



## LINI response to DOE Consultation on the Reform of the Planning System in Northern Ireland.

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# Landscape Institute Northern Ireland

Reform of the Planning System in Northern Ireland: your chance to influence change.  
Consultation Paper by Department of the Environment Northern Ireland  
Response of the **Landscape Institute Northern Ireland branch (LINI)**  
2 October 2009

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The **Landscape Institute** is the chartered institute in the United Kingdom for landscape architects, incorporating designers, managers, and scientists, concerned with conserving and enhancing the environment. The Landscape Institute promotes the highest standards in the practice of landscape planning, design, management and research, and represents members in private practice, at all levels of government and government agencies, in academic institutions and in commercial organisations.

The Landscape Institute is an educational charity and chartered body whose purpose is to protect, conserve and enhance the natural and built environment for the benefit of the public. It champions well-designed 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. The Landscape Institute is committed to the principles of sustainable development by improving the quality of design of urban and rural environments and to the protection and enhancement of our physical and natural environments.

The **Landscape Institute Northern Ireland branch (LINI)** represents the professional membership within Northern Ireland and is particularly concerned with design, management and planning for the protection, conservation and enhancement of the natural and built environment of Northern Ireland.

LINI welcomes the opportunity to consider to the consultation paper '*Reform of the Planning System in Northern Ireland: your chance to influence change*' and submits the following paper in response.

## **1. Vision for a Reformed Planning System.**

LINI suggests that a document which seeks to consult on the reform of the planning system in Northern Ireland might commence with a statement of the vision regarding the ambitions, intents and core principles of a planning system.

In the absence of any such vision statement in the Planning Reform consultation, LINI offers the following:

1. A good planning system is a resource management system – protecting, enhancing, repairing and creating the interaction between people and the land for a sustainable future. As such, the system must be proactive (not reactive) and continuously responsive.
2. Landscape (or place) is the interaction between people and the land (indeed landscape (or place) is the identity of the community lifestyle within it), thus the creation, repair, enhancement, protection and sustaining of quality landscape (or places) is the priority of a good planning system.
3. For a sustainable future of people in place, a good planning system must operate in the public interest.

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4. Planning is a system of design relating both people and the land, community and landscape. Design is the creative planning and management of resources, and a good planning system depends on the availability of appropriate design skills.

It is essential to realise that a management system which aims to *design and sustain quality place* is significantly more than a *regulation of land use*.

## 2. Planning System by Landscape Management

LINI wishes to remind the Department that these precepts are adequately defined in the European Landscape Convention, which was signed and ratified by the UK government in November 2006. Noting that the quality of landscape resource impacts considerably on economic, cultural, social, ecological and environmental success, Article 5 of the European Landscape Convention affirms that states signing up to the convention will:

- establish and implement policies for the protection, management and planning of landscape;
- provide local councils with procedures to achieve the above;
- and integrate landscape purposes into regional and town planning policies for cultural, environmental, agricultural, social and economic matters.

Landscape is the resultant interaction of society and place together: a living process which is always undergoing change. By meeting the requirements of 'landscape', all other planning objectives can be met.

## 3. Landscape Planning Capacity

LINI has already advised (response to draft PPS21 in March 2009, and response to draft SPG18 in February 2008) the Department of the relevance of the Northern Ireland Landscape Character Assessment (NILCA) (ERM, 2000), and its capacity to guide sustainable development. The NILCA establishes a method for *landscape planning* in its identification of 130 Landscape Character Areas in Northern Ireland. Unlike the planning designation of Conservation Areas and Areas of Townscape (or Village) Character which are restricted to areas identified as 'quality', the NI LCA takes into account the condition, value, and need for enhancement of all landscape character areas in Northern Ireland, and includes management guidelines for development which are specific to these local landscape characteristics.

The 130 NI LCAs are broadly defined and it is readily evident that there are several layers of more local landscape character areas identifiable within each LCA. Also, the landscape of each landscape character area has evolved since 2000 and is still changing due to development (and impact from development in neighbouring landscape character areas). In the Republic of Ireland, new County Development Plans take the LCA for each county into account, but this is not the case in Northern Ireland.

- The NI LCA must be urgently and continuously reviewed and updated to ensure its currency as the principle guidance source relating to Northern Ireland's sustainable development,
- As employed in draft PPS18, the landscape management capacity of the LCA could (accompanied with reasoned justification of why and how) also identify landscapes where development is feasible and might be accommodated.
- Development plans in Northern Ireland must relate to the landscape planning guidelines of the NI LCA.

For a good planning system which prioritises the creation and management of quality places, LINI requests that this landscape planning approach (advocated by the European

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Landscape Convention, pledged to by those signatories to the European landscape Convention, and already in existence) be made current and be harnessed now for real planning reform.

## **4. Local Landscape Management Guidelines**

As population distribution and the development of place relate to landscape type and location, *local landscape character areas* (LLCA) are identifiable approximately relating to the electoral Ward size. Guidelines for the management of these local landscape character areas would thus integrate purposes for community development and landscape quality. For the creation and sustaining of value places, *Local Landscape Management Guidelines* (LLMG) must have the holistic support of the community within the local landscape character area. Community involvement is the means for undertaking the planning process. The LLMG must be prepared and debated with and amongst the community, who must be the source of information for the plan.

## **5. Landscape Character District Strategy**

At the District level, many landscape character areas interrelate to form a landscape character district (eg. similar to the extent of an AONB or National Park in Great Britain – an area whose boundaries are not necessarily equal to the District Council boundaries). Within this landscape character district, all the LLMG for the LLCAs within it can be taken into account and balanced against regional / national / international development issues, to form a Landscape Character District Planning Strategy. The system of Planning Policy Statements (PPS) remains, considered alongside the Local Landscape Management Guidelines in the preparation of the District Area Planning Strategy.

## **6. Place-specific masterplans**

For a reformed system of sustainable planning, the strategy must be related back to the LLCA level of the Place-Community. Once the District Area Planning Strategy is agreed, the strategic guidelines may then be applied to the local level to enable, design and benefit the creation of quality place. The strategies of the District level can be applied in the context of place, community and local landscape character to draw up (with, and debated by, the community within the LLCA) place-specific proposals (not site-specific proposals: planning operates to create quality places, and quality places are not created by the individual consideration of sites) or Community-Place Masterplans. At the local landscape character area level, the local plan system is a means for creatively designing valued community place.

## **7. Resourcing Landscape Planning**

Local plans must be structured according to landscape planning units and guidelines, and these must be consistent throughout all local plans (ie. across administrative boundaries). It is essential that each Local Council has at least one landscape architect in order to structure the local plan according to landscape planning principles. To ensure consistency, before adoption by Local Councils, all local plans must be approved by an expert body of professional landscape architects centrally located in the Department (which equates to the current Landscape Architects Branch of Planning Service HQ, and in this paper this post-RPA body is referred to as LAB). This is the same body that must be referred to for all proposals with impacts beyond the Local Council boundary.

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There should be a PPS defining the landscape planning structuring of local plans. It is for LAB to verify that this has been correctly implemented in the local plan preparation stage.

It is then for the landscape architects of the local council to manage development according to that landscape planning based local plan. This structure is embodied in the NI LCA (unacceptably out of date and requiring urgent review). LINI reminds the Department of the obligations of the European Landscape Convention: Landscape planning is not something that is referred to by the planning system - landscape planning is the planning system.

The NI LCA which is the current benchmark for landscape planning in Northern Ireland must be a resource which is continuously updated. Landscape development management guidelines are defined according to units of landscape. As landscape is the resultant interaction of people and natural resources, such landscape management guidelines address ambitions for both society and the environment together.

It is the opinion of LINI that to pose 82 questions in a consultation is inefficient and restrictive (there are matters worthy of discussion regarding which no question is posed). Responses are made below.

	REGIONAL LEVEL OF PLANNING
1 & 2	There should be a PPS defining the landscape planning structuring of local plans. It is for LAB to verify that this has been correctly implemented in the local plan preparation stage.
	LOCAL LEVEL OF PLANNING - DEVELOPMENT PLAN
3	A <u>plan-led</u> system is essential. It is essential that this is not just an administrative procedure ('material consideration of the development plan'), but a whole proactive (rather than reactive) process to which the entire reform must adhere.
4 & 5, 9, 18 & 19	<p>The <u>objectives and functions</u> listed for local development plans do not clarify the relationship between:</p> <ul style="list-style-type: none"> <li>the 'strategic plan' (the development strategy for the large scale landscape unit, which accommodates the landscape management guidelines drawn up for each LLCA, for review every 5 years)</li> <li>and the 'place-specific proposals' (the design of local place masterplans at the LLCA levels, feeding into the district strategy. [NB. These are not Site-specific proposals. Planning operates to create places, and places are not created by the individual consideration of sites separately.] Place-specific proposals should be reviewed on an annual basis at the place-community level - identifying issues and proposals which the place-specific proposals had not considered or which impact the LLMG. These amendments must feed back to the LLMG and the district level strategy.</li> </ul> <p>This relationship is core, as the objectives and the process become inseparable: the objectives are fulfilled in and not just by the process. The local plan <i>must</i> be structured according to landscape planning principles. (It will state the current condition of people &amp; environment in LLCAs, and will set management guidelines according to the conditions and objectives which the place-community within the LLCA support.) As the existing conditions of the LLCA evolves (through value development of society and landscape / community-place), so the landscape management guidelines will change, and must be kept current through review.</p> <p>All parts of the local plan (the LLMG, the district strategy, the place-specific proposals) must be based on landscape planning principles. That implicates community involvement, particularly in the LLMG and the Place-Specific Proposals. Landscape</p>

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	planning is for the benefit of society and environment together, and thus sustainability if served as the objective, not as an additional requirement.
6	The proposal for a <u>Statement of Community Involvement</u> (SCI) is avoidable. If the public / community are the <i>source</i> of information for the plan, then community involvement is implicit. As landscape is the interaction between people and environment, Landscape Management Guidelines do not just address built development, but also matters of social, economic, cultural, ecological, lifestyle and environment. Thus their success depends on the commitment of the community within the area to seek value and quality in the development of their community and their landscape. The community are not just the source of the information regarding matters and proposals in the LLCA, but also supporters and regulators of the vision.
7	The proposed <u>Programme Management Scheme</u> is likewise a procedure that should be implicit in the necessary process, not something additional.
8	The <u>Preferred Options</u> (and issues) for each place should be received <i>from</i> the community, not presented to them for consultation. All the place-community options / issues papers would then feed into the District Area Planning Strategy preparation. The aim of the LLMG is to consider the issues in that place of existing and intended conditions of society and environment in that place.
10	<u>Exceptions to the plan</u> must not be permitted. If a proposal is worth permitting, the plan should be amended to reflect that. The 'exception/amendment' proposal must be evaluated as an alternative future for that place. There will be 3 levels of assessment against exceptions, ie. a proposal might cause an amendment to the place-specific proposals, but not at district strategy level. Assessment of it must be structured according to solid LCA (landscape planning principles).
11, 12, 13, 14, 15, 16 & 17	Any <u>objections to the plan</u> should undertake to demonstrate that the proposed alteration to the plan makes the LLMG and the District Strategy more robust and the outcome of the local plan more sustainable, by aligning with and strengthening the landscape planning principles. LINI would advise that collaborative planning is achieved through verbal communication where all parties seek a common ambition (in this case, for the sustainable development of our region). Thus, verbal representations should be enabled, but unless other parties request, these should be in a collaborative rather than adversarial format. Representations must however, be based on the information submitted within the required period. Collaborative representations should include representatives of the place-community, thus providing a forum for any necessary counter-representations.
20 & 21	As the local plan must be a landscape management plan, the topics listed are comprehensive: by planning for the requirements of landscape, all planning matters are addressed (ie. environmental and conservation are included within landscape rather than vice versa). The <u>plan contents</u> must consider place-design and place-community, sustainability, quality, heritage, creativity and innovation... A <u>plan appraisal</u> should be integral with its formulation, and must include sustainability in place-quality, heritage, creativity & innovation, place-making, place-community etc.
22	As <u>planning authority</u> , District Councils are required to fulfil their planning functions. Local plans must be structured according to landscape planning units and guidelines, and these must be consistent throughout all local plans (ie. across administrative boundaries). It is essential that each Local Council has at least one landscape architect in order to structure the local plan according to landscape planning principles. To ensure consistency, before adoption by Local Councils, all local plans must be approved by an expert body of professional landscape architects centrally located in the Department (which equates to the current Landscape Architects Branch of Planning Service HQ, and in this paper this post-RPA body is referred to as LAB). This is the same body that must be referred to for all proposals with impacts beyond the Local Council boundary. There should be a PPS defining the landscape planning structuring of local plans. It is for LAB to verify that this has been correctly implemented in the local plan preparation stage.
23	For planning to effectively carry out its function in creating quality place, District Area Planning Strategies should be prepared for the ' <u>landscape</u> ' unit that is appropriate. This community-place may not necessarily equate to the administrative boundaries. eg.

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	planning capacity carried out according to National Park or AONB boundaries in England. LINI asks who the planning authority will be in these NI cases (National Park areas in GB have planning authorities specific to that landscape unit)?
24	The process of Place-Specific proposals can be instigated at once, and feed into the District Area Planning Strategy when that plan level is up for review. There is no need to restrict the capacity for District Councils to start the District Area Planning Strategy <u>preparation process</u> early.
	DEVELOPMENT MANAGEMENT
25, 26, 27, 28 & 29	<p>The three level <u>planning hierarchy</u> for planning applications must be according to the scale of <i>impact</i> of the proposal (not necessarily the scale of the proposal). The level of major impact applications must equate to the Local Area Strategy area, which might not equate to the Council Area. The process of 'front loading' should take place at all levels of impact (ie. including the local level).</p> <p>The hierarchy must depend on the level of impact of the proposed development, and impact is not an absolute characteristic, but variable according to landscape context. Thus, scoping of impact must be carried out by the landscape architect of the local council, in consultation with LAB. It is important to note that even proposals with no landscape content may have landscape impact. The landscape scoping opinion may define the proposal as local (decision through officer delegation), major (local council plan team decision), or regional (Department decision).</p> <p>Only category (a) of the listed <u>categories of regionally significant impact</u> is necessary, categories (b) and (d) equate to 'call-in' criteria at any hierarchy of impact level, and (c) is covered by (a). It is for the planning authority to ascertain the hierarchy level of impact, and thus how it should be considered, not the applicant, and notify the Department accordingly.</p> <p>It is awkward to produce <u>thresholds for major impact proposals</u>, as impacts will vary according to different landscape contexts. Impacts must be assessed on the LCA. It is not sufficient to classify impact according to urban or rural, and it is certainly not appropriate to declare that greenfield housing will have less impact than brownfield housing. Fortunately, the District Council is not only a planning authority, and the potential level of impact in many aspects must be discussed with other expertise in the Council (including the landscape architect). If, in processing the application, the Planning Authority decrees it to have regionally significant impact, it can notify the Department at that stage. In the hierarchies listed, LINI notes that there is no mention of public realm, leisure, natural environment and green infrastructure, or the re-use of development types.</p>
30, 31 & 32	A <u>performance agreement</u> is an unnecessary bureaucratic formalisation of a procedure that must be an implicit requirement (not voluntary) for all considerations of the landscape planning process, and there is no need state this additionally (just putting the processes of the system before the needs of the public and place it aims to serve). It is self-evident that not all stages will be necessary for each application.
33, 34, 35 & 36	<u>Community consultation</u> should not be an add-on to the planning process. In landscape planning, community involvement is a means of undertaking the process. As an implicit (and not additional) requirement of the process, applicants at <i>all</i> levels of impact (ie. specifically also including local impact development) should discuss proposals and its impacts with community and landscape planner at local landscape place level, such that all parties are informed of issues before application is submitted. If not met, the reasons for (and principles of) the planning system are not being respected and the developer is not acting responsibly.
37, 38, 39 & 40	All planning applications should be <u>submitted to the District Council</u> , who must notify (or be called in by) the Department if deemed (by screening according to LCA) to be regionally significant. All District Councils should be <u>statutory consultees</u> in <i>all</i> regionally significant applications.
41 & 42	If the Department is unable to make a decision without inquiry, that <u>inquiry should consistently be heard by the PAC</u> . It is not equitable to enlist independent hearers in some cases. The PAC must be assisted by appropriate expertise in decision making.
43, 44 &	(For major developments, see response to 30-36 above). For all planning applications,

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47	performance agreements, community consultation, statement of design intent, and landscape and environmental impact assessment, must just be ordinary required parts of the process without needing to be additionally stated and required. If not met, the <u>application is void</u> and cannot be determined, and there should be <u>no allowance for appeal</u> in this case.
45, 46	LINI advises that collaborative planning is achieved through verbal communication where all parties seek a common ambition (in this case, for the sustainable development of our region). Thus, local council pre-determination hearings should be enabled, but unless other parties request, these should be in a collaborative rather than adversarial format. Hearings must however, be based on the information submitted. Collaborative hearings should include representatives of the place-community.
48	District Councils may (ie. are not required to) <u>delegate non-contentious applications</u> (those which have fulfilled planning application requirements, accord with landscape plan and have no objections) for decision by officers.
49, 50 & 51	There are many skilled bodies who do not have the opportunity to provide advice to Planning Service. This knowledge could be usefully incorporated with the introduction of categories whereby certain <u>consultees are statutory for certain proposals</u> . The consulted body can decide whether or not to comment, and must be given a timeframe which assists the planning system. It must be understood that time-frame depends on available resources, the complexity of the scheme, and the volume of consultations. The local council landscape architect is a statutory consultee in all proposals, to scope whether response is necessary, or whether to refer to LAB. Similarly, on pre-application awareness of an upcoming application, the place-community should be assisted by the planner to be appraised of the facts by the same consultee expertise.
52	<u>Partial demolition of listed buildings</u> and building in conservation areas, ATC and AVC, must require consent. This must equally apply to other landscape and public realm issues (eg. trees and vegetation must have deemed TPO in ATC/AVC/Conservation Areas/Local Landscape Policy Areas/Historic Demesnes/listed building settings)
53	Planning authorities <i>must</i> require that <u>proposed development enhances the character of place-community in all cases</u> .
54	In landscape planning, people must have priority regarding definition of the value of their place. Thus, the <u>duration of planning permissions</u> may be reduced, unless the place-community requests an extension.
55, 56 & 57	Landscape planning should be collaborative, not adversary. <u>Minor amendments to planning permissions</u> should be able to be made by planning authority, applicant or community on agreement between all parties. <u>Errors in decision documents</u> should be corrected by planning authorities, and the applicant and place-community notified.
58, 59, 60, 63 & 64	Timelimit for <u>submission of all appeals</u> should be reduced to appropriate and equal duration to ensure continuation of participation in the process. LINI advises that landscape planning entails collaboration between all parties. Collaborative planning is achieved through verbal communication where all parties seek a common ambition (in this case, for the sustainable development of our region). Thus, PAC verbal appeals should be enabled, but unless other parties request, these should be in a collaborative rather than adversarial format. Appeals must be based on the information submitted (or it becomes a revised application). Collaborative hearings should include representatives of the place-community. The PAC should award costs when appeal is withdrawn by either applicant or planning authority without good reason.
61 & 62	Where an <u>appeal against enforcement</u> has been made to (or refused by) the PAC, the planning authority must refuse to consider a retrospective or repeat planning application for the same development.
65 & 66	For equity, <u>the PAC is the appropriate body in all cases</u> , and especially ensures impartiality when the decision is made by the District Council. It is not equitable to enlist independent hearers in some cases. The PAC must be assisted by appropriate expertise in decision making.

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67, 68 & 69	<p><u>Third party appeal</u> must be considered as a human right (and planning system exists to manage development in the public interest) and must be permitted. Delays arising from enabling third party appeal will be balanced by increased speed in the whole planning process arising from 'front loading' and community involvement which in itself reduces the likelihood for appeals.</p> <p>To avoid the inconsiderate use of the right for third party appeal, LINI proposes that 3<sup>rd</sup> party appeals be available to recognised groups only (eg. the recognised place-community group, civic trusts). Thus any individual 3<sup>rd</sup> party wishing to appeal would have to gain the support of the relevant group in order for it to be processed.</p> <p>LINI also wish to state that the allowance of 3<sup>rd</sup> party appeals enable greater public awareness of the importance for sustainable development and landscape matters (presented by landscape professionals, but only currently available in developer appeals).</p>
70	<p>It is more important to <u>strengthen enforcement procedures</u> to discourage development occurring without permission, than to discourage retrospective planning applications. Few practising landscape architects have ever experienced a planning visit to a completed site to check compliance with permission granted.</p> <p>It is the general experience of landscape architects in Northern Ireland working on non-Article 31 developments, that they are often not re-employed after planning permission is received. Thus on-site works are implemented without the supervision of a landscape architect professional and often not in compliance with the permission. This is an extremely important matter, because of the current lack of resources in LAB (less than minimum staff numbers, only able to consider major regional impact proposals, meaning that all other <u>proposals for development in Northern Ireland are not currently scrutinised by a landscape architect professional</u>. This is a totally unacceptable situation, and must be urgently rectified.</p> <p>LINI attests that it is not possible for enforcement to be carried out by planners without the appropriate expertise. For this aim, LINI members request <u>a review of the required landscape content of planning applications</u>. LIN members are informed that it is necessary to provide a level of information for a planning application (eg. detail information, schedules, layouts, spacing, quantities and specification of plant names) which is meaning that in fact landscape architects are frequently not re-employed after planning permission is granted. The work is instead being carried out by contractors without design and landscape architecture expertise, and jobs are not being implemented according to the intention and permission granted.</p> <p>LINI attest that there are three general impacts arising from this practice:</p> <ul style="list-style-type: none"> <li>• jobs are being implemented on site without the design and landscape expertise of landscape architects, and are thus generally substandard in execution,</li> <li>• professional landscape architects are gaining a bad name for projects they are known to have designed (but in fact have had no input to since planning approval has been granted).</li> <li>• landscape architects are suffering financially by being asked to provide information for planning application which is in fact post-planning application production detail information, and not due for payment until the subsequent Work Stage in LI Guidance for Clients on Fees. Without reappointment on a job after gaining planning permission, landscape architects are thus not being paid for that level of detail (and are essentially providing the production information 'for free').</li> </ul> <p>LINI attests that this is a greater level of information than that required by architects for planning applications, who are not asked to specify actual brick schedules (for example) and without which the job could not be subsequently constructed.</p> <p>LINI is informed that Planning Service require the level of information currently provided for planning application in order to enable the permission granted to be enforceable, however, it is the experience of LIINI members that despite the level of information provided, <u>enforcement</u> is not being carried out by Planning Service.</p> <p>LINI suggest that <u>landscape architect professionals certify completion</u> of the job according to planning permission granted. This compares to certificates carried out by Building Control in District Councils, and could be extended to landscape</p>

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	<p>architecture/planning/TPO certificates after RPA. Certificates for all landscape content must be carried out by the appropriate expert (ie. council landscape architect). LINI suggests that these certificates signed between developer/project team and local council will require developer retention of the landscape architect professional on the job for implementation.</p> <p>In the landscape content of project developments, there is a particular requirement for the public and the planning authority to expect and enforce landscape and mitigation matters critical at certain <u>stages of development</u> (eg. before site works commence, and for completion before handover). This concerns temporary development matters, but also long term public realm, planting, two years minimum establishment maintenance, landscape management performance indicators at 5year intervals.</p> <p>LINI also suggests that a <u>developer's bond</u> should be considered for all landscape works (as exists already in NI roads schemes, and NI landscape architects have experience of in the Republic of Ireland), to be released once the project is completed to the satisfaction of the local council landscape architect / LAB.</p> <p>These procedures will significantly improve the current damaging lack of enforcement (damaging both to the landscape – many small matters augmenting in cumulative impact - and also to the credibility of practising landscape architect professionals whose design expertise is not being required to be implemented in actual development.</p> <p>LINI reminds the Department of supporting planning guidance 'Creating Places', which clearly emphasises the importance of landscape architect expertise in the implementation of quality development.</p>
72, 73	<p>LINI advises that it is foolhardy to set <u>fixed penalties</u> without some means of scaling these according to the impact of the breach. Landscape conditions vary considerably in requirements (eg. detailing of an entrance feature, realignment and redesign of carriageways, retention and management of a group of mature trees), which £300 will go no way to deter the breach. The same applies to a £2000 penalty for breach of enforcement, which might apply to the entirety of the landscape design requirements of planning permission. A fixed penalty might give immediate financial benefit, avoid requirements for legal proof of accidental or intentional breach, and avoid precedence being created in case law. However, these benefits insignificant if breach is encouraged rather than discouraged by payment of a fixed penalty. LINI suggests a penalty aligned to a scale of impact of breach assessable by a professional landscape architect (in local council plan team). Payment of the penalty must not condone the breach, which must still be rectified. Strengthening enforcement procedures must be a priority.</p>
74, 75, 76, 77, 78 & 79	<p><u>Developer contributions</u> for general infrastructure and place creation requirements arising from development and proportionate according to level of impact are a reasonable requirement from the planning system in the public interest. They should include social housing consideration, and should be more frequently required. LINI requests that infrastructure includes essential matters of landscape infrastructure (public realm and open space, environmental conservation, landscape management). The guidelines for systematic requirements for development contribution will relate to the LLMG and place-specific proposals, and provide funds (levied according to development impact) for general infrastructure according to the LLMG and the place-specific proposals (as defined above), but LINI requests their design and provision relating to specific development proposals should also be assured through use of Article 40 legal and enforceable agreements.</p>
	<p>PLANNER CAPACITY etc</p>
80, 81, 82	<p>For planning functions to be adequately carried out, <u>all development proposals must be scoped by a landscape architect to assess for landscape impact</u> (which incorporates other aspects). For this it is essential that the plan team in each local council include a landscape architect. There must also be a centralised body of landscape architectural professional experts in the Department to deal with proposals of regionally significant impact. The PAC should also be assisted in its procedures by professional landscape architectural experts.</p> <p>This additional, but minimum necessary expertise, will reduce dependence of the system on inadequately trained planning officers, balance the potential for irresponsible Councillor decision, and increase consistency across councils. If a local council does not</p>

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have a professional landscape architect, all planning applications must be scoped by LAB.

As LAB has entirely inadequate staff numbers, such that they can only consider Planning Service HQ applications (ie. Article 31 / major regional impact proposals submitted for planning application), currently, the majority of planning applications are not scrutinised by anyone with landscape architectural expertise. LINI attests that rather than requiring the landscape content of planning applications to be presented in detailed technical schedules of information (eg. species, latin names, spacing, quantities etc) which the planning officer will not understand, it is more important to require a description of the design in terms which the planning officer will be able to relate to (the *outcome* of the landscape design in terms of space, vision, species, season, character, function, appearance etc. Such matters are readily enforceable. LINI offers the example of the Cotswolds Development Plan Landscape Policy ([www.localplan.cotswold.gov.uk/localplan/text](http://www.localplan.cotswold.gov.uk/localplan/text)) which states:

***Policy 45 Note 2. Landscaping Scheme:*** *A landscaping scheme should show sufficient detail to clearly indicate the character and appearance of the spaces to be created in the layout and design of the proposed development, including existing features to be retained, new planting, surface materials and means of enclosure. Any underground public utility services within the area to be landscaped should also be indicated. In large-scale development schemes, and, with the prior agreement of the Council (in writing), the landscaping scheme may be submitted for approval in two stages. First, a plan of the structural landscaping, showing the extent, shape and height of earth mounding, existing features to be retained, the location of proposed trees, shrubberies, grassed and hard-surfaced areas, footpaths and boundary treatment. Second, a detailed scheme showing the number and types of plants, details of hard-surface materials and street furniture.*