

## **The Killian Pretty Review**

### **Planning applications: A faster and more responsive system, a call for solutions**

Response of the Landscape Institute, September 2008

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#### **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.

There has never been a more important time to emphasise the role of landscape architecture because of growing social, political and economic concern over the use of our natural resources and the development of sustainable communities. Landscape architecture is the profession best able to provide a holistic approach to creating places where people want to live and work both now and in the future and we believe it is this all-encompassing approach to place shaping that will best deliver the sustainable settlements of the future.

The Landscape Institute welcomes the opportunity to respond formally to the Killian Pretty Review and trusts that the views submitted are helpful and informative. The Institute would also like to take this opportunity to offer further assistance in future work areas related to the Review and its outcomes.

Our overarching messages are:

- (i) That there needs to be a more intelligent and flexible approach to the planning application process, but one that includes the precautionary principle as an integral part; and
- (ii) There is a fundamental need for improved skills and resources to enable the existing, and improved, process to work more effectively.

The Institute also has views on a number of the key questions set out in the Review, these are detailed below in the remainder of the response.

#### **1. Proportionality**

- (a) *How much scope is there for introducing a more proportionate and tiered way of dealing with development proposals of different scale and complexity? and:*
- (b) *In particular, what are the merits of developing an intermediate level of approach, between permitted development and full planning permission?*

The Landscape Institute is aware that some local authorities already make a distinction between those applications that go before planning committee and those that are decided under delegated powers. There is scope for formalising such a tiered approach however the Institute would like to stress that the officer deciding which route a specific application should take must be skilled in assessing each application and must also understand the cumulative impact of decisions made under delegated powers. To this end, adequate resourcing and support from conservation/urban design/landscape officers is also essential to avoid poor quality development.

The Landscape Institute is supportive, subject to appropriate delegation thresholds, of an approach which sees delegation to offices on the basis of scale and complexity, rather than on the basis of no objections being received.

### Recommendation

The Landscape Institute recommends a greater use of major application teams in appropriate areas and we would welcome a nationwide service along the lines of the Advisory Team for Large Applications (ATLAS). In both instances, the skills and expertise of the landscape architect are strongly urged for inclusion to ensure a considered, holistic approach to development and planning.

*(c) What are the main barriers to the introduction of such an approach, and how could they be overcome? How could increased complexity be avoided?*

The Landscape Institute believes that one of the potential disadvantages of the formalisation of a tiered approach is the opportunity for applicants to use this mechanism as a loophole by submitting a number of smaller applications that each meet the lower tier criteria but when considered cumulatively, should have been assessed at a higher level. This already happens when applicants submit incremental development on a piecemeal basis without undertaking a masterplan. This is significant in landscape and climate change terms as a requirement to consider, for example, drainage, landscape structure and biodiversity on a strategic site-wide basis has been lost because of the incremental nature of the applications.

### Recommendation

With this in mind, the Landscape Institute would advise that criteria be established to prevent the situation explained above from occurring. As an example, an educational/commercial establishment that has a stated development programme should be required to submit a masterplan with the landscape and design developments set out. Within this context, it may well be possible to grant permission with less detailed requirements, providing the application met the masterplan criteria previously established.

*(d) How can LPAs be encouraged to take up the opportunities offered by Local Development Orders to free up development from the need to obtain planning permission in local areas?*

The Landscape Institute has no comment.

*(e) Different types of planning application require different skills. How can LPAs respond to the continuing skills and resources challenges efficiently? What scope is there for solutions such as sharing resources/skills between LPAs?*

The Landscape Institute agrees that different types of planning application require different levels of skills. Responding to the skills and resources challenge, and whilst mindful of the potential difficulties of sharing resources between authorities under different political control, the Landscape Institute has the following recommendations:

### Recommendations

Pooling of landscape architecture resources across multiple local authorities where it is not possible to have a specialist role in individual local authorities. This has the potential to work particularly well at the city-region scale, as is the case with the Greater Manchester Ecology Unit. The Landscape Institute would encourage all local authorities to employ landscape expertise and a greater use of private sector expertise, particularly in places where there is unfilled establishment, and therefore a budget, for specialist posts.

CABE's aspiration to embed **Building for Life** (BfL) skills in all local authorities should also be seen as a positive route towards improving the mechanisms for assessing applications on design grounds. The Landscape Institute supports the use of BfL as a tool for the planning profession in assessing applications.

The Landscape Institute anticipates that property sector responses to the Review are likely to endorse joint venture solutions between local authorities and private sector. Salford Urban Vision in particular is seen by members as a good example of such an approach. Critical to the success in this example is that the company deals with all planning application and enforcement issues, but the ultimate decision rests with the local planning authority. Further information can be found at: <http://www.salford.gov.uk/urbanvision.htm>

## 2. Complexity

*(a) How can we ensure that all users of the system have access to the simple, customer orientated information and guidance they need about how the process operates and what they need to do to put in an application that will satisfy the local authority?*

The Landscape Institute feels that this information needs to be available in a wide range of formats, both electronically and via hard copy publications.

### Recommendation

Measures need to be taken to ensure that staff employed to answer planning enquiries give consistent responses, in line with published material. Subsequently, adequate assessment of a local authority's ability to offer consistent information is necessary to enforce this requirement.

*(b) What measures can be taken to improve the quality of applications made by developers/agents/applicants?*

The Landscape Institute considers that a formal requirement for pre-application could help improve the quality of applications submitted. However the Institute is mindful of the issue of skills and resources available to planning authorities, as discussed above.

The Landscape Institute would also like to emphasise the value of Design and Access Statements, particularly at the pre-application stage. Used properly these can improve efficiency of communication, reduces abortive time spent debating design principles, and should help the parties concerned reach agreement.

The Landscape Institute regards the **Building for Life** (BfL) standard, led by CABE and the HBF, as a good tool in this regard. BfL scores a range of elements of the application and if insufficient material is provided for a certain aspect of the standard, the score is zero which will result in an overall score which is below the considered acceptable level. Pre-application discussions around the BfL criteria can be useful and the Institute is aware of some local authorities conducting this.

*(c) How can the information required to support planning applications be made more proportionate, while at the same time maintaining a necessary degree of flexibility to accommodate specific circumstances? What are the key areas where changes to the scale and nature of information requirements need to be made, and how might those changes be delivered?*

The Landscape Institutes feels that it is timely here to raise concerns regarding the recent publication of guidance for local authorities on the validation of planning applications by the Department for Communities and Local Government. This concern relates to the absence of landscape and visual impact assessments (LVIA) from the list of information that can be requested by local authorities in the validation of planning applications. The Institute would like to repeat its view that this represents a serious oversight considering the crucial role that landscape has to play in delivering a range of benefits, including climate change adaptation and mitigation, catalysing economic growth and investment, biodiversity enhancements, flood management, benefits in terms of health and wellbeing as well as providing opportunities for community cohesion, recreation and leisure.

Whilst the Institute appreciates that the overarching purpose of the review is to investigate the ways in which the planning process can operate in a faster, more efficient way, we are highly concerned at the lack of appreciation afforded to the role of landscape in terms of the range of benefits it has the potential to deliver. Furthermore, in November 2006, the UK Government ratified the **European Landscape Convention** which highlights the need to recognise landscape in law, to develop landscape policies dedicated to the protection, management and creation of landscapes, and to establish procedures for the participation of the general public and other stakeholders in the creation and implementation of landscape policies. It also encourages the integration of landscape into all relevant areas of policy, including cultural, economic and social policies.

The Landscape Institute would also like to add that, given the aims of the Review, there may well be recommendations to reduce the thresholds for assessments of environmental impact. Preempting this, the Institute would urge against this in favour of the sound and proper use of the precautionary principle; one of the key principles of sustainable development in the Government's own Sustainable Development Strategy, Securing the Future.

### **3. Culture**

*(a) What are the likely implications for the processing of applications of all sizes, from housebuilder changes to proposals of strategic importance, of moving from a development control to a development management approach and how might they best be addressed?*

The development management approach should rightly be central to the new spatial planning system, but is currently poorly exercised because of the issues of skills deficit referred to above. It would therefore be essential to address this skills deficit if the development management approach is to be successful.

It relies on a much greater emphasis and predetermined vision for integrated urban systems (social, cultural, environmental, energy, movement etc), rather than the land-use planning approach which continues to be a feature of the spatial planning system. It would ultimately rely on much greater engagement between planning officers (and members) and applicants for planning permission. As an iterative and communicative process, it may very well make time-based targets for determining planning applications redundant.

*(b) How might the current approach to targets be improved to deliver the right outcome/decision most efficiently?*

The Landscape Institute considers that the current approach to targets requires reviewing in order to achieve the 'right' outcomes. Members of the Institute reported instances whereby decision were being made at a speed which was too rapid, simply because of the need to achieve targets and to the detriment of 'right' decisions. Another area which the Institute feels requires investigation is the all too often variation in design guidance interpretation between officers, ultimately impacting upon the system's ability to efficiently deliver the desired outcomes.

*(c) How might the use of Planning Performance Agreements be further encouraged?*

The Landscape Institute has no comment.

### **4. Engagement**

*(a) How can the involvement of statutory and non-statutory consultees in the planning application process be improved?*

The Landscape Institute has no comment.

*(b) What do you consider to be best practice in the involvement of elected members in the planning application process? How could best practice be further encouraged?*

The Landscape Institute considers that the use of design champions is essential for the effectiveness of elected members within the planning application process, as is the implementation of the Egan Review recommendation for mandatory training for planning committee members.

*(c) How might community engagement in the planning process be made more effective? What role is there for different forms of engagement, such as dispute resolution and stakeholder dialogue approaches, e.g. 'Enquiry by Design', in the planning application process? How might any changes needed be implemented?*

Many community engagement techniques are well established in principle, but there is a lack of appetite and capacity for their uptake in many cases. For example, Members report that Parish Plans can be a very effective tool to enable a community to set out its aspirations. However Local authorities vary enormously in the weight they attach to Parish Plans, Village Design Statements etc - some receive them at Cabinet level even though they are not a statutory planning document, others do nothing with them and never consult them.

#### Recommendation

The Landscape Institute suggests a tiered approach commensurate with the scale and relative impact of proposals. To this end, we advise a continuation with the standard approach on minor applications, but in the case of larger schemes there should be a requirement for developers to bring in independent facilitators, perhaps accredited, for a consultation exercise appropriate to the scheme in advance of the planning submission being made. There should then be a subsequent requirement for the independent facilitator to report on the outcome and how this has influenced proposals to the local planning authority during the statutory consultee period.

The Institute recognises that there may be resistance to this from some in the commercial sector, but the Review should acknowledge the commercial benefits of effective stakeholder engagement. Members of the Institute report that some of the most successful community engagement activities involve the developer taking the lead and presenting initial proposals in advance of submitting planning applications. This can ensure that community views are incorporated into the design process, though requires strong leadership from councillors and officers.

#### **5. Process**

*(a) How can the effectiveness of pre-application discussions be improved in a way which improves the overall speed and quality of the process from start to finish?*

The overall speed and quality of the process could be improved significantly if there was greater consistency in the approach both within and between planning authorities. The Landscape Institute feels that the use of BfL (see 2b) would increase the effectiveness of pre-application discussions. Additionally, the proper use of Design and Access Statement can improve both the speed and quality of decision making.

*(b) What would be the pros and cons of a change to allow LPAs to choose whether to advertise applications in a local newspaper? Are there other changes to the publicity process for applications which should be considered?*

The Landscape Institute has some concerns with the above suggestion, given the possibility for large proportions of the community that might be interested local planning not having access to the internet.

*(c) What experiences have you had of electronic submission of applications? What more, if anything, could be done to further encourage the use of e-planning in practice? and:*

*(d) Are there other process improvements which could yield significant benefits for the efficient handling of applications?*

The Landscape Institute recognises that one of the impacts of e-planning has been the closure of local planning offices where hard copies of drawings can be viewed, subsequently requiring travel for consultees that want to view hard copies of large scale drawings.

Generally, for those with internet access, e-planning is a convenient way of viewing applications, provided that quality material is uploaded in a timely and acceptable manner. In the experience of Institute members, there

exists a significant variation between local authorities in terms of the quality of images scanned for uploading and the timeliness with which this is carried out. Some members report experiences such as illegible drawings, half-scanned plans and blank pages being uploaded rather than the actual plans. There also exist reports of a tendency for local planning authorities to scan images and documents at low resolution and to scan colour documents in monochrome. Whilst the Landscape Institute is appreciative of the potential reasons for do this (cost, reducing file sizes, ease of navigation) it has the effect of interfering with accurate clear communication of graphic material. This runs contrary to the government's stated aim of promoting design quality in planning.

#### Recommendation

To improve this situation, the Landscape Institute recommends some form of random audit of local authority e-planning, with performance measures to help address what is currently an unacceptable shortfall in information quality and provision from some local authorities.

We would also recommend that, pursuant to the aim of promoting design quality, our comments made earlier in 5d should be considered.

*(e) How can the process of negotiation of planning obligations be further improved?*

The Landscape Institute believes that consistently applied standards would improve the process.

*(f) How could the concerns about condition be addressed? How can discharge, enforcement and monitoring of conditions be improved?*

The Landscape Institute believes that this largely represents a resource issue, and that more enforcement officers are required in order to improve on current concerns. In particular, members of the Institute report that design and landscape matters which are agreed at the planning application stage are not subsequently enforced. A particular issue is the ongoing management and maintenance of landscape works, so even if the planting is installed at practical completion, it is often not maintained and subsequently dies. Enforcing these previously agreed landscape matters appears impossible without an increase in resources. This issue applies across all types of development, from housing to industrial, commercial and highways and it is crucial that this is addressed; where the landscape forms part of an overall design it will be delivering a range of functions, including aesthetic value, climate change adaptation, flood management and biodiversity enhancements. Because of this, the Landscape Institute believes that the lack of enforcement of landscape components of planning application approvals is unacceptable.

## **6. Other issues**

*(a) What other measures do you consider could improve the speed and responsiveness of the planning application process?*

The Landscape Institute has no comment.

For any queries relating to this response, or for future consultations, please contact:

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