

# Effects-based vs activity-based planning

Kate Barker enigmatically refers to the New Zealand system in her review of planning. Their 1991 reform resulted in a shift from an interventionist to a more effects-based approach. Zoë Cooper explains.



Zoë Cooper is a major projects officer at the Environment Agency, Thames - South East Area

The Barker Review has addressed issues with the current Use Classes and General Permitted Development Orders in relation to our economic performance. In fact, this review has highlighted a number of perceived barriers in the land use planning system. Should we be looking at an effects-based (impact-based) as apposed to the activity-based approach we currently have?

At the Environment Agency we are increasingly taking an effects-based approach to our planning and development work. We are using risk-based criteria to concentrate our resources on strategic planning documents and high environmental risk developments. The Environment Agency is working hard to change the way we work with councils and developers. We are increasing pre-applications discussions and promoting good practice sites in a big effort to become easier to do business with.

We have produced new guidance for developers, which explains our environmental issues ([www.environment-agency.gov.uk/developers](http://www.environment-agency.gov.uk/developers)) and a new pre-application checklist ([www.environment-agency.gov.uk/planning](http://www.environment-agency.gov.uk/planning)) to provide the information we need.

These new ways of working are focused on addressing environmental effects and delivering environmental improvements. We are

The Chancery, Auckland CBD



Pictures this page:  
Source: NZ Urban Design Protocol, Ministry for the Environment (March 2005)

telling developers what we do want to see, as opposed to what we don't want to see. This move towards positive planning is reducing the number of objections and appeals and delivering higher quality environmental developments while helping to deliver the government's growth agenda.

In major growth areas like London and the Thames Gateway, the Environment Agency is employing major projects officers/account managers to project manage major sites, set up environmental seminars with developers and consultants and act as a focal point of contact.

## Lessons from NZ planning law reforms

New Zealand's Resource Management Act (RMA) was groundbreaking planning legislation that came into force in 1991. It was the largest law reform in the country's history replacing more than 20 major statutes and 50 other laws relating to the environment. This Act created a more comprehensive and streamlined approach to planning.

Prior to the RMA, the planning system in New Zealand was rather ad hoc in terms of its approach. Gaps were arising and planning issues not being dealt with efficiently or in a sustainable manner.

Basically, the RMA resulted in the adoption of the principle purpose of sustainable management. Sustainable management is defined by the Act as meaning *the use, development, and protection of natural and physical resources* in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-

(a) *Sustaining the potential of natural and physical resources (excluding*



Ponsonby Road, Auckland

*minerals) to meet the reasonably foreseeable needs of future generations; and (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

It is important to highlight the definition of the 'environment' where the Act states this to include:

(a) *Ecosystems and their constituent parts, including people and communities; and (b) All natural and physical resources; and (c) Amenity values; and (d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.*

This framework has been established so that the environmental effects of activities can be identified and correctly dealt with. New Zealanders will seek to provide for their own social, economic and cultural wellbeing yet under this act are required to consider the effects of pursuing these interests.

The New Zealand planning reform resulted in a shift from an interventionist plan to a more effects-based approach, promoting development that avoids, remedies or mitigates any adverse effects of the activities on the environment.

Therefore, developers are responsible for avoiding, remedying or mitigating the environmental effects of their activities. This then became the central principle to the resource consent (planning permission) process.

**Any lessons for London?**

We need to recognise that London is a dynamic and evolving city. The strength of our economy and our standard of living is unreservedly linked to the health of our environment. Our city faces a number of issues, which our planning system must address.

One facet of this is the need to provide a regulatory environment for business, which provides a choice of location; allows innovation to develop; and which permits adaptation to changing economic circumstances. In doing so we need to make sure that business growth does not compromise the protection and enhancement of the environment. The River Thames alongside our London parks and green grid network all contribute to our city's unique character.

Promoting sustainable management in London has to occur in the context of an urban environment that has been substantially modified. As Londoners we desire a quality living environment alongside robust economic and social growth. Sustainable city living needs to be rich and diverse. However, is this stifled by the current Use Classes and General Permitted Development Orders requiring planning permission for certain changes of use?

Under the New Zealand planning system, some Local Councils have incorporated a hybrid of both effects-based and activity-based plans. This allows its community to have vibrant, mixed-use communities that recognise business activities are constantly changing and diversi-

fying.

**Promoting economic growth as part of sustainable management**

An example can be taken from the largest city, Auckland. Auckland City Council was facing challenges with providing zones that would be flexible enough for the changing market forces of differing businesses whilst determining the parameters within which business could establish and develop. With globalisation, changing business trends and new technologies, the distinction between industrial and commercial was blurred. Thus mixed-use zones were introduced, where a wide range of activities are permitted. If activities are not defined or permitted, planning permission is required and assessed against set criteria that reflect the zones environment and amenity. This has resulted in the development of vibrant urban areas, which are in essence, diverse and ever changing.

Robust new development is encouraged which is fit for purpose, incorporating a compatible mix of residential, business, educational and leisure activities. The zones have been introduced in sustainable locations, close to the central business district or existing town centres with easy access to public transport. This allows residents, businesses and communities to react positively to change and encourages business growth. Locations where offices are no longer needed under market forces are able to become residential units, art studios, boutiques, and vice versa, 'as of right'.

These zones allow for development and enhancement of mixed use urban areas creating opportunities to live, work, learn, shop and undertake leisure activities. New development is encouraged to be adaptable to other suitable activities



Street level, Karangahape Road, Auckland CBD Source: Auckland City Council

over time, whilst ensuring adverse effects on the environment are avoided, remedied or mitigated.

Noise levels at the interface with residential zones are set; the interface with roads and open space are managed; and controls are adopted which seek to protect privacy and amenity of occupants in adjoining residential zones. Bonuses are offered in floor area for new developments, where specified plazas, landscaped areas, pedestrian facilities and cycleways are provided. Amenity levels are maintained and enhanced by requiring new develop-

Vulcan Lane, Auckland CBD Source: Auckland City Council



ment to meet urban design criteria. This effects-based approach enables diversity of services for employees during the day and residents at night.

While emphasis is placed on promoting retail, residential and commercial activity it also recognises the importance of other activities at an appropriate scale, further enhancing the overall mixed-use environment. Starter businesses and small scale manufacturing activities are encouraged as they support local centres and the surrounding resident population and provide employment opportunities.

This legislation has an underlying assumption that any use or development should proceed if there are no adverse environmental effects, or if those effects can be avoided, remedied or mitigated. It concerns itself with the effects of activities rather than activities themselves. As such it does not intend to prevent economic growth, development or innovation, but encourage it! Do we need to change?