

NATIONAL PLANNING FORUM: *inspiring planning*

DRAFT note of meeting: Tuesday 17 October 2006

Local Government House, Smith Square, London

Attendance and apologies: there were 36 members present, and 13 apologies

1. WELCOME FROM THE CHAIR

Mark Southgate, Vice-Chair (Government and its Agencies) and Chief Planner, Environment Agency - in his first meeting as Chair of the National Planning Forum (NPF) - welcomed new members, and those attending their first meeting.

Cllr Paul Bettison, Bracknell Forest, the new Vice-Chair for LGA, was unable to attend, but LGA was represented at Member level (by **Cllr Michael Haines**, Teignbridge District Council, and **Cllr Ruth Cadbury**, London Borough of Hounslow – deputising for Cllr Bateman Cheshire CC), and at Officer level by **Graham Jones**, LB Harrow, who also represents the Planning Officers' Society (POS) on the Forum.

Members attending for the first time included **Ruth Marshall**, our new contact at DCLG Planning (Team Leader, Culture Change and Communications), also **Gerald Cary-Elwes**, International Regeneration and **Henry Oliver**, New Economics Foundation (BURA and CPRE continue in membership). **Liz Peace** (Vice-Chair, Business) sent her apologies. A list of those present, and apologies received, was being circulated.

Mark confirmed the Executive Board's aim to tighten governance arrangements. He thus encouraged members to consider their potential role in relation to the key issues being discussed today, and the opportunity to make commitments in support of them.

2. HOUSEHOLDER DEVELOPMENT CONSENTS REVIEW (HDCR)

Will French (DCLG/PINS) made a presentation on the HDCR (on the NPF web-site at <http://www.natplanforum.org.uk>). *Comments/questions were as follows [WF replies]:*
- *there appears to be a contradiction between the proposed impact approach (which is right) and the existing volume criterion for permitted development (PD). Impact requires professional judgement, in which case it would be more logical for measurement to be used in guidance, rather than subordinate legislation. Only Level 1 impacts are likely to be considered as PD; criteria for these levels set by Sparks and Jones are under review.*

- *welcomed the approach, but suggested that the new system could well lead to increased work. Workload needs to reduce or the new system would not go ahead.*

- *the approach needs to bring more certainty. Householders want to "know the rules" - if these were clear there would be less discretion to professional planners, otherwise there would be greater workload for local planning authorities (lpas). There is a danger that this could replace a complex system with another different, but equally complex, one. Where there are impacts on private interests there could be a separate process, but planning was important where proposals impact on the public interest. In terms of resources the key point was that applications attract a fee – if this was altered, another income stream would be needed. Only level 1 impacts would be expected to be PD.*

- *how will cumulative impact be considered eg paving over front gardens leading to increased run-off? At what point does this become unacceptable? Cumulative impact of paving that increases run-off was not in his slides, but was an important question.*

- one of your proposed measures is the staff needed to process householder applications, fewer indicating greater success. How might we guarantee that these planners are still employed within planning? The assumption has been that planning staff released by changes would be re-deployed, as planners were in short supply.

- long-standing policies limit the size of house extensions in the Green Belt; could the new system still produce the same result? We are currently losing a lot of the smaller housing stock via extensions - this is an issue in urban as well as rural areas. Developments in green belts/against policy would warrant a Level 4 impact.

- could similar rules apply to digital aerials as to micro-generation, particularly as the size of the former is dependent on the strength of signal in different locations? The original TV aerials have reduced in size substantially, so we might anticipate similar trends for digital ones. PD rights for householders were reviewed last year; Class H allows 2 satellite dishes/digital aerials per unit. There would be consultation on draft PDs for micro-generation.

- welcomed the review, but queried the amount of lpa staff time that would be spent on inquiries about PD rights unless these are very clear - residents are particularly concerned about rear extensions to their boundary.; pointing to the need for care on micro-generation on listed buildings, but suggested flexibility in Conservation Areas. Small architects self certify (lawful development) currently – this system could be extended, with the prospect of integration with buildings regulations downstream. Use of Lawful Development Certificates varied, they were used more in northern areas; the initial review had raised the possibility of this work being done outside lpas.

Mark thanked Will for his presentation, for responding to members' comments and questions, adding that he would welcome feedback on progress at the 14/12 meeting.

3. EARLY LESSONS: DEVELOPMENT PLAN DOCUMENT (DPD) EXAMINATIONS

Keith Holland, Inspector Manager, PINS gave his presentation; copy of this is on the NPF web-site (<http://www.natplanforum.org.uk>) . Keith expanded on these slides and included a summary of actions already in hand to help support lpas - PINS are:

- preparing a "lessons learned" report for publication next month;
- continuing to offer advisory visits to lpas;
- working with DCLG on more guidance on what goes into core strategies;
- participating in regional workshops with the Planning Advisory Service (PAS);
- assisting Government Offices (GOs)

In summary, lpas should concentrate on:

- getting their Local Development Scheme (LDS) right, and then sticking to it;
- putting sound plans in for Examination (not assuming they can amend them after submission);
- using the recently published LDF self-assessment toolkit (on the PAS web-site).

Comments were [KH replies]:

- the presentation emphasised reactive, definite, yet infinitely flexible plans; what has happened to vision? -shouldn't plans set out "this is what we'd like our area to look like"? Local distinctiveness was at the heart of the new system. LDFs should relate to community strategies which could be aspirational, however LDFs need to be realistic.

- one of the key soundness tests is conformity, but what happens if the Regional Spatial Strategy (RSS) is fundamentally unsound? If the RSS was unsound it wouldn't be adopted; it was still an option to depart from an adopted RSS if there was justification.

- applauded PINS' openness. For DCLG the problem was that Lichfield/Stafford could signal to some LPAs that the process was too difficult, however Ministers are adamant that they don't want to go back to Local Plans. The DCLG is committed to removing impediments and overcoming difficulties and a programme management approach, backed up by appropriate carrots and sticks; for example the recast Planning and Housing Delivery Grant consultation emphasises plan preparation rather than development control.

- from an elected member (whose lpa is submitting a DPD in the next few weeks)- unfortunate that this guidance was not available initially. Practice, and guidance, inevitably improves with experience of a new system.

- alarm bells have rung in lpas following the result of the initial DPD Examinations. Lots of lpas are rethinking where they are, taking a safety first approach and taking more time. They need a feel for the height of the hurdle, and consistent messages from GOs. PINs and DCLG. Optimistic that there would be more sound DPDs soon.

- the Examination starts at submission stage; is this limiting the scope to change plans?
- are SEAs seen as procedural or are they being used to improve plan content? This varies, however soundness depends on the SA/SEA being used to inform the plan.

- experience of plans is that many are not deliverable; the last thing private sector needs is "difficult" plans being judged unsound and leaving a vacuum – Government consideration of a power to modify would help. Private sector needed to get involved – a good example was South Cambridgeshire. If plans were undeliverable they'd be judged unsound.

- didn't accept that the new system had been introduced in a rush – "Modernising Planning" was 1997/98, PINS had been consulting on "soundness" since 2004 and we now have good tests; agreed there is a RSS/LDF nexus, but this is not insuperable – sound RSSs respect local sustainability issues. The new system has, though crept up suddenly in the consciousness of planners; the initial unsound plans could be seen as encouraging the others;

- what happens to lpas who wish to withdraw their DPDs? Lpas can't withdraw plans once submitted; an Inspector can recommend withdrawal, but GOs could, and in addition they could set a timetable for re-submission.

- guidance on Core Strategies appears to have changed – eg the strong advice to do these first – is there consistency in the advice? PINS are asked, but are not in a position to advise on the order of submission of DPDs; this was for GOs. An LDF Delivery Group comprising DCLG, GOs and PINS meets monthly to ensure advice is consistent.

- does the Secretary of State still have the power to call in plans? [Yes]

Mark thanked Keith for his presentation and helpful contributions to the debate that followed.

4. REPORT BACK FROM EXECUTIVE BOARD

(i) **Meeting with Kate Barker and follow-up action** – Mark outlined key points in the report, asking members to endorse the information already supplied to Kate Barker, and the additional points taken from the work of the Culture Change and Delivery Working Groups. Comments were:

- the Barker review is picking up on the issue of how to improve/ enable delivery;
- one of Kate Barker's questions had been about a National Spatial Framework. There had been presentations at the June meeting, and agreement on a draft set of principles; these had been refined by the Executive Board. It would be useful to have update on thinking on a NSF at the December Forum meeting (see under Item 6);
- similar points to the 3 additional issues at the start of the report had been mentioned at an RDA meeting with Kate Barker; and
- replace "upskilling" by "training".

With the above amendment, members **agreed** to endorse the report and commend it to the Barker II review team. **ACTION: Secretary**

(ii) **Planning Officers' Society paper "Making the Planning system work"** - Graham Jones presented this report. Members noted that the paper's content highlighted issues of equal relevance for the business sector. They endorsed the paper and **agreed** that it be sent to the Barker II team with the 4(i) paper. **ACTION: Secretary**

(iii) **Eddington Transport Study** - The Secretary said that she and Liz Peace had met two members of the Eddington team; this followed discussion at our June Forum meeting, and our letter to him. The key points in the agreed note of meeting were highlighted (note attached). Members **agreed** to endorse these. **ACTION: Secretary**

(iv) **Culture Change Working Group (CCWG)** - Mark said that the CCWG had held a successful joint workshop with DCLG on stakeholder segmentation in July, assessing organisations that have a direct or indirect interest in planning. The Group had gone on to identify messages about the culture of planning relevant to different audiences, to draft a paper on the context for these, and to distil 3 key messages for the Barker II review – these were included in the report for Item 4(i).

The CCWG is now working on plans for a seminar for key opinion formers in the New Year that will help to shape and articulate the requirements of the new culture, and to accelerate the transition from "where we are now" to "where we want to be". Another meeting of the Group would be held in the next month; he invited any other members interested in joining the Group to let the Secretary know to ensure they were invited to the next meeting. **ACTION: Secretary to fix meeting of the CCWG in November.**

(v) **Delivery Working Group**- Mike Hayes said work had not progressed as quickly as he would have liked, but had been focussed on issues that had proved very useful to input to the Barker II review. These would be encapsulated in a formal paper, and had been reflected well in the note of the meeting with Kate Barker and commitments from NPF members. Planning clearly requires delivery of sustainable outcomes, and better performance. Process improvements were already in hand; progress is being made on strategic positioning of planning in local government. Resources are necessary to sustain it. A key question remained about the best way to enable delivery – this could be via implementation plans. **ACTION: Secretary to fix further meeting of the DWG.** **Katie Smith** said research on S106 for the Audit Commission (on its web-site) had shown there was further potential for its use, provided clear policy was incorporated into

SPD. Anyone interested in a talk on this could contact her through the Secretary.

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

Members approved the note of the meeting on 20 June without amendment and Mark Southgate signed it as an accurate record. In relation to matters arising:

Item 2: DCLG update - Paul Hudson said that the reorganisation of the Department had been completed in line with the proposals; cross-cutting Programme Executive Boards had been created to coordinate and monitor work at strategic level. Apart from the items on the agenda of today's meeting which were key imperatives, he highlighted the recent Energy Review by the Department of Trade and Industry (documents on the DTI web-site) as a precursor to a 2007 White Paper. Members could make representations on planning aspects of this Review. A free-standing Planning Policy Statement (PPS) - or an addendum to PPS1 on Climate Change - should be issued for consultation by Christmas. He declined to comment on whether there would be legislation in relation to climate change in the Queen's Speech.

Item 3: National Spatial Framework - the Secretary reported that comments on the draft principles annexed to the note of the 20 June meeting had been taken on board, the result being the revised draft accepted as part of Item 4(i) above.

Item 4: Pro-active planning for deprived communities - the call for commitments to further this agenda had resulted in only one response, however BitC work is continuing on this and the Secretary would update members as appropriate.

Item 8: NPF web-site - several responses to the questionnaire had been received. The Secretary would be grateful to hear from any member who has ideas for, or recent experience of, web-site redesign.

6. POSSIBLE ITEMS FOR 14 DECEMBER

The following suggestions were made for the Executive Board to consider: National Spatial Framework update and forward look [Item 4(i) above]; Key issues from current Reviews with implications for planning; Ongoing work on the Householder Development Consents Review [Item 2 above]; and the Water Framework Directive.

7. ANY OTHER BUSINESS

- (1) David Brooke, Natural England, outlined the remit of Natural England and the importance of its interface with the planning system;
- (2) Michael Coupe, RICS, directed our attention to comments about the role of the planning system in relation to heritage in the Culture Media and Sport Select Committee report issued in July (Government response still awaited);
- (3) Kate Pugh (Heritage Link) invited members of the Forum to the "National Heritage Debate" with Baroness Andrews, at Union Chapel, London N1 on 6 December – further details from the Heritage Link web-site;
- (4) Barry Davies, British Institute of Agricultural Consultants, would be interested in hearing from anyone interested in meeting to discuss aspects of rural planning.

8. DATES OF FUTURE MEETINGS

The next meeting of the Forum is on **THURSDAY 14 DECEMBER** - same time/ venue.

2007 MEETINGS are on: **TUESDAY 20 MARCH; THURSDAY 21 JUNE; WEDNESDAY 17 OCTOBER; and MONDAY 10 DECEMBER** - all at 12.30 for 1.15pm in Room 8.01, Local Government House, Smith Square, London