the existing models (outlined in Chapter 3); and is there scope to rationalise them?

No comment.

9) How can we encourage joint working between local authorities and Communities England, including through institutional arrangements?

No comment.

10) Are there any problems with the existing powers (outlined in Chapter 3), which should be changed?

The Landscape Institute's particular interests relate to the landscape and design quality of new and regenerating settlements and the green infrastructure that supports liveability. The NTDC and Urban Development Companies have the statutory powers, the vision and the leadership to draw up and implement landscape-led masterplans for major development areas. This has included the ability to assemble and purchase land specifically for the structural landscape and community open spaces and then to implement landscape works ahead of new development to the benefit of existing and incoming residents and businesses. We feel that these powers should not be lost and, in fact, should be used to a greater degree than has been the case in the past decade.

11) Do you think the existing compulsory purchase powers outlined above are sufficient for the range of challenges Communities England faces?

No comment.

12) Do you agree that these roles should remain within the Department? We would welcome your views on whether it would be appropriate for these consents to sit with a regulator rather than ministers.

No comment.

13) Are there any other Communities and Local Government roles that you think should transfer to Communities England?

No comment.

14) We would welcome suggestions and proposals for helping to take forward a successful investment finance model. Are there other approaches to the provision of support and investment that should be added to the proposed toolbox?

No comment.

15) We would welcome your views on how you feel Communities England could work most effectively with the different organisations and structures that support place-shaping.

From our perspective, the key points with regard to place-shaping relate to the quality of the design and the arrangements for ongoing management and maintenance. Where green infrastructure strategies exist, this should provide a starting point for establishing organisations and structures.

The Landscape Institute can only support the suggested "one-stop-shop" approach for housing related place-shaping by CE if the landscape architectural profession is truly represented in its partnership proposals. This may be through framework agreements for landscape design and management consultancies, as those already in place at English Partnerships. Other organisations will include:

- Architecture and Built Environment Centres (ABECS): CE should support the regional design review process and use it as part of its processes for ensuring high quality design in housing areas. CE should also send representatives to observe design review where appropriate.
- CABE: as above for schemes of national importance and also for good practice and research on a wide range of place-shaping aspects.
- Local authorities: this will enable a link into local development frameworks (LDFs) and green space strategies.
- Local Strategic Partnerships (LSPs): Theoretically the LSPs will bring together many of the organisations that have a role to play in place shaping and will help to provide links with the health agenda. In practice, some LSPs have little or no expertise or engagement on place-shaping matters. This is of concern to the Landscape Institute in terms of input to the Local Areas

Agreements (LAAs) and Multi Areas Agreement (MAAs). Therefore, CE will need to identify if an LSP has the right composition to provide it with place-shaping input and especially support it if it has not.

- Natural England and the Wildlife Trusts: This will enable CE to ensure that biodiversity issues are adequately addressed.
- Lands Restoration Trust: This could be on a site-specific basis as LRTs will have a role to play in long-term management and maintenance of some sites.
- English Heritage
- Parishes: through parish councils for site-specific areas.
- Communities: through LSPs for general matters and through established groups for site-specific consultations.

16) We are considering whether Communities England should have a specific presence in the Thames Gateway, in addition to the nine English regions. We would welcome your views on this.

The Landscape Institute concurs with the view stated by RTPI that at present "The Thames Gateway is a seriously congested and chaotic initiative" and that "CE should only be involved if it forms part of a wider rationalisation of roles and responsibilities for delivery".

However if there were to be a Thames Gateway region central government overview with a focus on aligning land-use planning with environmental resource planning, in terms of water, waste, energy and locally grown foods then the Landscape Institute believe CE would clearly have the potential to play a leading role.

17) Do you agree with the accountability arrangement of Communities England? Are any further safeguards required?

No comment.

18) Do you agree with the regulator's proposed status and functions as set out above in (including independence, the scope of Government directions on rents and standards, and its objectives)?

No comment.

19) Do you agree that only core housing functions should be regulated?

No comment.

20) Do you agree that all providers should have a duty to engage constructively with local authorities in their place-shaping function?

The Landscape Institute agrees with this. The Landscape Institute strongly supports the role of bringing "...about a step change in environmental quality and reduction of carbon emissions." We also see one of the bigger advantages of the Communities England proposals is the opportunity presented to take a more holistic approach to place-shaping. This is particularly important in terms of spatial planning roles for sub-regions which are planned for growth or redevelopment. It is important that a spatial approach is taken and that green infrastructure is part of the place-shaping process.

21) Do you agree with our proposals for the regulator's intervention and enforcement powers, including the level of information provision, the role of tenants, local authorities and others in triggering action, and the increased range of intermediate intervention powers?

No comment.

22) Do you agree that the regulator's consent to disposals of RSL stock should continue to be required?

No comment.

23) How should local authority owned social housing be regulated?

No comment.

24) What are your views about combining the Ombudsman services for tenants of RSLs and local authorities under a single ombudsman?

No comment.

25) What are your views about the location of the regulator of social housing?

No comment.

26) Do you have any other comments about the proposals, including any practical implications you think it might have? For example, how can we best ensure we minimize bureaucracy?

No comment.

27) Views are also invited on the Partial Regulatory Impact Assessment provided at Annex B on Communities England.

No comment.

28) Views are also invited on the Partial Regulatory Impact Assessment provided at Annex C on the future regulation of social housing.

No comment.

The Landscape Institute would like to thank the Department for Communities and Local Government for being given the opportunity to contribute to these proposals. For any queries relating to this response, or for future consultations, please contact:

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