

NATIONAL PLANNING FORUM: *inspiring planning*

DRAFT note of meeting: Thursday 14 December 2006

Local Government House, Smith Square, London

Attendance and apologies: there were 37 members present, and 11 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 at this particularly interesting and busy time. A list of those present and apologies received will be kept in the minute book.

2. BARKER II REPORT AND IMPLICATIONS

In introducing **Alison Moore**, a lead member of the Barker II team, the Chair referred to the context for Kate Barker's work, including the challenges of climate change, demographics, the drive to streamline policies and processes, the need to ensure democratic accountability, and the aim to produce a world class planning system. Alison said that many of the 32 recommendations in the report cover multiple issues; underlining the large amount of work needed to make the planning system fit for the 21st Century, strategic and focussed on place-shaping. Key recommendations included Statements of Strategic Objectives, an Independent Planning Commission to act as the planning authority for major infrastructure projects, and preparation of PPS 4 Planning for Economic Development by the end of 2007. A copy of her presentation is being posted onto the NPF web -site (<http://www.natplanforum.org.uk>).

The Chair welcomed **Bernadette Kelly**, Cabinet Office, who said that the Government's initial response to Kate Barker's recommendations had featured in the Pre Budget Statement on 6 December. The **Planning White Paper**, to be published in the Spring would respond more fully to (i) the Barker planning recommendations, and (ii) major infrastructure proposals (MIPs) in hers, and Rod Eddington's, report. The Cabinet Office would be coordinating this work in view of the cross-departmental interests. She and her team would be seeking early views on how to make the proposals workable in practice. She indicated that timing of the White Paper was sooner rather than later - early spring. MIPs work would cover the Statements of Strategic Objectives for transport, energy, water and waste; the presumption in favour subject to compatibility with EU Directives including human rights; arrangements for an Independent Planning Commission (IPC); pre-application discussions and local considerations; rationalisation of consent regimes; and statutory rights to challenge. There were lots of issues: how to align a long term view with responsiveness; how an IPC would work in practice; how to handle pre-application discussions including local engagement.

Paul Hudson emphasised that town and country planning cases are outside the MIPs proposals. The White Paper would be "a paper of two halves", the MIPs element and the town and country reform part. He said that there was an opportunity to feedback on all the Barker recommendations; this would help to ensure that proposals included in the White Paper (WP) are practical and workable; some recommendations would require very careful handling.

Comments/questions were:

- *Is this about economic development at the expense of the environment? No, we need a planning system that allows appropriate development to happen.*

- *What happens to democratic accountability? The emphasis is on ensuring political input to policy, as a guide to decision making.*
- *Will this affect the balance between national and local decision-making? No; almost all the decisions that would fall to an IPC are taken by Ministers currently.*
- *Public and community engagement needs to be open and accessible*
- *What would be the effect of removing the needs test for retail cases?*
- *The RTPI Executive had considered the Barker II recommendations yesterday. They discussed the positioning of spatial planning in the context of the helpful comments on the economic, environmental and equity imperatives for a planning system, the need for it to be resourced, and for it to work. Four of the recommendations were considered “red” (cause concern); the others are balanced between those that were either “green” (acceptable subject to detail) or “amber” (need further work). The 4 that are “red” are: presumption in favour; removal of the needs test; side payments; and use of land price differentials. They welcomed the emphasis on plan-making, noting that we are in an era which is more about consensus than conflict. However they feel that Barker struggled because she tried to tackle only 1 leg of sustainability. It would be helpful if the WP defined a clear purpose for spatial planning, eg the creation of sustainable communities.*
- *The RDAs were pleased with the report; it was a “breath of fresh air”. There is a desperate need to bring PPG4 up to date and to add key messages; they would be pleased to continue their engagement to help in drafting.*
- *Could Statements of Strategic Objectives (SSoBs) be the first step on the way to a National Spatial Framework (NSF)? Many of the requirements for an NSF were in place already – eg the National Planning and Housing Advice unit. The report outlines 3 options of increasing complexity; it is now for Government to consider which represents the best way forward; together the suite of SSoBs could be an NSF.*
- *It is high time that we had this debate with all those involved in planning. The reports were thought-provoking, POS was likely to reflect the RTPI Exec’s views, with the addition of a 5th ‘red’ – charging for pre-application discussions would be retrograde. Introduction of land values could over-complicate already complex issues. SSoBs would be very important – it didn’t matter what they were called. HDCR was welcomed; the suggested review of Green Belts was not really new.*
- *The recommendations comprised a “mixed bag”; the value placed on biodiversity, clearer national policy and continued resourcing were welcome. However, there was an over-emphasis on cutting cost and relaxing planning restrictions on unacceptable development. Some of the detail was of concern – eg the presumption in favour, accessibility of the IPC and public engagement, and there was no mention of the value of high quality natural environment in economic terms.*
- *Simon Marsh invited members of NPF to join RSPB, RTPI, TCPA and other organisations to sign up to an alternative vision for the planning system, to be prepared in January.*
- *The review of Green Belts has led to most headlines but it is not really new, nor is the concept of green wedges. It is of concern that the definition of efficiency is limited to the economy. The debate on the efficient use of land needed to include green belt; this was considered important in view of the need to protect and enhance urban open spaces, even if it simply reinforces existing policy. Discussion on GBs turns on sustainability/commuting distances etc, with its economic, environmental and social costs.*

- *Questioned why side agreements were suggested as “voluntary”. There was a clear problem about perceptions of sleaze. The Association of Consultant Architects had submitted a 3 page “Green Paper” proposing that the GPDO be re-written, householder development rights turning on impact, integrating building regulations, party wall agreements and planning control with agreed developments certifiable by consultants as compliant - expanding the existing system under which consultants take professional responsibility for advice to clients on whether planning permission is required. The 3 tier system (outline, full and agreed for construction) would be registered with title deeds. This would release resources for Local Planning Authorities (LPAs) to deal with vision of the area, plans and responding to major unexpected proposals.*
- *It there information on how side agreements work in New Zealand (NZ), and how will the Lyons Review fit in? LGA views on Barker are likely to be similar to those expressed by others today. [The Chair commented from his experience in NZ in 1998 that side agreements were essentially a faster-track process for private developers who had agreed their proposals with neighbours and the system had created a ‘market’ in terms of objections.] The White Paper (WP) team would have to work hard to ensure that the small number of recommendations affected by Lyons fitted in with the rest of the WP.*
- *The concept of side agreements is of concern. The proposal to reduce the amount of information required was welcome, but this follows the recently introduced requirement for Design and Access Statements (D&AS). How can impact on existing centres be assessed if there is no assessment of need and demand? PPG 2 requires “exceptional circumstances” for review of GBs – would the Barker Report count? [The Chair remarked that scoping of Environmental Statements was a useful process for focussing on what really matters – ie covering the essentials and cutting out unnecessary volume. The D&AS should be part of the scheme from the start – not an add on.]*
- *The report was welcome; there was a need to take care on the MIPs proposals and to get the balance right - taking time on key issues, less on those with less impact. Beyond the production of the WP can we have a clear time-line for further studies and for implementation to avoid confusion? This would be made clear in the WP.*
- *Concern about the inflexibility of the tests of soundness; there’s a growing feeling that the LDF process is flawed and plans won’t meet the required timetables. CLG could help reduce excessive information by simplifying requirements. There were continuing problems with LPAs not registering planning applications until requested further information was forthcoming. [It was pointed out that an appeal would be lodged in such cases currently, although this is being reviewed.] The root of the problem is over-cautious officers who are not protected from legal challenge by objectors.*
- *Green Belt (GB) review is existing practice, however other designations were an obstacle to development, as highlighted by Roger Tym in his report for the South of England RSS Public Examination.*
- *There’s a desperate need for PPS4 for rural planning. There should be incentives for LPAs to offer pre-application discussions, up to £200 an hour is being charged currently, there’s a clear problem of resourcing/excessive pressure on officers to meet targets.*
- *GBs need to be reviewed, but the oldest trick in the book is to let GB land go to waste. There would be concern if call-ins were limited to a quota. It wouldn’t be a quota – Ministers should focus on strategic applications, not small ones.*

- *LPAs are pre-occupied with qualifying for PDG – agents are deluged with forms from different LPAs asking how they're performing, not enough time is spent on processing applications. This is not helped if Departments are run by non-planners.*
- *Were options considered for an IPC, specifically could PINS undertake the role? A number of options were considered, the detail needs to be looked at further. Clearly there would need to be a relationship between an IPC and PINS – there are lots of permutations.*
- *PINS welcomes all the recommendations in both reports; they represent the right direction of travel. There is an opportunity to find an elegant solution for strategic decision-making; PINS can offer its expertise on running inquiries. PINS is not a major infrastructure decision-making body, but one that hears appeals. It can, however, offer a model for probity, fairness and practicality etc.*

Mark thanked Alison and Bernadette for their presentations, for responding to members' comments and questions. He said that the NPF would continue to seek common ground on the reports, and would liaise with CLG and Cabinet Office early in 2007 to inform the emerging WP.

3. UPDATE ON NATIONAL PLANNING ISSUES

Paul Hudson - Chief Planner, Planning Directorate, Communities and Local Government (CLG) - highlighted the planning perspective in the reassertion of the role of local authorities in place-making set out in the **Local Government White Paper (LGWP)**, especially Annex E. Emphasising the need for experienced and capable people to take this forward, he outlined the suite of recent **Planning Policy** announcements. The Stern Report had provided the context for the recently released draft **Climate Change Supplement to Planning Policy Statement 1 (PPS 1)** – Peter Ellis would welcome comments on this (consultation is open until 8 March). **PPS 3** had been published, in parallel with English Partnerships' National Brownfield Strategy, and had been well received by house builders and local government, and had lifted both the Greenfield and Density Directions, in line with a Barker II recommendation. **PPS 25** had been published last week, incorporating a new Direction for the small number of major applications with a sustained Environment Agency objection. The **Greater London Authority Bill**, designed to reorganise planning duties between the Mayor and the Boroughs, is going through Parliament currently.

Policy Reviews with implications for planning included **Eddington**, which had emphasised the need to maximise returns from transport improvements, and the value of small scale investment. **Barker II** was covered under Item 2. The **Leitch** report had covered the skills agenda. Michael **Lyons** had been given an extra few months to assess the implications of all these reports. Government has made it clear that they are committed to introducing **Planning Gain Supplement** by 2009 if it can be made to work; he referred to the 3 current consultation documents on this, open until February, including one from CLG on scaling back planning obligations. The 2 other reviews relate to **Supporting Housing Growth**, and **Sub-national Economic Development and Regeneration**. All of these will feed into the CSR 07.

The **Planning White Paper** in the Spring would provide a more elegant way of handling major infrastructure projects; and also respond to the Barker II recommendations.

In opening the floor for comments and questions, Mark Southgate remarked that the flooding call in direction linked to PPS 25 was likely to result in around 10 major cases per year being referred to Government Offices for potential call in. *Contributions were as follows* [responses in normal type]:

- *PPS 3 gives more flexibility/devolution to LPAs, and doesn't direct urban form – it is to be hoped that it leads to good planning overall, as there is a clear need for more sustainable solutions.*
- *Thanks - the final versions of PPS3 + 25 show that CLG listened to consultation responses.*
- *The LGWP included welcome recognition of the need to clarify ward councillors right to speak on planning decisions, and also their role in spatial planning.* Research commissioned by CLG, undertaken by Arup, on the role of Executive Members, the Planning Committee and backbenchers, would be published shortly. It had been hard to obtain a systematic evidence base, but it was clear that there has been widespread misunderstanding and misplaced concern about the issue. Propriety was paramount, but planning needs proper engagement; LGA/PAS advice issued on this a few months ago was helpful. There is more opportunity for member engagement than might have been thought, and for better connection between plan-making and decision-making, including the possibility of decisions on strategic applications being taken by the Executive. The report would be posted onto the CLG web-site in January.
- *The level of prescription in paragraph 22 of PPS3 gave house builders concern.*

The Chair thanked Paul for his informative and helpful update on current issues.

4. REPORT BACK FROM EXECUTIVE BOARD

Mark said that the Executive had agreed to formation of a Climate Change Working Group to consider the consultation draft PPS and input to the good practice guide. Simon had agreed to lead this WG; expressions of interest were invited. The Group would produce a short response to the key issues to be presented to the Executive for endorsement. **ACTION: All**

(i) Business Plan update – the Secretary outlined key features of the Business Plan, which was broadly acceptable to CLG. She pointed out that the Executive wished to raise the profile of the NPF and to attract further match funding to support its work. Gerald Cary-Elwes asked about the level of expenditure proposed for the CCWG. The Chair said this was to fund an event relating to the next paper. He invited further comments to Kay by the end of January. **ACTION: All, and Secretary to liaise with CLG to finalise the BP for confirmation by the Executive Board in February.**

(ii) Report from the Culture Change Working Group (CCWG) - Mark said that Kay had drafted this report based on inputs from the CCWG. Further contributions were welcome before it was discussed in a workshop for key opinion formers to be held in the new year to test the messages and to discuss their dissemination. Simon Marsh noted that there were no actions required for the 3rd sector. The Chair invited invited a contribution of 3 bullet points for the 3rd sector and welcomed additions/amendments on the rest of the paper by the end of January. **Action: All**

(iii) Report from the National Spatial Framework Liaison Group – Simon said that the Group felt there was scope for a joint statement on an NSF; this could, for example, feed into the WP debate. In view of timing for the latter, he hoped the NSFLG could

meet shortly to draft a paper for the Executive Board. Subject to their agreement, this would be circulated to all members for comment in the 2nd half of February. Expressions of interest in joining the Group's meeting in January would be welcome and should be made via the Secretary. **ACTION: All, and Secretary to arrange next meeting.**

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, or would be mentioned in A.O.B.

6. ITEMS FOR 20 MARCH

CLG had offered a presentation on Climate Change and this was welcomed; the agenda would be finalised by the Executive Board in February.

7. ANY OTHER BUSINESS

Householder Development Consents Review - Katrine Sporle PINS, invited members of NPF – particularly practitioners – to join a session to provide a further sounding board for proposals to assess impact derived permitted development by consultants White Young Green. This would take place in Eland House at 2pm on Monday 8 January. Mark pointed out that NPF was jointly sponsoring this event, he could not attend but the Secretary would. Brian Waters suggested that Andy Rogers, ACA should attend.

ACTION: Secretary to issue an invitation to all members to send expressions of interest to her ASAP - with name and contact details for those wishing to attend the seminar. Members are requested to forward the names of appropriate practitioner representatives from their organisation.

8. DATE OF THE NEXT MEETING

The next meeting of the Forum is on **TUESDAY 20 MARCH** - same time/ venue.

DIARY NOTE: other meetings in 2007

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