

DRAFT NOTE OF A MEETING OF THE NATIONAL PLANNING FORUM

THURSDAY MARCH 7th 2013

CONVOCAATION HALL, CHURCH HOUSE CONFERENCE CENTRE, WESTMINSTER, LONDON

41 members and guests attended and there were 11 apologies for absence – names recorded in the Minute Book.

All the presentations made at this meeting can be viewed at <http://www.natplanforum.org.uk/pres2013.html>

1. Welcome and opening remarks

Brian Waters: Chairperson of the National Planning Forum and NPF Vice-chair (Professions) welcomed members and guests.

2. Planning for Delivery

Nick Boles MP, Parliamentary Under Secretary for Planning

Nick Boles delivered a brief speech in which he sought to address “some of the concerns that have been expressed in the newspapers in recent days about the state of local planning and the way that it will work once the National Planning Policy Framework comes into effect and decisions start being made in accordance with it.” He said that planning authorities have been doing a remarkably good job in the last year to get local plans drafted and adopted. They have worked more quickly and more successfully than under any previous planning regime. At the election there were 57 planning authorities with adopted local development frameworks and today 159 planning authorities with fully adopted plans. In percentage terms that is progress from a position where 17% of authorities with the responsibility to having plans to a position now where 47% of authorities actually have a fully adopted plan. 70% have published the plan. Those plans, all of them, even those are not yet fully adopted, will have some weight, some materiality in the decisions about individual applications. It is simply factually incorrect to say that we are about to have some free for all across the countryside in the planning process.

He went on to say that those areas that do not have a plan, maybe even those areas that do not even have a published draft plan, will make decisions in accordance with the National Planning Policy Framework which was quite hotly debated. However, we ended up with a draft that all of those organisations said “was a good thing”, that all of those organisations said “was appropriate national planning policy” and they said “they were happy with”. How then is it that if a decision is made according to the policies of the National Planning Policy Framework that we need to be frightened of those decisions. Where is there in the National Planning Policy Framework the free for all that some are saying we may be running the risk of? It certainly cannot be the presumption in favour of sustainable development because the presumption in favour of sustainable development is a presumption of sustainable development, sustainable environmentally, sustainable socially and sustainable in terms of infrastructure. It is not a presumption that any proposal to be build should be agreed to. It is a presumption that those proposals that match the National Policy set out in the Framework and local plans if they exist, that those should have a presumption in favour of them. We should not be scared -

we are making extremely good progress. He said that he had just been at the District Council Network and while he may not be their favourite minister he was nevertheless praising them for the work that they have done as planning authorities. Because given the pressures on them, the level of progress is remarkable and they really deserve applause, we have got to stick to the timetable, stick to the plan and get on with backing sustainable development to meet our housing needs, our infrastructure needs and our economic needs.

Question and answer session

Leonora Rozee, chairperson of the National Planning Forums Mediation and Planning Delivery Programme asked whether, in the context of the duty to cooperate, alternative dispute methods, particularly mediation, have a role to play in helping to bring together parties in a non-confrontational situation, and build consensus. She gave the minister a copy of the NPF's *Short Guide to Mediation in Planning* publication.

In response Nick Boles said that the “duty to cooperate” is all very easy to say. It is quite a lot harder to do. We would all recognise that we are all going through a process of understanding what it really means, what implications it has and how can you demonstrate that you have done it. We need to make it clear that if you cooperate, and like the rest of life, if you cooperate with someone it does not necessarily mean you can always reach an agreement. The important thing is that you demonstrate that you left no stone unturned in the effort to cooperate, that you did your level best. That I think is a common sense standard to which we should hold people. He welcomed the suggestion that mediation had a role to play and said it would be interesting to see whether the Planning Advisory Service and Inspectorate could actually suggest this to those areas where the duty to cooperate is proving quite taxing.

Tony Fyson, from the TCPA and Planning Magazine, asked why the Minister thought that invoking the NPPF will avoid the squabbles “because the squabbles occur not about the general targets for housing that a district may or may not adopt but where the houses are going to be built.” This is the critical issue - neighbourhood plans are coming forward but if they are going to come forward positively they will be adopting areas where housing could go. They won't always be ones where the district thinks they ought to go. How will ministers resolve that squabble as well?

The Minister replied that he did not think that he ever claimed that there will not be squabbles, that there will not be hotly contested proposals. “I do not think that there has ever been a place or ever been a time where proposals to build stuff were not subject to squabbles.” It was not a question of whether or not there will be squabbles; it is whether or not there will be a way of arriving at decisions that gives everybody a chance gives everybody a voice that has a systematic set of principles by which those decisions are finally arrived at. The combination of local plans are far more than we have ever had and the National Planning Policy Framework adopting them was much debated and ultimately everybody signed up to, will prove that we have that system of principles by which we make the decisions.

Noel Farrer, Chairperson for Policy for The Landscape Institute, said that the squabbling is because people genuinely believe that what is going to land on their doorstep is something that is going to, in some way or another, impede upon their lives, whether it be their property values, their views, their whatever it may be. The Building for Life Standards has 12 ideas attached to it, of which 10 are in effect landscape issues. A lot of the key things that determine whether somewhere is of the right quality is the quality of the place. It is the quality all the way through that is most important. Part of that quality for us in the profession is the fact that landscape architects and landscape architecture are a critical part of it. Each local authority needs to be able to ensure that the level of advocacy, advice experience and confidence to be able to adjudicate and make judgments about quality.

In response Nick Boles agreed it was not possible to legislate for beauty. There were different ideas of beauty. The question is how we encourage a process that arrives at beautiful designs without proscribing what actually beauty is of itself. We all know that from beautiful places we like to go and visit. It is because the whole place feels right it is not just because each individual building is a good bit of architecture. The question is how do you nudge people to follow your principles, to produce beautiful designs, to involve local people in deciding what beautiful designs will fit with their area without proscribing it in a way that is either incredibly bureaucratically cumbersome or adds a huge amount of cost to developments that are already too expensive.

Mhora Samuel from the Theatres Trust asked how the Minister saw communities recognising what it means for them to be in a place where their cultural well being is being serviced by the planning system.

Nick Boles responded that the presumption is favourable sustainable development. “Most of us in our broad concept of sustainability would have some idea of culture life being part of that but places without cultural life do not frankly tend to be places that people much want to spend any time in.” He was excited about neighbourhood planning even though fully recognising that its effect will not be felt until long after he was no longer a minister because it will take time for enough communities to have done it for all of us to recognise the way it changed things. So long as there is a minimum text so that it cannot become a new tool for those who want to resist development; but it can only become a new tool for those who want to shape development and plan it properly that could really change things.

The Chairperson, Brian Waters asked what the Minister thought of paragraph 52 of the NPPF (paragraph 52 recognises that *the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities.*)

The Minister replied that he, the Deputy Prime Minister, the Chancellor and the Prime Minister believe in new settlements; however, we have focused on expanding the existing settlements and not built enough new settlements. There is one good example, Leeds has a big tub of housing and they have sort of vaguely allocated to the various areas of Leeds. What they have decided they want to do is rather than tack three hundred houses on to the edge of every village and have a dozen battles, they want to take an area that the University of Leeds owns and build a new big village of two thousand houses where they can really plan, really think about garden city, cultural life and all of the other things from the start. I think anything we can do to encourage it we should do.

Paul Miner from the Campaign to Protect Rural England said the CPRE have always said that much more new housing was needed and yes some of it will have to go on green field but if the new settlements are designed well then they can contribute towards that. He asked how practice has moved on in building new settlements since the garden cities of the 1930s. A lot of the garden cities were well designed in architectural terms much of them look good in many places but the cutting edge of practice now is places like Vauban, Freiberg and some places in Stockholm which used high density housing, zero carbon and have good public transport access.

The Minister replied remarking that Paul was about the fourth person who has said he needed to go to Freiberg. It is, understanding the ethic and the principles and then translating them to our current timing. Probably the place he has been most excited about is a part of Harlow called Newhall. A big development on a green field site by several fairly substantial developers, lots of green space, quite unashamedly modern buildings, and lots of social housing that does not do that terrible thing of making it obvious that this is social housing that is not particularly desirable and the rest is posh middle class housing. You could not really tell. It is fantastic. The community loves it, the people live near it love it, the people live in it love it, our MP Rob Halfon lives in it. I think that it is a great example of a truly sustainable settlement. Whether or not it entirely dots all of those principles I do not know but it seems like a great example. The only thing where I suspect that we will never be entirely of one accord

is on density. Of course there is a place for high density. Frankly if more of London was like Pimlico and Kensington and Chelsea then London would not have such an acute housing problem. But he does not believe that high density is the answer for everyone everywhere. Because we fortunately have a very small proportion of our land mass that is developed we do not need to somehow retreat into a Hong Kong solution of piling everybody on top of each other in rented flats in city centres. We can create houses with gardens for young families, which they consistently tell us in every single bit of opinion research is what most people want.

NPF Secretary Mike Hayes pointed out that perhaps the other great place that is held up as a sustainable modern community is Upton on the edge of Northampton. The key to both of them was the land ownership. He wondered if in due course the balance may have to be addressed between the bottom up approach and a bit more top down to ensure delivery actually takes place.

Nick Boles replied that ownership was an important factor in achieving quality and long term interest in the development outcome. He was encouraged by the Eastleigh by election because the Liberal Democrat Council in Eastleigh, half way through the most hotly contested by election campaign, took a public decision to build one thousand two hundred houses on a golf course. Anybody would have predicted that that would have incinerated them instantaneously at the ballot box two weeks later. 'All that I would point out to you is that the new member Parliament for Eastleigh is a Liberal Democrat, not a conservative and not a UKIPer. I am a bit more optimistic that we can persuade (people), the incentives are incredibly important; I think the beauty is incredible important, I think all of these things will come together and I am optimistic that it will turn. The blunt truth is we will not know by 2015 whether the corner is turned, whether it is going to work, whether we can do without that central intervention which I would hate to have to have, I would like to think there is a half way house where, with these new settlements in particular, that we can strongly nudge but without usurping the democratically accountable leadership role of the local authorities.'

The Chairperson asked about progress on planning reform in respect of changes to permitted development rights.

The Minister stated that the opposition, not just outside of government but within government to relaxations of this kind is quite intense, because people worry about whether there is going to be enough commercial space for businesses that are starting up and need to get going. Where we have arrived at is what we think is a sensible compromise - it is restricted to that particular class. There is an exemption regime that local authorities can apply for. We are not going to be very relaxed in our views about those exemptions. We are going to only let some through but nevertheless we will take them all seriously and adjudicate them fairly. Then there will of course be the Article 4 possibility for local authorities. It is a balance and it is about taking people with you. I think it is a very important policy and I am keen to look at other areas of the Use Class Order to see whether there are other categories of already built land that could be made more available to those who think it would be better used as housing because that way we will be able to build on fewer green fields.

The Chairperson closed the item by thanking the Minister for giving his time to address the Forum and engage enthusiastically with members' questions.

3. Delivering Infrastructure – is the 2008 Planning Act working?

Peter Burley, Chief Planner, the Planning Inspectorate and Robbie Owen, Partner Government and Infrastructure, Bircham Dyson Bell and Secretary of the National Infrastructure Planning Association gave complimentary presentations reflecting their individual perspectives on the operation of the Act.

Peter concluded it was working 'reasonably well' and Robbie concluded his presentation by saying: "I think this regime has huge potential to be tremendously successful. If you think what we had before

which it is replaces, we had long public enquiries, decisions sitting on desks for years sometimes waiting to be made. This is a whole way better but I think it just needs slightly tampering with further to make it more fit for purpose and a little less proscriptive, a little less complicated but generally speaking I think we are doing well.”

Question and answer session

Corinne Swain (ARUP) asked for clarification on the period within which the secretary of state is to make the decision - is it the target, is it more than a target, what are the sanctions, if any, over bad publicity, if the Secretary does not play ball? And second, is there a way of rationalising the vast database on responses to consultations, each one of which has to be individually logged?

Peter confirmed that the secretary of state timetable for decision is a statutory requirement. He stated that PINS asks promoters to send individual consultations to them so they can themselves check that what is said in the consultation report is actually borne out by the evidence. But there is no need to reproduce thousands of letters and emails in the consultation report to prove you have done the job that you say you have done. It is up to the promoter though to decide what is appropriate and this is an area where perhaps there is a need for more guidance. He thought NIPA is doing some best practice guidance on just this sort of issue because nobody needs to wade through that amount of detail.

Andrew Pritchard from the East Midlands Councils said there was disappointment that some government departments are not being forced to be clear what their policy is. He wondered how departments like DFT can be forced to be clear what their policy is for this process. The fact that the Secretary of State is now making those decisions is going to be a good thing from our local authority perspective. We thought the thresholds were too low on some of these schemes but now it seems that the government has acknowledged that and the thresholds are going to be raised. We raised in 2007 and 8 the potential for mission creep through this regime. This is now happening – he asked the presenters their view about ‘mission creep’ particularly as it seems that national policy is not now always going to be required, is that not a danger going forward?

Peter Burley speculated “is it because they do not know what their policy is rather than a question of coming clean about a policy?”

Robbie Owen said that there are things one can do to put pressure on those types of concern. Lord Dyson, the first infrastructure minister, and his officials in IUK are pretty concerned about this and the more noises that we can all make in the direction of DFT the more we help IUK. He also thought it would also help if CLG put pressure on DFT to explain why it is important for these schemes to be brought forward and therefore to have NPSs in the first place. In terms of mission creep, even in relation to infrastructure, if not business and commercial projects, there is and always has been scope in the Planning Act to add new schemes, new types of projects as long as they are in the fields of energy, transport, water, waste and waste water. It is important though to recognise that these business and commercial projects that would be eligible to go through the regime are not just projects that have to be set out in prescribing regulations but also as the bill is currently worded, the statutory statement also has to be of the view that each project concerned is also not just listed in the regulations but is also of national significance in its own right. That is quite a high bar to get across. It may be that following consideration of the consultation responses that came in January that CLG slightly tweaks that but that is the current proposition we have. He understood local authorities’ concerns but thought this system for business and commercial projects will be used quite sparingly.

Michael Cooper, RICS raised the question of The Thames Tideway Tunnels, and the possibility of another way of solving this particular problem. At what stage would you address this pre-application and if you have a hearing would you appoint your own experts?

Robbie Owen replied that it should have been addressed about three years ago. Because the national policy statement is in place, it endorses the project in principle, says it is needed, it says how its impact may be mitigated. The decision on the application for the DCO would be taken in a year and half's time and will have to be made in accordance with the NPS unless one of the few exceptions applies. Unless the Secretary of State consider the impacts of the project outweigh its benefits. That may perhaps allow for some aspects of the scheme to be changed, worksites and shaft sites and things but the principles of the schemes are now given now.

Peter Burley agreed.

Brian Waters thought this is very crucial point because there has been quite a fundamental shift from what was originally proposed in the Planning Act which was the really big developments which are really genuinely national infrastructure projects and a system that was designed to streamline that process by making sure that there was a clear statement of national policy in advance. There is no proposal for NPSs in relation to business which opens the whole examination process up to the consequence of considering the very issues which caused the problem in the first place which was need and alternatives. There has been monumental mission creep in relation to the Planning Act and it is getting faster and faster as ministers eyes light up at the thought that they can get something through a bit quicker by shoving through the Planning Inspectorate. He thought there are really big risks in association with that.

Peter Burley replied that with the new category there is an issue about its breadth, it covers areas that are covered well in TCPA policy anyway, so his question is "actually do you need an NPS?" He would agree that certainly National Networks and key things about transport that relate to National Networks would help to have an NPS; but is "not sure you need an NPS specifically for this new project."

The Chairperson thanked Peter and Robbie for two excellent presentations and a helpful Q and A session.

4. Update from the Executive Board

The Secretary updated the meeting on the subscription exercise, annual report, the intention to become an incorporated body and an emerging proposal for the Forum to use some of its financial reserves to support planning projects and research.

He announced that Ghislaine Trahearne of the British Property Federation had volunteered to be the Forum's Vice-Chair for the Business Sector.

There was a discussion about future Forum topics and Brian Waters asked if there could be an update on the Planning Portal at future meeting.

5. AOB

1) **Tony Fyson** said it would be helpful if the forum revisited the subject of its relationship with the press. He recalled maybe 20 years ago that the Forum actually talked through at some length about whether or not proceedings should be reported. His instinct is for openness and he feels that having some reporting of what the Forum simply deliberates can actually help it.

Brian Waters expressed sympathy with this view. The default position should be openness unless there is a reason why not and obviously a minister or any other speaker can protect himself. He can simply say it is off the record or it is a Chatham House.

The Secretary responded that he would be slightly cautious although he accepted the general point. There were two characteristics about the Forum: one, a considerable number of people are

government employees, they work for government agencies, the Forum provides a valuable place for people to come and exchange views and listen; particularly for them we have to be very careful about how we do this; second, the Forum does not take a view about anything because the members often represent every side of every question. We have had discussions recently with the editor of Planning Magazine, Richard Garlick, about the possibility of our proceedings being reported regularly but properly. We are trying to work on a code to embrace that and it seemed to him that rather than take a vote now it might be better to put that code to the membership so that people know what they are signing up to.

Brian Waters asked the Secretary to draft a paragraph which is a suggested code for discussion to take to the board meeting and bring it back to the Forum.

2) There was a further discussion about the desirability of a Forum meeting to address the status of the planning profession, the current state of planning education, partnership working and the skill sets planners need in the twenty first century.

3) **Stephen Russell of the Landscape Institute** drew attention to their new position statement on green infrastructure and commended it as a helpful tool.

6. The Chairperson closed the meeting by thanking everyone for their attendance.