

DRAFT NOTE OF A MEETING OF THE NATIONAL PLANNING FORUM

THURSDAY SEPTEMBER 22nd 2011

LOCAL GOVERNMENT HOUSE, SMITH SQUARE, LONDON

40 members and guests attended and there were 19 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/pres2011.html>

1. Welcome and opening remarks

Councillor Mike Haines, Local Government Association, Chair of the National Planning Forum and NPF Vice-chair (Local Government) welcomed members and guests.

Mike informed the Forum of that during the summer Cllr Derek Bateman, the LGA Labour representative on the Forum and a regular attendee, had passed away suddenly. A moment of silence was held in Derek's memory.

He further informed the Forum that he was no longer a member of the Environment and Housing Programme Board and as a consequence of this and other appointments in the Local Government Group (LGG) four new members would be representing the LGG at the Forum:

- Cllr Keith House (Lid-Dem, Eastleigh) – lead member and Local Government Vice-Chair on the National Planning Forum Executive Board
- Cllr Eddie Poll (Conservative, Lincolnshire)
- Cllr Ed Turner (Labour, Oxford)
- Cllr Andrew Cooper (Independent, Kirklees)

In stepping down as Chair of the NPF Cllr Mike Haines referred to his two year tenure of the post and the changes he had overseen and thanked, particularly, the other NPF vice-chairs, the Secretary and Graham Jones of the Planning Officers Society for their support. He felt the Forum had been successful in moving forward in changing circumstances and was in 'good shape'. He then introduced the incoming Chair, Brian Waters MA DipArch (Cantab) DipTP RIBA MRTPI ACArch and NPF vice-chair for the Professions Sector.

Brian welcomed new Forum members – the Landscape Institute and the London Forum of Amenity and Civic Societies – and Professor Gavin Parker of Reading University representing the Committee of Heads of Planning Schools (CHOPS) and Alison Cremin of DCLG, who were attending for the first time.

In his opening remarks Brian referred to having been a member of the NPF's predecessor, the National Development Control Forum and of the NPF since its earliest days. There had been many changes along the way! The role of the Chair was to ensure a balance was kept between all the interests represented at the Forum.

2. Draft National Planning Policy Framework

**Ruth Stanier, Deputy Director, Planning, Economic and Social Policy, DCLG
Presentation and discussion**

Ruth gave a verbal overview of progress on the consultation on the draft National Planning Policy Framework (NPPF) currently underway. The exercise had attracted enormous media interest. The consultation was open until October 17th 2011 and already several thousand responses had been received. The main issues that were emerging were:

- The definition of sustainable development
- Overall tone and balance of the document
- Detail of housing policy and how these will work – particularly the detail on identifying an extra 20% on a five-year rolling land supply
- The duty to co-operate
- Transitional arrangements – ministers were committed to ensuring a smooth transition
- The question of conformity

There followed a discussion. The principle points made included:

- Andrew Pritchard drew attention to the concerns of the Association of British Insurers to the impact of the NPPF and the possibility of the current agreement on not building on land at risk of flooding breaking down. Corinne Swain expressed a view from ARUP that there was a risk in the potential loss of detailed guidance currently available in the current PPS series. Removing guidance would lead to lower standards and inefficiencies if local authorities felt they had to ‘re-invent the wheel’. In similar vein Brian Waters raised the question of PPG 24, which advised on issues of noise and was accepted across the industry. It was vital that such technical guidance and the recognition it received was not lost. Peter Geraghty of the RTPI raised the question of enforcement as set out on PPG 18 and pointed out that the NPPF was written from a rather singular perspective and did not emphasis the requirements placed on developers and applicants. It fails to look at planning as an ‘end to end’ process.

In reply Ruth Stanier stated that considerable concern had been expressed about the future role of guidance in the planning system. While it was right that a policy document confined itself to policy; it would be necessary to decide which elements of ‘essential’ guidance and advice on techniques and standards should remain. On the matter of enforcement, ministers were clear that enforcement is not national policy but recognised that PPG 18 will need to be retained in some form. She argued that developers and third parties cannot be bound by policy statements in the same way as local planning authorities; however, Peter Geraghty responded by pointing out that failure to comply with requirements can lead to developers and applicants being the subject of costs on appeal. Ruth promised to give further consideration to this point.

- Mhora Samuel pointed out that culture did not feature in the draft NPPF although it was recognised in the 2005 UK Sustainability Strategy along with leisure and sport as a component of a sustainable community. Tony Fyson felt that it would be necessary to provide a substantial amount of guidance if this complex system were to function and wanted to know whether the requirement for a five-year land supply plus 20% was a target and were there sanctions if it were not met. Gavin Parker opined that it could act as a reverse incentive – a five-year supply plus 20% of what? If the initial figure was reduced to compensate this could mean fewer not more houses.

Ruth responded by welcoming the reference to culture and acknowledge it was an omission; felt the current focus was on the NPPF and that the review of guidance must follow; and that the five year plus 20% land supply requirement was to provide flexibility in the light of experience which demonstrated that usually not all the sites in the five-year supply were developed. The extra 20% requirement was not additional to the 15 year housing supply programme.

- Ian Phillips asked whether there would be an end to ‘the mismatch between questions asked of the draft NPPF in relation to the countryside and the answers given in relation to areas of special designation’ and for clarification in relation to the role of the proposed presumption in favour of sustainable development and areas where the draft NPPF is silent, for example in relation to trees. Ivan Moss felt that the countryside was covered by the draft NPPF. He felt there was confusion on what would constitute a development plan – the 2004 Act provisions would remain, but the draft NPPF refers to ‘a local plan’ and elsewhere to ‘plans’.

Ruth thought that ministerial responses to issues in relation to concerns about the countryside and areas of special protection were becoming clearer and were talking positively about the role of the local plan. The key consultation issue was whether the draft NPPF had got the right level of statutory protections – she invited further submissions if people felt the draft was incorrect. There was nothing in the draft Framework that should over-ride the provisions of the 2004 Act; perhaps there was a need to think further about whether the draft Framework was clear in supporting this position.

- Matt Thompson picked up on the notion that the draft Framework did not change the position in relation to the development plan by referring to statements that additional development plan documents needed clear

justification; but there was no indication of what that clear justification might be. He felt this was causing the confusion referred to earlier. Ruth explained that ministers were trying to move to a position where local plans were more accessible and less complicated.

- Andrew Pritchard questioned the use of the phrase 'where practicable' in relation to the need to introduce measures to reduce greenhouse gas emissions and congestion. He asked when it would not be practicable and what criterion might be used to justify not reducing emissions and congestion. Tony Burton from Civic Voice felt that a profound debate about the purpose of planning was underway and in this context the Prime Minister's recent letter had been helpful. He recognised there would not be spatial element in the Framework; but was concerned that there was no sense even of geography or 'preferred geography'. It was a 'placeless' or 'anywhere' document - in broad national terms where should growth go to meet sustainability objectives?

Ruth pointed out that she was not in a position to say what might be in the final document. The question of whether the spatial dimension was right had been discussed a number of times. There was a debate to be had about what was appropriate at national and local levels. A recurrent theme in the discussions was whether enough was said in the draft about the need to work towards a low-carbon economy. She felt the term 'where practicable' was legitimate in a national policy document, where it was difficult to be prescriptive.

Brian Waters asked whether when Steve Quartermain gave his report he would refer to the outstanding matter of local authorities being able to set their own fees and the review of the use classes order. The Chair referred to Westminster City Council's intention to charge £25k fee for a planning agreement as an interim measure pending a resolution to the fee-setting question. This was an indication of the fee levels that might emerge if they were set locally. The position of the Association of Consultant Architects was that in these circumstances applicants should be able to choose which authority dealt with their application. There was a need for competition to prevent a monopoly situation.

Brain thanked Ruth for her attendance and robust and thoughtful contribution.

3. Design Council CABA: the Way Forward **David Kester, Chief Executive, the Design Council**

David overviewed the Design Councils' history, its current role and the ways in which he envisaged it supporting government policy in the future. Design review had had a parallel evolution since the establishment of the Royal Fine Art Commission in 1924, which led to its replacement by CABA in 1999. There were strong links between the organisations, which regularly worked together.

He defined the role of design as 'translating ideas into good products, brands, services, systems, places and spaces.' It was a process that needed to be owned by everyone involved.

DC CABA welcomed the draft National Planning Policy Framework, with its strong endorsement of design review and summarised their view on it as:

- We support the democratisation of the planning system through the simplification of planning policy
- The NPPF should empower local authorities and communities to set out a 'positive, long-term vision for a place' as a strategic priority
- Sustainable development = good design process
- We welcome the inclusion of local checks and balances through design support including Design Review Local authorities should have access to the resources and support necessary to deliver sustainable outcomes

He summarised the DC CABA focus as:

- **Influencing** *policy*
- **Running national** *challenges*
- **Mentoring** *services*
- **Improving design quality in the** *built environment*
- **Developing and supporting** *networks*

David said that DC CABE was:

- Committed to provide advice to government to ensure good quality places are achieved through the new planning system.
- Welcomed the commitment to design review in the draft NPPF.
- Would continue to provide expertise to support design quality in the new planning system
- Continue to support design review in many formats following the Bishop Review.

In discussion, Matt Thompson thought that given the Design Council's focus on processes and systems, as well as products and services, there might be the potential for a review of the processes of planning. Peter Geraghty added that good design was not questioned; but it takes time to achieve and the revisions to the system were not encouraging in this regard. There was a tendency to end up with the lowest common denominator solution and a danger that, in the pressure for delivery to kick-start the economy, design might be left behind. Tony Fyson asked whether the emphasis of CABE's work has changed as a result of the merger. It was no longer clear whether design review was essentially educational or led to significant interventions. In its previous incarnation there had been considerable controversy. Is the new mechanism different?

David reported that 120 design reviews had taken place since the merger. There is no sense that the purpose is primarily educational, although accumulating knowledge was a by-product of a process that was essentially there for practical purposes. There was no sanction for not following CABE's advice; but the peer review process was highly respected and worked well. The new review process was leading to a stronger emphasis on involving communities and providing more local advice. There was always a risk of sinking to the lowest common denominator; but support through enabling from early in the process helps to drive up quality. Good design was about thinking and understanding and hopefully it would have value in relation to the planning system. A smart enabling and review process can help improve the systems efficiency.

James Carr informed the Forum that the RIBA was working with the RTPI and LI to provide people to support design review at local level.

Brian Waters thanked David for his presentation and input to the discussion.

4. Supporting Communities and Neighbourhoods in Planning Report on progress from:

- **The Prince's Foundation – Hank Dittmar**
- **Council for the Protection of Rural England – Nigel Pedlingham**
- **Locality – Carole Reilly and Andy Perkin**
- **Planning Aid England – Julie Orrey**

Each of the four organisations selected to participate in the DCLG funded Supporting Communities and Neighbourhoods in Planning programme made a short presentation on the approach they were adopting and the communities and groups they were supporting.

In the ensuing discussion:

- In response to a question from Brian Waters Hank explained that there had been co-ordination meetings between the four organisations both before and after DCLG's formal commissioning.
- In response to a question from the Secretary it emerged that while the organisations referenced each other's websites and all four were promoted by the DCLG website, there was no central web location where communities could go for direction to the most appropriate provider in their circumstances. Carole Reilly recognised that this would be helpful but felt it would be an unnecessary complication at the beginning of a programme that had only just got going.
- Alison Cremin, who had recently taken over responsibility for the programme in DCLG, was looking for ideas to raise the profile of neighbourhood planning.

- Taking this further Tony Fyson asked whether it was better to have organisations with a clear ideological position or a more policy oriented position providing the service and whether there had been an upsurge of interest in neighbourhood planning. Ian Phillips asked if there was any evidence that communities were taking an interest in a positive, pro-growth approach to planning and Gavin Parker added to this by underlining the need for community organisations to build considerable capacity to enable positive engagement with the planning process and to take a wider view of development and infrastructure needs than just the individual development project.

In response Hank explained that the four organisations were had different histories and core competencies and hence could offer complimentary services, which allowed people to make a choice between the different offers available. Carole pointed out that people were willing to engage at community level when the task was de-mystified and people understood they could engage without making huge time commitments.

- Kathy MacEwan advised that Design Council CAGE were being funded to advise and support neighbourhood projects and had received 140 applications in response to an offer of possible grant support, which was many more than anticipated. Many were not formal plans but represented a large range of projects, many of which were at 'pre-planning' stage. Annie Coombs referred to training on localism she had been involved with in the North West where it was apparent that local authority planners appeared to be nervous about neighbourhood planning. She asked for reactions to the notion that a local planning authority might advise its communities to engage with the LDF Core Strategy process, rather than neighbourhood planning. Caroline Dwyer said that her experience was that local authority planners were very positive on neighbourhood planning; but were most worried that self-selecting communities will form, leading to hard to reach and disadvantaged communities not being heard. Charles Wagner asked how communities can be encouraged to appreciate their heritage assets at an early stage so that they are properly considered in neighbourhood planning.
- In response Julie said the Planning Aid was receiving many requests for support from groups in disadvantaged areas to address specific issues; but there was little interest in taking on a formal neighbourhood plan approach. Groups need to choose the most appropriate mechanism for their own situation. On the other hand Planning Aid were being approached by many (self selecting) groups who did not qualify for Planning Aid support who wished to engage with the neighbourhood planning process. There was a gap between groups who saw neighbourhood planning as a route to power and those worried that they would never get their voice heard, let alone prepare a neighbourhood plan. Local planning authorities were holding back because there was still uncertainty about the process. Hank stressed the contribution local groups can make to explaining the value of heritage assets – this is a positive bottom-up, rather than top-down approach. Mhora Samuel concluded the discussion by pointing out the many specialist groups who held valuable local information on heritage and other community assets.
- Michael Coupe opined that English Heritage were a notable absentee from the list of Design Council CAGE partners, which was regrettable because EH were experts in characterisation, which was a key element in understanding local areas. Hank pointed out that this was a strength of the Prince's Foundation and Carole that heritage assets were very important in helping communities understand the uniqueness of their area.

Brian thanked all the participants for their contributions.

5. Update from the Executive Board The Secretary

In a brief report because of lack of time Mike Hayes thanked all the participants in the day's event and announced that subscription invoices would shortly be distributed.

6. The minutes of the meetings of March 4th and June 23rd 2011 were agreed and signed.

7. AOB

- The Chair asked for suggestions for future agenda items. Mhora Samuel suggested a report on the forthcoming Select Committee report on the Localism Bill. The Secretary suggested a report on the merger of the IPC and PINS. Charles Wagner pointed out that Kelvin MacDonald was advisor to the Select Committee.

- The Chair suggested that the Forum would benefit from discussion with people and groups who engaged with the planning system. Michael Coupe suggested Mary Portas could be invited and Tony Fyson someone on the advocacy side of HS2 such as Brian Briscoe. Ian Phillips suggested a presentation on the forthcoming Green Infrastructure Partnership. Janice Morphet pointed out that the National Infrastructure Plan 2 would be published in November.