

Localism Bill
Memorandum submitted by the Landscape Institute
21 February 2011

The Landscape Institute

The Landscape Institute is an educational charity and chartered body responsible for protecting, conserving and enhancing the natural and built environment for the benefit of the public. It champions well-design and well-managed urban and rural landscape. The Landscape Institute's accreditation and professional procedures ensure that the designers, managers and scientists who make up the landscape architecture profession work to the highest standards. Its advocacy and education programmes promote the landscape architecture profession as one which focuses on design, environment and community in order to inspire great places where people want to live, work and visit.

Summary

The Landscape Institute believes that there are a number of sources which should have been taken into account in the drafting of the Localism Bill, particularly in relation to neighbourhood planning; Defra's Natural Environment White Paper discussion document, Foresight's Land Use Futures report and the European Landscape Convention. Reforms to the planning system, as proposed in the draft Bill, present ministers with an ideal opportunity to improve the way in which we manage and use our land resource. It is our view that the progressive thinking contained within the aforementioned documents, must be incorporated into a revised version of the Bill to enable the Government to deal with a range of economic, environmental and social challenges.

Response

1. The Landscape Institute's interest lies primarily in the proposals for neighbourhood planning contained within the draft Localism Bill.
2. The Landscape Institute believes that our finite land resource is one of the nation's greatest assets. The planning system has a profound impact on the way in which this land is managed and used and its subsequent ability to meet a wide range of often conflicting requirements.
3. Changes to the planning system which encourage greater involvement of local people in decisions affecting their neighbourhoods are generally welcomed. However it is crucial that social, economic and environmental standards are maintained. It is hoped that ministers will make the most of the opportunity provided by current reforms to the planning system to ensure that current thinking in land use policy informs any amendments made to the Bill.
4. The Landscape Institute is particularly concerned that the proposals on neighbourhood planning do not appear to have been informed adequately by current thinking across government:
 - (i) Natural Environment White Paper discussion document, Defra
 - (ii) Land Use Futures, Foresight, Government Office for Science
 - (iii) European Landscape Convention, Council of Europe

Failure to consider and incorporate some of this thinking would represent a missed opportunity to ensure that future land use policy is able to cope with a host of social, economic and environmental challenges.

4.1 Natural Environment White Paper discussion document

- 4.1.1 In its July 2010 publication 'An invitation to shape the nature of England: discussion document', Defra advocated the value of the natural environment and the role of landscape-scale solutions to a range of challenges

'...on issues such as planning, food production, water, flood risk management and biodiversity, where the impacts of our decisions do not stop and start with administrative boundaries, we need to move towards more integrated management approaches that work with the spatial scale that best addresses the challenge. These are often called landscape-scale approaches'.

- 4.1.2 While the final Natural Environment White Paper will not be published until April 2011, it is clear that Defra has identified circumstances where the planning system needs to operate at a spatial scale larger than administrative boundaries.
- 4.1.3 The Landscape Institute supports this approach, believing that landscape-scale approaches to land use represent the best way of ensuring that decisions are made which do not have a detrimental impact on natural systems and the continued provision of ecosystem services (the services provided by the natural environment on which we depend).
- 4.1.4 Despite the advocacy for landscape-scale approaches to land use from Defra, we are concerned that the Bill fails to clarify how neighbourhood forums, and the neighbourhood development orders and plans for which they will be responsible, will work with adjacent areas on matters which transcend neighbourhood boundaries; matters that need to be considered at the landscape-scale and not within the confines of a neighbourhood.
- 4.1.5 We are also concerned at a lack of detail as to how adjacent neighbourhoods might get involved in the preparation of neighbourhood development orders and plans. It may often be the case that the impacts, be they social, economic or environment, of a decision made in one area will be felt by neighbouring communities.
- 4.1.6 The LI is delighted that the Government wishes to be the 'greenest government ever' however, it is crucial that proposals from Defra on land use and the natural environment are incorporated into the Bill.

4.2 Land Use Futures

- 4.2.1 As ministers will know, the role of Foresight is to help the Government to think systematically about the future. Foresight's Land Use Futures (2010) aims to support Government in ensuring that land use patterns and practices are fit for future challenges, such as climate change, flood control, housing demand and food and energy security. It outlines what can be done to use and manage land more sustainably.
- 4.2.2 The Landscape Institute argues that the following recommendations from Land Use Futures need to inform decision making in relation to neighbourhood planning proposals contained within the Bill.
 - (i) There is a strong case to develop a much more strategic approach to land use in order to guide incremental land use change, incentivise sustainable behaviours and to unlock value from the land;
 - (ii) Increasing competition for land means that landscapes at all scales will come under increased pressure to deliver a range of services and goods. It is therefore imperative that a system which governs the allocation, use and management of land is coherent and consistent at a range of spatial scales; and
 - (iii) A decentralised approach to land use decision making might well be one that works, but such a style would need to have a basis in some kind of national framework.
- 4.2.3 The Landscape Institute argues that the current proposals for neighbourhood planning have not considered these points for the following reasons:.

- (i) Proposals on neighbourhood planning represent a less strategic approach to land use and will not guide incremental land use change. While development enabled through neighbourhood planning may be small-scale, it is important not to underestimate the cumulative impact of such development.
- (ii) The Bill requires clarity on the ways in which neighbourhood planning will be guided to ensure coherent and consistent use and management of land. Current proposals are inadequate and provide little reassurance on the standards that development would be expected to achieve.
- (iii) The development of the proposed National Planning Policy Framework may well provide the basis for a more decentralised approach to land use decision making. However, the consolidation of the various Planning Policy Statements (PPSs) and Planning Policy Guidance (PPGs) is not a process to be taken lightly. The gradual development of these PPSs and PPGs has resulted in some extremely positive results and it will be crucial that important detail is retained in any new incarnation of central guidance.

4.2.4 The LI is concerned that the proposals for neighbourhood planning have not been informed by Foresight's Land Use Futures report, a report commissioned with the intention of improving Government policy and making it fit for the future.

4.3 European Landscape Convention

4.3.1 The European Landscape Convention (ELC) was signed by the UK Government in 2006 and became binding in March 2007. It is the first international treaty dedicated to the protection, management and planning of all landscapes in Europe.

4.3.2 The Landscape Institute was delighted that recently Richard Benyon MP reaffirmed the Government's commitment to implementing the ELC in a letter to the Landscape Institute (See Appendix A).

4.3.3 The ELC contains eighteen articles which together aim to promote landscape protection, management and planning and to organize European cooperation on landscape issues.

4.3.4 These articles highlight the need to:

- (i) Recognise landscape in law;
- (ii) Develop landscape policies dedicated to the protection management and creation of landscapes;
- (iii) Establish procedures for the participation of the general public and other stakeholders in the creation and implementation of landscape policies; and
- (iv) Encourage the integration of landscape into all relevant areas of policy, including cultural, economic and social policies.

4.3.5 The proposal in the Bill to give neighbourhoods more control over development in their local areas is clearly in line with item (iii) above, and the Landscape Institute welcomes this. However, as the planning system is one of the key ways to safeguard landscape protection, management and creation, at present the proposals in the Bill fail to provide sufficient detail as to how neighbourhood planning will adhere to other items outlined in 4.3.3.

Appendix A: Letter from Richard Benyon MP to Jo Watkins, President of the Landscape Institute

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Our ref: PO 213781

8th February 2011

From Richard Benyon MP
Minister for Natural Environment and Fisheries

Dear Mrs Watkins

Thank you for your letter of 7 January to the Prime Minister about the European Landscape Convention (ELC).

The Government takes its obligations under the Convention very seriously and is working with bodies such as Natural England and English Heritage to deliver it. As you heard me say in Liverpool, all landscapes matter, and that core principle of the Convention underpins our work across Government.

The principles of the ELC are already being put into practice. For example, the National Character Areas map has been in use for nearly ten years. There is also the well established practice of using Landscape Character Assessment to inform local policy making, whilst English Heritage's programme of Historic Landscape Characterisation with county councils is approaching coverage for the whole of England.

Defra convenes regular meetings of a project group in England to look at the implementation of the Convention in England. Working closely with Natural England and English Heritage, an Implementation Framework has been drawn up which has recently been updated. This Framework specifically features awareness raising with organisations/bodies which are best placed to carry forward the principles of the Convention through their own action plans. It also underpins a wide range of activities which, through public engagement and involvement, will lead to wider understanding and appreciation of landscapes, improved knowledge and care, as well as a sense of inspiration, well-being and connection between people and place.

A wider UK group involving the devolved administrations and key agencies has also been established to monitor the Convention and exchange ideas. Defra, working with this UK group and the Universities of Newcastle, Sheffield and Manchester, has established an ELC Monitoring Evaluation Framework. This Framework forms the UK's policy baseline on how landscape and the intent of the ELC is articulated in legislation, policy and advice, and begins to make the links between policy development, implementation and changes in the landscape. This valuable work will be taken forward, and officials are considering the best way to do this given the difficult financial climate in which we are currently operating. Further to this, Natural England is developing an integrated monitoring project 'Character and Quality of England's Landscapes' (CQuEL). This will provide place-based evidence about the character and function of landscapes and the provision and quality of selected ecosystem services delivered by England's natural environment. The baseline evidence underpinning CQuEL comes from another innovative project that is producing updates, profiles and new statements of environmental opportunity, for each of England's 159 National Character Areas.

Looking to the future, we have had a very positive response to the Natural Environment White Paper discussion document. Officials are now working to take into account the views received, including ensuring that the principles of the ELC are reflected in this White Paper. I want to ensure the proper protection, management and planning of all landscapes, of whatever quality, rural or urban, built or natural. Taking a lead in applying and promoting aspects of landscape policy supported by the Convention is central to this, and I believe we are in a strong position to further our influence internationally, to exchange best practice and to continue to enhance standards.

I believe that the tenets of the ELC with its emphasis on actions (including the setting of landscape 'quality objectives') by communities at all levels can be important in helping to create the Big Society and to promote Localism. I would like to encourage communities to take forward these principles, including exploring ways of incorporating issues around landscape perception, at a local level. The proposed new Neighbourhood Development Orders and Plans will provide an opportunity to involve local communities in planning matters. The Plymouth Green Infrastructure group is an excellent example of communities getting involved in planning their local landscapes, and I would like to encourage similar activities elsewhere.

Building on the success of the first ELC Conference and Landscape Award to be held in the UK, I would like to assure you that this Government continues to be committed to implementing the ELC.

Yours sincerely

Richard Benyon

RICHARD BENYON MP