

## **NATIONAL PLANNING FORUM: *inspiring planning***

**Note of meeting: Tuesday 20 March 2007**

**Local Government House, Smith Square, London**

**Attendance and apologies: there were 38 members present, and 17 apologies**

### **1. WELCOME FROM THE CHAIR**

**Mark Southgate**, NPF Chair, Vice-Chair (Government and its Agencies) and Head of Planning and Environmental Assessment, Environment Agency welcomed members. A list of those present and apologies received will be kept in the Minute book.

### **2. UPDATE ON NATIONAL PLANNING ISSUES**

**Paul Hudson** - Chief Planner, Planning Directorate, Communities and Local Government gave an update (see his ppt at <http://www.natplanforum.org.uk>). He said that:

- the number of DPD documents coming forward had been disappointing to date;
- however, development management performance was heartening, as was performance on use of brownfield land and density of development; and
- that the Planning White Paper would be an integrated document, and is now expected to issue in late Spring, not imminently as had been suggested previously.

He emphasised the need for intelligible processes for major infrastructure proposals (MIPS) that do not deter economic development, welcomed continued input to the debate from the NPF and stakeholders, as further consultation documents would issue over the summer.

*Comments/questions were as follows [responses in normal type]:*

- *would the consultants' work on the Householder Development Consents Review (HDCR) be published? Yes – and there would be consultation on resulting proposals for revising the GPDO in due course.*
- *surprise that Communities and Local Government did not co-sponsor the Heritage White Paper (HWP) in view of the HWP's aim to better integrate heritage and planning. Does the Department support the HWP? Yes.*
- *impressed by the range of issues being tackled. How would the consultation by promoters of schemes be monitored? And how would implementation work if for example a local planning authority (LA) had opposed a scheme? The Independent Planning Commission (IPC) would set out their expectations for consultation and will take a view on its adequacy before taking its decision. Local Government is well versed in taking on implementation and - where necessary - enforcement on schemes for example approved on appeal or by the Secretary of State; there was no reason to think this would not continue for IPC decisions.*
- *concerned about the entirely undemocratic nature of the IPC, particularly as planning decisions are rarely clear cut. Commended use of an Examination in Public as part of the process for deriving policy and IPC decision making. Noted that review of delegated decisions by Elected Members in the Isle of Man had been discontinued. Suggested that the DPD tests of soundness could apply equally well to IPC decisions. The PWP would set out the way Government's thinking is going; further inputs to developing the detail will be sought.*
- *the right to challenge to IPC decisions would imply the need for extra resource for the Commission. Challenge to IPC decisions would be on points of law only.*
- *would inputs continue to be via meetings and events, or be from now on via written responses? Both.*

### 3. PLANNING PERFORMANCE AGREEMENTS

**Alice Lester** - Principal Consultant, PAS, gave a presentation on the PPA pilot (copy of her ppt is at <http://www.natplanforum.org.uk>). A copy of the report itself is on the PAS website. She said that it was easier to elicit information from the majority who had progressed, rather than the few who abandoned, their proposals. However all participants had benefited from the inception day, found the project plan useful as a guide to information needs and as an agenda for meetings. The pilot had shown the usefulness of PPA “project management with a purpose” for more complex, not necessarily large, applications.

*Comments/questions* [responses in normal type] were:

- *was Member involvement /propriety an issue and will there be more guidance on this?* This was one of the recommendations of the PPA pilot report. PAS and ATLAS would consider what might be useful in the revised guidance resulting from the pilot. Elected Members need to know that they **can** take part in pre-application discussions by asking questions as long as they don't make up their minds. The Department would no doubt consider whether further guidance or actions would be helpful to emphasise this critical point.
- *would it have been helpful if there had been more involvement from Statutory Agencies?* Yes, high level liaison had been needed to secure timely involvement from the Environment Agency, and delays were evident, for example, because of late engagement by the Highways Agency.
- *there shouldn't be a penalty to local authorities (LAs) in terms of performance indicators if delay is caused by the applicant. What happens to the use of a PPA timeframe as a target if either side withdraws?* It reverts to 13 weeks. There can still be a benefit if the PPA is discontinued – any work completed could be used in determining the application or at a subsequent appeal. Developers considered that using a PPA could reduce the risk of judicial review (JR), and that applications with a PPA might be less likely to be “called-in”.
- *what are the major skills issues for LAs and applicants?* For LAs: project management; and for both: communication, and working in a partnership. The pilot turned round perceptions of what is possible - most people rose to the challenge and enjoyed the opportunity of time and space to be creative. In fact it put the fun back into planning!
- *PPAs sound like Culture Change in action!*
- *will PPAs be voluntary, and is there a separate charge?* Whether use of PPAs remains voluntary depends on the view of Ministers. Payment for PPA via an advance element of the planning fee would require new legislation; there could be a separate (additional) charge under existing legislation.
- *did anyone find PPAs useful in engaging communities/consensus building?* The pilot involved a small sample, but most of the small number of community groups involved felt is provided a clearer process. Some objectors felt the process was suspect – the concept needed a lot of explanation, however the change of title should help to reassure that using a PPA does not imply approval.
- *did they provide a mechanism for charging for pre-apps?* It can do.

Summarising the benefits, Alice said that use of a PPA enables focus on the issues and scope the process, so saving in time and effort. All parties feel more positive in the clear framework that a PPA provides. Mark thanked Alice for her presentation, and her and Simon Leask (ATLAS) for responding to members' comments and questions.

### 4. CLIMATE CHANGE DRAFT PPS AND PRACTICE GUIDE

**Peter Ellis** – Communities and Local Government, said that work has started to analyse the 350 responses to consultation on the Draft PPS1 Supplement. Most responses had been supportive, but there were differing views on a couple of key issues; he would be interested to

get a cross-sectoral perspective on 2 of these. The onward timescale was not fixed, however he expected that draft Practice Guidance would issue with the final PPS later this year. Consultants Faber Maunsell were drafting the Practice Guide; workshops involving NPF members would help to devise the content. There would be a need to ensure the final PPS integrates with the Planning and Energy White Papers. Peter then invited views on:

**(1) How permissive should the PPS be on renewable energy (RE)/landscape issues?**

[Comments/questions below, with responses in normal type]:

- *there's a need to enable consideration of different adaptation issues in different areas eg water supply in the South-east region. Agreed important to ensure this.*
- *concerns about the weakening of landscape protection in PPS 22. The imperative was to protect remote and attractive landscapes and to reduce long, intrusive transmission lines. This implied the need to consider opportunities for RE closer to existing population and growth areas. It was important to avoid making national policy that would stop consideration of RE at local levels.*
- *it would be helpful to stress the advantages of locating RE generation near to existing power stations to reduce the need for extra transmission lines, avoiding areas with national landscape designations. Very few major infrastructure schemes are proposed that affect areas with national designations. The approach to windfarm location in Wales, via designation of Strategic Search Areas (SSAs), seemed helpful. Another option would be to devise a "traffic light" system relating to areas of different ecological/landscape value: red for areas for which windfarms would be "no go", amber for those for which impact information was needed, and green for areas which could more easily accommodate these structures. The Practice Guidance could signpost this. There's no blanket ban in PPS22 on locating RE in areas with national designations. To some extent the SSA approach involves "first guessing" what the RE industry requires, hence the proposed criteria based approach in this draft supplement to PPS1.*
- *one of the key issues at windfarm inquiries is the equity of distribution of impact across the country. It would seem to make sense to generate energy near to where it is used. Some people will always oppose, but most would support propositions around areas sharing benefits and impacts. Design and disposition on each site is important; clusters of turbines can be more acceptable than long lines. Good examples of mitigation could help galvanise support for RE. Agreed*
- *concern about the impact of lots of individual small scale RE developments – spatial planning to pool into a smaller number of medium sized facilities could be both more economic and more acceptable. Agreed; adding that similar concerns also extend to permitted development rights (PD) for micro-generation - policy on this needs careful thought to avoid undermining public confidence.*
- *would like to see firmer national policy in the PPS and parameters for local choice in the Practice Guidance; to enable LAs to set local evidence-based spatial policy, and developers to bring forward good quality solutions. There is a need to ensure that LAs apply consistent policy. This might be achieved by LAs working together.*
- *whilst it would seem sensible to accept the urgency of climate change and "bite the bullet" there are 2 problems – local community and therefore LA objections, and the "national" view on the value of "wilderness". Perhaps there's a need to confront the latter, and meet the former by better compensation/ local benefits? Agreed that it is a compelling agenda, and there's a need for an achievable implementation plan.*
- *would like to see emphasis on carefully structured design policy to mitigate impacts.*
- *should resist the temptation to set over-deterministic standards in an effort to minimise impacts on landscape and townscape; the planning process reconciles issues and interests in*

order to secure the best possible outcome in each area. Noted that the latest EU Ministerial agreement groups nuclear power with RE.

- regional targets should set the context for spatial plans and decision-making; however it needs to be recognised that DPDs are at different stages, and there will be inevitable variations in the policy context for decision-making between LAs. Planning policy should also take account of the potential off-shore RE resource, and the implications of the forthcoming Marine Bill.
- suggested use of Local Development Orders to avoid delays in windfarms and other RE schemes progressing through the planning system.
- concern about presumption of national need in relation to major infrastructure proposals (RE and others) without adequate opportunities for local scrutiny.

## **(2) What is the appropriate relationship between spatial planning and building regulations?**

- Architects continue to be concerned at the level of duplication between the planning and building regulation regimes. The 2 need to be integrated to avoid the need for a full design to be drawn up in advance of the principle of development being established - both Barker and work on the Householder Development Consents Review indicate a trend towards this. One of the concerns in preparing the draft PPS had been simplifying the range of assessments required from developers under separate legislation.
- building regulations deal with the performance of buildings in terms of energy efficiency; but siting (ie planning) is also crucial. Government has an “escalator ambition” for Part L of the building regs which will lead to buildings with a zero carbon footprint by 2016. Planning policy needs to complement / reinforce this.
- need for local flexibility on design standards; a recent CABE report highlighted major regional differences in design quality which need to be addressed.

MS thanked Peter for engaging, and leading, the Forum in such an interesting discussion.

Peter invited further comments on the above to be sent to: [peter.ellis@communities.gsi.gov.uk](mailto:peter.ellis@communities.gsi.gov.uk) and inputs to the Practice Guidance to be sent direct to Faber Maunsell. **Action: ALL.**

**NB:** after the meeting it was agreed that a meeting of the Climate Change Working Group on each proposition could be arranged after Easter. KP will canvass possible dates with Climate Change WG members. Other NPF members are welcome to contact her if they are interested in attending either meeting, specifying which issue they wish to discuss. **Action: ALL**

## **5. REPORT BACK FROM EXECUTIVE BOARD**

**(i) Culture Change Working Group Draft Research Spec.** - MS reported that the Group had met, and had agreed some changes to the draft; NPF members would be sent the final version in due course. The report would build on previous work by the CCWG and others on this important topic. Bids would be sought from around 12 sets of consultants to prepare the report, the aim being a discussion on a draft at the next Forum meeting (21 June), before the report is finalised. Sponsorship would be sought for a dissemination programme of the report and its key messages over the summer/autumn.

**(ii) and (iii) Executive Board Reports based on the work of the Delivery Working Group (DWG) and National Spatial Framework Liaison Group** - MS thanked both Groups for their work and confirmed that these reports had been sent to Communities and Local Government and the Cabinet Office, with the CCWG report considered by the Forum last in December, as inputs into preparation of the Planning White Paper. He invited further comments or

questions; there were none.

**(iv) PLANNING GAIN SUPPLEMENT** – LP said that a sub-set of members of the PGSWG, representative of all 5 sectors, had reconvened. She had been surprised by the clear and unanimous view that emerged that the current package of PGS/S106 would not deliver the required outcome. Their report had been agreed by the full Executive Board before being sent to Communities and Local Government and the Treasury. Disappointment was expressed by one member at the negative thrust of the report, however a member of the PGSWG confirmed that it reflected common concerns accurately. The report was not intended as a response to consultation (now closed). Individual members were free to take up individual issues/ suggest alternatives, and had done so in a positive, constructive way. LP added that it was disappointing that Government had not put an alternative proposal on the table. MS asked for any further comments or questions; there were none.

**(v) CLIMATE CHANGE WORKING GROUP** – SM reported that a small group had met; anyone interested could see the note of their meeting. He added that members of the group had been invited to participate in the Faber Maunsell workshops and feed in to their drafting.

## **5. DRAFT NOTE OF THE LAST FORUM MEETING AND MATTERS ARISING**

These were accepted and signed by the Chair as a true record. All matters arising had either been covered in the Agenda.

## **6. ITEMS FOR 20 MARCH**

Kate Pugh, Heritage Link, asked if the Forum could consider the Heritage White Paper at its next meeting. Whilst the consultation period would have closed, the HWP aims to “put the historic environment at the heart of the planning system” and she considered it would be useful to consider the HWP alongside the Planning White Paper. This proposal was supported by a number of other members and would be considered by the Executive Board when it draws up the programme for the June Forum. **Action: KP**

Rynd Smith said that consultation on the Marine Bill/White Paper would be closing in early June also, but suggested that marine spatial planning might be considered for inclusion on a future agenda. Daniel Klemm, ASC, offered a presentation on skills. **Action: KP**

## **7. ANY OTHER BUSINESS**

(i) The Secretary pointed out that some leaflets on the PATH positive action to encourage BME entrants into the planning profession were on the table at the back of the Meeting Room. She commended the placement scheme to members; MS added that the Environment Agency had accepted several successful trainees under this scheme. **Action: ALL**

(ii) KP said that application forms for the 2007 RTPi Planning Awards were on the same table, and encouraged those present to put in applications.

(iii) The Secretary pointed out that copies of the Jan-March issue of “Planning in London” (PiL) were available on the same table, and thanked Brian Waters - Chair of the London Planning and Development Forum - for making these available.

## **DIARY NOTE: FORUM MEETINGS IN 2007**

**THURSDAY 21 JUNE**

**WEDNESDAY 17 OCTOBER**

**MONDAY 10 DECEMBER**

at 12.30 for 1.15pm in Room 8.01, Local Government House, Smith Square, London