

The Conditions for Creative Planning

**The National Planning
Forum**

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A Research Project for the National Planning Forum

This study was carried out for the National Planning Forum by POS Enterprises

The study team wish to thank all the senior local government planners who gave their time to contribute to this study

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Preface

In the summer of 2004 the National Planning Forum discussed concerns among some of its members as to whether planning authorities were able to operate sufficiently strategically and creatively in addressing the future planning of their areas, or whether the pressures to focus on performance and operational issues significantly reduce the scope to do so. The Forum decided to commission a piece of research to investigate the issue. This is the report of that study.

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1 Executive Summary

The main findings

The study methodology

- 1.1 The researchers visited five Planning Officers Society County associations and led structured discussions around a set of standard questions covering the recent national context for planning, new democratic and officer structures, the role of planners in community and corporate planning, approaches to keeping a positive focus, the new planning system and what would help them sustain creative momentum. 51 heads of service and other senior officers participated, representing 48 local authorities.
- 1.2 **Pressure for improved performance** - There has been widespread change of practice in the way planning applications are handled, with more likelihood that authorities will refuse unsatisfactory proposals rather than engage in lengthy negotiations.
- 1.3 Participants feel themselves under pressure to sustain the performance improvement and continue to receive Planning Delivery Grant. Maintaining performance is therefore a significant preoccupation for many, requiring ongoing senior management attention. Some also felt that increased workloads and recruitment difficulties add to the strain placed on staff and the demands placed upon management capacity.
- 1.4 Some participants felt there had been a deterioration in the quality of development as a consequence of performance pressure and the approaches they have adopted, which had also had negative effects on staff morale.
- 1.5 **Planning delivery grant** - Reactions were almost universally positive, with PDG seen as valuable in having helped tackle a range of needs. It has been used in a flexible way to address particular needs and circumstances, and employed across the whole range of planning activity. However, there are concerns about the measures used in deciding grant eligibility, and its temporary nature and consequent implications for recruitment.
- 1.6 **Decision-making arrangements** - A large number of participants referred to problems of planning committees being more likely in the current democratic structure to support objectors and make decisions in conflict with policy. Some spoke in terms of back-bench members feeling disenfranchised due to the cabinet system, and using the planning committee to find a role and a power base.
- 1.7 However, other participants did not experience significant difficulties, and cited a variety of arrangements within their authorities which they felt avoided or prevented the problems. These arrangements essentially fulfil the same function, which is to provide effective engagement of planning committee members in policy development. This gives the opportunity for members to fully grasp policy and develop a sense of ownership of it.
- 1.8 **Focus on detail rather than strategy** - Participants made the point that as residents are primarily concerned with very local issues, which they raise with members and officers, members tend to be preoccupied with detailed matters, and senior officers spend a disproportionate amount of time in responding to such local issues at the expense of more strategic and creative action.

- 1.9 **Community planning** - There is considerable variation in the extent to which planning departments are involved in corporate planning, with some acting as the primary resource, while others are not engaged at all. However, there was a common perception that planning departments are becoming more involved, with their particular expertise as a significant factor. There was also a sense of inevitability that the requirements of the new development plan system in relation to community strategies will naturally move the two systems closer together.
- 1.10 **Corporate role and perceptions of planning** - A good number of participants spoke of their department being seen as an important part of the authority and a valued resource in corporate planning. However, a significant number felt they suffered from a distinctly negative image within their authority, which tended to lead to their exclusion from wider strategic work.
- 1.11 There was a widespread view that the functional environment in which planning operates creates a tendency for others to see it as negative or bureaucratic. Participants feel that planners need to be conscious of this and battle against this image, because it detracts from their wider credibility in corporate and strategic matters.
- 1.12 There were also concerns about a perceived loss of power and influence within authorities, particularly as a consequence of the widespread move towards directorate structures.
- 1.13 **Keeping a positive focus** - Participants referred to the challenges and opportunities to use their skills as important in maintaining the right focus. There was a striking consensus that what would help most is timely and accessible dissemination of information about good practice, especially in relation to the new development plan system.
- 1.14 **The new planning system** - Several participants expressed their optimism about the future, but there was also scepticism about the complexity of the new system and how it will operate in real life.

Recommendations

- 1.15 **Pre-application processes**- It is suggested that the changes which have taken place in the approach to development control performance should be viewed as the start of a culture change, and not as the completed change. A more developed mind-set is needed which sees the quality of outcome as the pre-eminent objective, with speed as important but not dominant. This should be addressed by planning authorities by taking a consciously strategic view of how pre-application processes will be used to shape good quality development. It requires that developers and other players in the system understand the importance of the pre-application stage and gear themselves up to engage effectively with it.

RECOMMENDATION: That the Forum promotes the concept of the re-invention of pre-application processes as a means of improving the quality of development in a performance environment, through the development of a guidance toolkit allied to a series of training events

- 1.16 **Engaging planning committee members in policy decisions** - There is evidence from the study that there are fewer problems with planning committees going against policy where they are involved in the development of that policy, and therefore take a sense of ownership of it.

RECOMMENDATION: That the Local Government Association is asked to collaborate with the Forum to promote the adoption of arrangements which will substantially engage the members of planning committees in the development of planning policy

- 1.17 **Removal of minor development from planning control** - The view is offered that if planning is to successfully take on board the Government's recent changes in the system and the culture change agenda, there needs to be radical change to remove much of the detail from the scope of planning control.

RECOMMENDATION: That the views of Forum members are sought on the proposition that most minor development should be removed from the planning system

- 1.18 **Action by Forum Members** - This study provides useful information about the current perceptions of senior planning officers, and should be of interest to all Forum members.

RECOMMENDATION : That all Forum members are asked to take account of this study in the development of their own policy and action

- 1.19 **Action which can be taken by heads of planning** - The study identified a number of approaches which may be helpful to heads of planning and their staff in addressing some of the negative effects, and improve the prospects for planning to be exciting, creative and professionally rewarding.

RECOMMENDATION: That this report and the ideas it offers be commended to local planning authorities, and the Planning Officers Society asked to disseminate it to its members

2 Aims of the Study

2.1 At the inception of the study a set of specific questions were posed for exploration -

- Has there been a shift of priority and resources within planning authorities away from the creative aspects of planning towards more regulatory activity?
- Has the separation between the roles of the cabinet in planning policy and the planning committee in development control created difficulties in sustaining a member perception of planning as a positive, shaping activity?
- What role do planning committees play in the development of planning strategy? Do they exhibit real ownership, or do they feel they are charged with implementing plans conceived by others?
- Are planners involved in the "new" agendas around community planning or largely excluded from them, and if the latter, what are the reasons?

2.2 Whilst recognising the importance of understanding the factors which affect planning authorities' behaviour, the Forum made it clear that it wished to go beyond understanding to address action, and sought positive and practical outcomes from the study. Accordingly, two key outputs were identified -

- The identification of approaches and practice which will enable creative and strategic local planning, and are relevant to a wide range of authorities, and
- Recommendations for action by the Forum to communicate the key findings to practitioners and encourage their transfer into practice.

2.3 For the purposes of the study, creative planning has been defined as -

"An approach to planning which understands the distinctive issues of the area; supports appropriate development; takes a strategic view; is imaginative, challenging, opportunistic and willing to innovate; has high expectations; and effectively deploys all the resources available."

3 Methodology

- 3.1 Since the key questions identified by the Forum at the outset were about perceptions of the environment in which planning operates, it was decided to seek to obtain the views of heads of planning service in a number of local authorities. The use of a questionnaire format was not considered appropriate, since that would have limited responses to the specific questions posed within the questionnaire, and would tend to prevent other factors being identified by those surveyed. Also, it was considered that busy officers would not be likely to give sustained attention to "yet another questionnaire".
- 3.2 Rather, the view was taken that the nature of the issues required a deliberative approach, with the opportunity for participants to hear and respond to the comments and ideas of others. Accordingly, the decision was made to take advantage of the Planning Officers Society's network to arrange structured discussion sessions with its County associations. These associations consist of senior planners from the authorities in a County area coming together to exchange views and experience and agree collaborative action.
- 3.3 The selection of County associations to be visited was made with a view to accessing the maximum number of people by working with some of the largest County groups, and at the same time covering different areas of the country and different kinds of authorities. The associations for Dorset, Derbyshire, Essex, Greater London, and Lancashire were selected, and visited during September and October 2004.
- 3.4 To avoid leading the participants and skewing responses, the questions set out by the Forum were presented as issues on which reactions were sought. Additional issues were added to cover a fuller range of factors likely to be relevant, and assist the Forum in deciding on future action. The finalised set of questions was as follows -
- 1) What has been the effect of the recent national context for planning in terms of performance improvement, Planning Delivery Grant, and delivering housing?
 - 2) What has been the effect of new democratic structures, particularly the split between policy-making by the cabinet and development control decision-making by the planning committee; and of officer structures?
 - 3) What role do planners play in community planning and corporate planning in your authority?
 - 4) What are your own strategies or approaches to keeping a positive focus?
 - 5) Is the new planning system a threat or an opportunity?
 - 6) What would help you in sustaining creative momentum?
- In the event the responses to questions 4) and 6) tended to overlap, so for conciseness of presentation they are merged in this report.
- 3.5 At each County association meeting a brief note was provided setting out the background to the project. An assurance was given that comments made would not be attributed to individuals. The issues were presented in the same order and essentially the same manner at each meeting. Having initiated discussion on an issue the researchers generally restricted themselves to recording what was said, occasionally seeking clarification on a point made, or following up a comment with a further question. Where necessary a prompt was given to ensure that the discussion covered each aspect of the issue and the same broad ground as in other groups. Each session took about two hours. Altogether some 51 officers participated in the five County association meetings, representing 48 local authorities.

- 3.6 It is recognised that the sampling and methodology adopted does not provide a statistically valid representative sample of the views of local authority heads of planning. Indeed, the discussion format could have led to some participants influencing what others subsequently said, and perhaps created a degree of inhibition as to what some were prepared to say in front of colleagues.
- 3.7 What it did offer was a relatively free discussion in which the participants could address the matters which they considered relevant, disagree with other participants and give their reasons, or develop points made by others. Moreover, the number of people involved and the cross-section of planning authorities they represent, means that where there was broad consensus or a sizable number of people expressed similar points, that can be taken as indicative of a view of senior local government planners more generally.
- 3.8 As part of the project a review was carried out of what other relevant research has taken place. This has involved contact with the Research and Evaluation Division at the ODPM, the Local Government Association, and the Improvement and Development Agency, and reference to the RTPI library. It was concluded that the main work of relevance is the ODPM's "Evaluation of Planning Delivery Grant 2003/4", published in September 2004. This was a substantial study which sought to survey all planning authorities, and received over 200 responses. In particular, the report of that study provides some information on how the practice of planning authorities has responded to the opportunity to obtain PDG through improved development control performance.
- 3.9 The responses from participants under each of the issues covered at the meetings are addressed in turn in the following sections. Direct quotations of participants are used to illustrate points made.

4 The recent national context

Pressure for improved performance

4.1 The combination of the Government's drive for improved development control performance and the introduction of Planning Delivery Grant has led to significant changes in development control practice. Most of those who attended the meetings said that they now take a tougher line generally in dealing with applicants -

- incomplete applications tend to be returned for rectification rather than being held while the required information is provided
- if a proposal is unsatisfactory in some manner authorities are likely to refuse it within the 8 week period (13 weeks for major applications), rather than engage in lengthy negotiations which will take it out of time and detract from the authority's performance statistics
- some authorities take an early view of applications, and if a scheme is seen as requiring significant changes to make it acceptable will refuse it at the outset rather than embark on negotiations
- other authorities will give the applicant one opportunity to amend the scheme to enable permission to be granted within the decision period, but if the applicant does not respond promptly and fully that is likely to result in refusal

This is broadly consistent with the findings of the ODPM study of Planning Delivery Grant.

4.2 Participants stressed that having once improved performance and secured Planning Delivery Grant, they felt themselves under pressure to sustain that improvement, both to continue to receive substantial PDG and in response to the expectations of members and colleagues. Maintaining performance is therefore a significant preoccupation for many, requiring ongoing senior management attention. Some of them also referred to a wider set of pressures within which the push to sustain performance is exacerbated by increased workloads and recruitment difficulties, which together add to the strain placed on development control staff and the demands upon management capacity.

4.3 Some participants felt that there had been a deterioration in the quality of development as a consequence of performance pressure and the approaches they have now adopted. There were references to fewer pre-application discussions, less time spent on consultation with neighbours and amenity groups, and falling public satisfaction with the service. Some referred to the effect on staff, who feel that they are no longer able to do the job they came for.

4.4 This view of the effect of performance pressure is exemplified by comments like -

- *"We are number crunchers these days, chasing performance"*
- *"The target driven approach and tying in PDG skews the service. It makes the primary focus achieving the targets. In practice this tends to preclude the more creative and innovative."*
- *"The performance culture is too mechanistic. it reduces the time-consuming activities of negotiating applications that are not bad enough to refuse but really not good enough for our standards. Providing a better quality service means not hitting the Government target."*

4.5 A few people expressed more positive views, citing staff job satisfaction and morale having risen as a result of their own sense of success in achieving performance improvements; and public satisfaction being unaffected by the new regime. One participant made an interesting observation -

- *“The performance regime has given clarity over expectations and success to the development control team and morale is good. But the small forward planning team don’t have time to read and reflect and chew the cud - I would love to give them more **time**”*

Planning Delivery Grant

4.6 In relation to Planning Delivery Grant itself (as against its side-effects) reactions were almost universally positive. The grant is seen as having provided hard-pressed planning departments with the resources to tackle a range of needs, notably through improved staffing, investment in IT, and the use of consultants to provide specialist expertise or assist with peaks of work. There is no simple pattern of how the grant was used: rather it has been used in a flexible way by authorities to tackle their particular needs and circumstances. In this sense, PDG can be seen as providing assistance to planning authorities in seeking to operate in a proactive and creative manner.

4.7 If there is a common theme, it is about investment of some of the grant in measures designed to sustain continued good development control performance and thereby secure further PDG in the future. However, the grant has been used across the whole range of planning activities, including resources for forward planning and conservation. Moreover, nothing was said by any of the participants to suggest that there has been a movement of resources away from formative planning work towards development control.

4.8 That said, within the context of the overall welcome given to PDG, a range of concerns were expressed, covering what was seen as the arbitrary and skewed way in which it "measures" effectiveness, the fact that its temporary nature and uncertainty over future levels leads to employment of staff on temporary contracts and a range of consequent implications, and the lack of capacity elsewhere within authorities to respond to the sudden availability of resources, eg for IT.

4.9 Overall, these findings tend to echo those of the ODPM study.

4.10 Interestingly, there was very little comment in any of the groups about the impact of Government housing targets as a factor affecting the ability or otherwise to function creatively.

Culture change

4.11 Looking at the combined impact of performance pressure and the availability of Planning Delivery Grant, it is clear that there has been a substantial cultural change. Senior local government planners now see sustaining speedy development control performance as a priority, and something which must continue to receive ongoing attention from them as managers. It can be expected to continue to preoccupy senior managers and development control teams, and to place a significant demand on management capacity, including the scope to provide clear leadership and focus on creative activity.

- 4.12 Moreover, while participants are glad of the benefits of PDG, this tends to be accompanied by the sense that it has come at a price. That price is that many feel themselves unable to commit time and resources to improving the schemes submitted to them. There may be room for some cynicism over the past value of intervention by development control staff in the detail of planning applications, but when it works well such involvement ought to be a creative process which leads to better development on the ground.
- 4.13 This leads to the question as to how the negative impacts of the "performance culture" are to be avoided, and in particular what the National Planning Forum can do about it. It is suggested that the answer lies in this comment from one of the participants -
- "It needs a complete change of culture. It's about achieving quality in a performance context"*
- 4.14 This points to taking a longer term view of what has happened over the past couple of years. It is suggested that rather than being seen as a *completed* culture change it needs to be viewed as part of a change process which still needs to work itself through fully. It is absolutely right that planning authorities should deal with development proposals expeditiously, and that they have adjusted their practices and attitudes to enable that to be achieved. But the process should not stop there. A wider change in the expectations of development control needs to take place, which sees speed as important and deserving of effective processes, but nevertheless focuses on the *quality* of the outcome as the pre-eminent objective.
- 4.15 This requires more than just words. It needs clear-minded thinking about how to change and develop practice in ways which will support and favour a mind-set which aspires to quality. Speed of decision necessarily means that there will not be much time to tackle the quality of a scheme once the application has been submitted. It therefore follows that the focus must be on the period before submission.

Proposal: the re-invention of pre-application processes

- 4.16 Pre-application discussions are a long-established feature of the planning system, promoted by Government as an important means of improving the quality of development and smoothing the path for projects which conform with planning policy. However, there is evidence from this and the ODPM study that there is now less capacity and, sometimes, less willingness to engage with pre-application negotiations. There is also a perception in some quarters that there is little point to them unless there is a clear prospect that they will lead to a change in the outcome.
- 4.17 The view is taken that what is required is a substantial re-think and re-invention of the concept of pre-application processes, designing them explicitly as a key means of securing quality. This requires a consciously strategic view by each authority of the way it will deal with the pre-application handling of those significant schemes which it judges will truly shape the area or its future character. It also requires that developers and their agents similarly have a clear view of this stage as the opportunity to both resolve issues about their schemes, and to work with the planning authority to achieve a quality development. Both need to see the issue in the wider context of culture change in planning, so that action can be sensibly integrated with other changes of approach and thinking to further the culture change.
- 4.18 Heads of service have a key leadership role to play in setting out the ambitions for quality development and vision for the future of the area. They will need to work with their staff to ensure they understand and share the ambitions, and to get the right approaches and attitudes embedded in the way things are done.

- 4.19 The ambitions and expectations for good design should be translated into headline LDF design policies, and developed and presented clearly through clear guidance, normally in the form of supplementary planning documents. Then, as soon as a significant development proposal is included in the development plan, a development brief should be prepared which sets out the planning authority's policy requirements, layout and design parameters, expectations for planning obligations, and so on. In tune with the change to a spatial planning system, there may be features or provisions which will be relevant which were excluded by the previous focus of planning purely on land use.
- 4.20 The impending requirement on applications other than for minor development to be accompanied by a design statement should lead to better design quality, and the statements should be central to pre-application discussions. Design guidance by planning authorities will need to address what they will expect to be covered in design statements, and both developers and their agents and local authority design staff will need to gear themselves up to make the most effective use of them. Developers will need to decide where they will access the necessary skills, and how they will integrate design statements with their internal arrangements for bringing together development schemes.
- 4.21 When the authority is alerted to the fact that a significant development application will be coming forward, senior members of the development control team should decide how it will be approached. The starting point should be to prepare a concise project plan for the handling of the application, setting out what will be done, when and by whom. As with any venture, good project planning will pay for itself in clarity of approach and responsibility.
- 4.22 In the case of a project for which there is no development brief, clearly there will need to be consideration of such matters as the likely policy implications, the prospective impacts and what is likely to be required to accommodate or mitigate them, other key players who will need to be involved, and the likely public reaction and concerns.
- 4.23 A decision should be made at that time about what particular tools (whether processes or techniques) should be used in a given case to assist in securing a high quality development, including how the development team approach will apply to the particular proposal. The participants in the study cited a range of tools used at the pre-application stage, whose purpose is to secure a good (or better) quality development, including -

A development plan requirement for developers to prepare and submit a design brief for approval by the planning authority before submitting their application

A "mini-brief", prepared quickly as soon as it is known that a site is coming forward, which sets out the key guidance relevant to the particular site, which may cover disposition of development on the site, key conservation considerations, requirements of consultees, elevational treatments or what ever

Statements by applicants explaining how they have consulted neighbours and addressed the issues relevant to their proposal

Development control forums for major applications where community and developer are put together to identify the issues at the very beginning of the process

- 4.24 It is interesting that some of these approaches seek to identify the concerns of nearby residents in advance and address them in the development of the scheme. This is seen as positive, because it addresses one of the realities of development control in a timely manner.

- 4.25 Clearly, the culture change described here is not just for planning authorities, but requires a substantial re-adjustment on the part of the development industry and other players in the system. They need to understand why it is now even more important to engage effectively with the planning authority well in advance of the submission of the application, and consider what approaches on their part will be most likely to need to success.
- 4.26 However, the view of participants was that other players have been slow to appreciate that there has been a significant change in the environment of development control. There was a widespread view that many developers have been slow to get the message, continuing to submit applications without resolving the issues beforehand and assuming that the planning authority will identify for them what needs to be addressed. Participants said -
- *"Developers need to be more efficient - we invite them to withdraw and take the "free go" - they need to get their act together"*
 - *"Too many developers don't have the expertise needed. They rely on the planning authority to sort things out"*
- 4.27 Clearly then, action is needed to get the necessary messages across. It is suggested that a campaign is needed, directed particularly at planning authorities and those who regularly submit planning applications, but also aimed at amenity societies and other significant players in development control.

RECOMMENDATION

That the Forum promotes the concept of the re-invention of pre-application processes as a means of improving the quality of development in a performance environment, through the development of a guidance toolkit allied to a series of training events

5 Democratic and departmental structures

Decision-making arrangements

- 5.1 Almost all the participants work for authorities which operate under the cabinet system. The cabinet consists of a few leading members who make all policy decisions (subject in some cases to endorsement by the full council) and direct the organisation. The cabinet makes all decisions regarding the preparation of development plans and planning policy. However, unlike most other decisions, decisions on planning applications are made by a planning committee (unless delegated to the head of the planning service). These arrangements are specified under statutory regulations. In formal decision making terms, there is therefore a strict demarcation between decisions on planning policy by the cabinet and those on applications by the planning committee.
- 5.2 A large number of participants in the project referred to problems caused by these arrangements. They referred to an increased tendency for planning committee members to make decisions in conflict with policy, or in some cases to seek to operate their own unofficial policy. In particular there was felt to be a tendency to seek to support objectors to development proposals regardless of how the proposals stand relative to policy. In a few authorities the planning committee was seen as being in conflict with the leadership, and resistant to key aspects of corporate policy and their planning policy manifestation. At the extreme there were some members who were seen as using the planning committee as a platform for promoting their own political ends
- 5.3 The reason commonly given for these problems was that the planning committee members are not involved in the development of policy, and therefore have limited understanding of the reasons behind it. Nor, for the same reason, do they take effective ownership of policy. That is seen as creating a tendency for them to deal with applications on a case by case basis, and being influenced more by the issues relating to particular cases rather than by planning policy or principles. Some participants also made the point that cabinet members similarly have limited understanding of planning policy, and recognised the difficulties in addressing this given the heavy workload demands on cabinet members and the wide range of matters they have to cover.
- 5.5 A number of participants spoke in terms of backbench members who feel disenfranchised by the new structures. They describe such members as looking for a role and a power base, and using the planning committee as their vehicle. It would appear that where this is the case, it is more likely that the planning committee will be resistant to Council policy set by the cabinet. As one participant put it -
- "The easiest way to get the planning committee to go against something is to tell them that the leader of the Council supports it!"*
- 5.6 These observations need to be treated with caution, because they represent the views of only one set of players in the system, and there could well be quite different perceptions on the part of elected members and other officers. There is nothing new about committees overturning officer recommendations, and indeed that is an integral part of the democratic process, reflecting the fact that the key decisions affecting an area are to be made by elected representatives rather than by officials.
- 5.7 However, the number of participants who reported that since the new structures came into being, members are more likely to make decisions which significantly go against planning policy or principles, suggests that there is a problem about which something should be done.

- 5.8 There are good reasons behind the statutory separation of planning policy decision-making from decisions on planning applications. Within the cabinet structure it is axiomatic that the cabinet makes all policy decisions (or recommends policy to the full council), so it is right that planning policy continues to be dealt with alongside other aspects of council policy. In developing the Bill which eventually became the Local Government Act 2000, Ministers took the view that because of the high level of public interest in planning applications, it would be more appropriate for such decisions, together with some other "regulatory" decisions to continue to be made by a traditional committee, meeting in public. No issue is taken with this.
- 5.9 It follows that if the perceived problem is to be tackled, solutions should be sought which fit in with the present governance structures and division of responsibilities. It is helpful to look at the comments of those participants who said they do not experience significant problems around member decision-making. All referred to arrangements within their authority which they felt avoided or prevented the problems, including -

The chair of the planning committee also being the cabinet portfolio holder for planning and development matters

Substantial overlap in membership between the cabinet and the planning committee

Planning policy being developed by the planning committee prior to presentation to the cabinet

Planning policy being developed by a scrutiny committee having substantial overlap in membership with the planning committee

A member working party being used to develop planning policy which is drawn from both the cabinet and the planning committee (and possibly a scrutiny committee too)

Reporting of draft planning policy to the planning committee for discussion prior to cabinet consideration

Open sessions attached to planning committee meetings at which emerging national and local planning policy are explained and discussed, and where other aspects of planning practice can be explained or explored by members

A programme of workshop sessions to which all members are invited as an integral part of the process of development plan preparation

Informal arrangements with members to discuss planning practice and aspects of policy with them

Training programmes for councillors (mandatory in a couple of cases) in the planning system and planning principles

Engaging planning committee members in policy decisions

- 5.10 These arrangements all fulfil essentially the same function, which is to provide effective engagement of planning committee members in the development of planning policy. This provides the opportunity for them to fully understand the reasons for the policy and develop a sense of ownership of it.
- 5.11 Of course, heads of planning service can make their own case within their authority for appropriate arrangements to be made to secure planning committee members ownership. However, they may be more likely to succeed if the political and officer leadership appreciate the problem and the structural reasons for it.

- 5.12 There is also the issue of what participants have referred to as disenfranchised or alienated councillors. This is of course a phenomenon familiar to many in local government, and goes much wider than planning. It is a direct consequence of the way the cabinet system focuses effective power on a few members, and in doing so largely denies it to the rest. As such, it is a matter of concern to many who have the health of local government at heart, and authorities are using variety of methods to address it as an issue in its own right.
- 5.13 This study does not seek to offer solutions to the wider problem, since its focus is properly on the narrower topic of planning. However, it is appropriate to bring to the attention of those who lead local authorities that the issue has particular implications in the field of planning, which derive out of the different decision-making arrangements for planning from other authority functions. As such, it should deserve some particular attention from them.

RECOMMENDATION

That the Local Government Association is asked to collaborate with the Forum to promote the adoption of arrangements which will substantially engage the members of planning committees in the development of planning policy

Focus on detail rather than strategy

- 5.14 A further issue came out of the study, which arises from the fact that members of the public focus primarily on detailed local issues. This means that they continually raise such detailed matters with the officers, as do the councillors who seek to respond to public concerns. The result is that councillors tend to be operationally preoccupied with detailed matters, and often struggle to take a wider view of the implications of cases; and senior officers spend a disproportionate amount of time in responding to local issues at the expense of more strategic and creative action.
- 5.15 This led a number of participants to make the point that if the Government and others who are interested in the future of planning want to see it take an effective strategic focus, a lot of the detailed issues need to be taken out of the system. They argued for a radical review of the General Development Order, with a view to substantially extending the scope of permitted development to remove a lot of minor development which currently requires planning permission from the system. As one participant put it -
- "The Government has missed the opportunity to reinvigorate the system. We have a much wider agenda now in principle, but in fact planners are driven by the narrower public focus. Most time goes into the mundane - there should have been a big review of permitted development to clear out the dross and enable a better focus."*
- 5.16 This matter is returned to in Section 9 of this report.
- 5.17 The tendency toward detail also has implications for the new system of local development frameworks, and the expectation of improved community engagement as a feature of the new system. Councillors and officers will need to be clear-minded from the start about how they design their arrangements for community engagement. If they are

not careful the processes adopted will reinforce the tendency to gravitate towards local matters of detail, and make it very difficult to get a coherent picture of how the community views the big issues. Processes of engagement need to be used which help people to address the wider scene, and to realise that if the overall strategy is not right the local effects will not be either.

- 5.18 Turning briefly to officer structures, the participants had little to say about the implications for creative planning of particular types of structure. However, a sizable number expressed concern about how they see planning losing power and influence within authorities due to the loss of chief planning officer posts. This matter is addressed in the next section.

6 Community and corporate planning

The role in community planning

- 6.1 There was considerable variation in the extent to which planning departments are involved in the preparation of community strategies. In some cases the responsibility was assigned to the planning department from the outset or an early stage. Participants from such authorities generally gave as the reason either that they were seen as the people with the necessary capabilities, or that the authority had no other appropriate skills to call upon. Where the planners have intentionally not been involved, that appears, at least in part, to relate largely to the perception of planning and planners among others in the authority. This point will be returned to later.
- 6.2 The matter of expertise was a recurring theme. A number of participants said that their department had not been closely involved in the initial community strategy, but were now becoming more involved. They made some interesting points as to the reasons -
- *“The community development team led our community plan process, but floundered when it came to convert that into a strategy. The decision was made to move the lead into the planning policy team as part of a wider corporate/community strategic approach across the board”*
 - *“We are all learning as we go along. The community strategy started as an independent process with so many partners, issues and aspirations and nobody to act as a ‘reality check’. Planners are now involved with thematic groups, and the product has improved as a result of planning being involved in the process.*
- 6.3 There were also a number of points made suggesting that the new development plan system will necessarily lead to a closer relationship with community planning and the local strategic partnership. Several elements were cited as factors -
- the requirement to prepare a local development scheme, which will raise questions about how plan-making on the local development framework will relate to other corporate and community planning processes
 - the statutory requirement for LDFs to have regard to the community strategy, which requires clarity as to what the community strategy seeks from planning
 - the change to spatial plans, so that the new LDFs will be wider in their scope and able to address issues which were previously “out of bounds” because they went beyond land use
 - the obligation to prepare a statement of community involvement, which it was felt would lead authorities to seek coordination of consultation and engagement activity, and thereby draw the two processes closer together
- 6.4 Although the point was not actually made by any of the participants, it may be expected that the requirements for sustainability appraisal of LDFs will also tend to bring the two planning processes together. There is logic and prospective economy in integrating the two processes or at least designing them alongside each other.
- 6.5 There were some telling comments about how people see the situation evolving-
- *“The statement of community involvement will largely reinvent the community consultation process, as a shared process with the local strategic partnership”*
 - *“This is the most exciting time in planning for years. I don’t think it will be too hard to reflect the needs of partners into both the community strategy and the LDF. It doesn’t matter that the community strategy is evolving all the time, because the LDF should be able to adjust*

6.6 There was also a widespread view that planning had to earn influence rather than appear to demand it, and that partnership working was both necessary and natural for planners, hence the comment -

- *“Planners don’t have a divine right to own the agenda: it doesn’t matter who does it so long as it gets done”*

6.7 Overall there appeared to be little significant concern about the role of planners relative to the community strategy process. Rather, there was a sense of inevitability that the two would naturally move close together. This is encouraging for those who believe it is important for the future of planning that it is seen to work hand in hand with the community strategy.

Corporate role and perceptions of planning

6.8 Views about the relationship between planning departments and the rest of the corporate organisation show similar variation. There were certainly a good number of participants who spoke of their department being seen as an important part of the authority and a valued resource, playing a full corporate role with planners being involved in a wide range of initiatives. As may be expected, the attitude of the leadership of the authority and its partners towards development and change is an important factor -

- *“Planning is very central in our authority, including featuring in its high level strategy. There is an inner cabinet which I always attend because there is always some major planning issue there. It comes very much from the style of the leader”*
- *“We’ve been helped by consistent leadership over time, good officer/member relationships, and ambition to do things and make things happen”*

6.9 However, a few participants felt that planning suffered from a distinctly negative image within their authority. They made comments such as -

- *“It’s a procedural grind: we are seen by others as people who grind through laboured procedures, with the objectives less important than the process.....The Chief Executive and Executive Directors see planners as people who say ‘No’ and that things can’t be done”*
- *“In our authority the issue is about stimulating growth, and the planning system is seen as a hurdle, a glorified building control.....”*
- *“When it’s convenient planning is seen as a tool to use, otherwise as an impediment”*

6.10 More widespread was a view that the *environment* within which planning operates creates a tendency for others to see it as negative or bureaucratic, which planners need to be conscious of and battle against. Taking the observations of a number of participants together, several factors appear to work together to different degrees in different places to cause this perception -

- The complexity of the legal framework, and the accumulation of case law, policy guidance, ombudsman cases and process issues which makes it difficult for non-specialists to engage with planning
- The increased focus on process and performance over recent years
- The level of public interest in planning, but at the level of individual cases and matters of detail, with the consequent focusing of councillors and senior officers on matters of detail (discussed earlier in this report)

- The slowness of the development plan system, and its consequent inflexibility in adapting to fast changing events
- The very fact that planning is a policy driven service where consistency is important, and the tension which can arise when political or officer leaders wish to pursue opportunities which are in conflict with policy
- Community attitudes towards development and change, including unhappiness at aspects of current national planning policy such as higher densities and maximum car parking standards, and a tendency to oppose development in case it makes things worse

6.11 Some of these factors are reflected in comments by participants -

- *“The role of planners as enablers is not perceived. Difficult sites have been brought forward, but that role is not respected or acknowledged well enough locally. The importance of ‘can do’ in planning is underplayed and we don’t blow our trumpet enough”*
- *“There is no political constituency for development in this part of the world. In politically volatile authorities the leaders are looking over their shoulder at the electorate. There can be too much politics and not enough leadership”*
- *“People see change as threatening, there is no feeling that it is needed - there is a fear that things will get worse with new development, with pressure on services, increased traffic and reduced amenity”*

6.12 Section 9 of this report sets out some ideas which emerged from participants in the study which address the issue of image.

Departmental structures

6.13 The comments about the way planning is seen were accompanied by concerns about a perceived loss of power and influence within local authorities, particularly as a consequence of the widespread move towards directorate structures. Several participants made the point that there was no longer a planner on the management team. Apart from the loss of a “champion” for planning, it was felt that this made it more difficult to communicate and get recognition of the contribution planning could make to tackling issues. It was also felt that it tended to reinforce the tendency to see planning as a regulatory rather than a shaping function. As one participant put it -

- *“When we had a planner as Director, planning was powerful in Management Team and at cabinet, but planning is now part of the technical directorate and there is no-one at the high table with a planning background to show how the physical side of work can contribute”*

6.14 It is not the function of this report to debate the appropriateness of current departmental structures or their effect on a particular profession. This study has only heard from senior planners, and there are many other legitimate interests which would need be engaged to do so properly. It may be that the activities of the service and how it presents itself are more influential in how it is seen by others than matters of status or structure. But it is right to record that some planners do consider that departmental structures add to their difficulties.

7 Keeping a positive focus

7.1 Some participants responded to this question by relating to their personal approach, while others addressed it in terms of sustaining the morale of staff. So far as personal approaches were concerned, several participants spoke in terms of keeping one's sights on the creative side of the job, working the system to enable positive initiatives to be brought forward -

- *"There's always a new challenge, another way to add value and use your skills"*
- *"The proactive planning projects are very interesting and exciting, helped by availability of grant aid, so we can tackle and sort problems"*
- *"It helps to see planning policy as a bargaining tool rather than a set of rigid rules - the ability to say 'No' gives us the power to be creative"*
- *"we can look across the piece and we have unique skills - we produced a significant strategy which wouldn't have happened without the planners"*

Also, several participants spoke of the value of networking, though recognising that it can be difficult to set aside the necessary time.

7.2 In relation to staff morale, a recurring theme was the importance of simply thanking staff for good work and commitment, both individually and collectively. Other practices included staff fancy dress days, maintaining a steady flow of "good news" stories, a generous attitude to requests for training, joint tours by staff and members to look at recent developments, and encouraging social activities. But even such efforts can founder: participants spoke of staff being unimpressed by information about improved performance when they felt it was at the expense of quality; and being unwilling to undertake training because the time out of the office would add to the pressure upon them when they returned.

7.3 When asked what could be done to help them, there was a striking consensus among participants that what is needed is timely and accessible dissemination of information about good practice, especially in relation to the new planning system, with comments like -

- *"Edit and disseminate the good work which is being done, especially on producing guidance"*
- *"Provide support and guidance as the new system unfolds - quickly, because we have an implementation timetable"*
- *"The information needs to be delivered to us direct, rather than having to go and look for it"*

7.4 Of course this will be a key function of the Planning Advisory Service. In the meantime while the PAS becomes established, the Planning Officers Society has established a system of regular e-mail briefing newsletters to its members, with a particular emphasis on the learning from the LDF Learning and Dissemination project.

8 The new planning system

- 8.1 There some overlap between participants' responses to the previous question and this one. Several participants expressed their optimism about the future, seeing the introduction of the new system as the opportunity to re-define the role and importance of planning -
- *"This is the best opportunity for decades for planning to succeed. We need to get on and take advantage of it"*
 - *"The new system provides opportunities to refresh planning and give new incentive - but we need a radical revised GDO to clear away all the dross"*
 - *"The new procedures are bureaucratic and laborious and PINS won't cope, but there are important positives in the change to spatial plans, better scope to keep up with the rapid rate of change, early engagement to fix the overall strategy fast, and the ability to do a bit at a time"*
- 8.2 However, such positive sentiments were accompanied by scepticism about the complexity of the new system and how it will operate in real life -
- *"The whole language of the new system will be a barrier to public understanding - we need plain language and clarity"*
 - *"The Government spends too much time telling planning authorities what to do, the new system is too homogenous and prescriptive"*
 - *"I think success with the new system will be despite the system, not because of it"*
- 8.3 Clearly then, while there is goodwill towards the ambitions of the new system, there is as yet no consensus among senior planners that it will succeed in practice. The challenge for the profession is to find the means to ensure that it does.

9 The prospects for creative planning

- 9.1 Creativity is by its nature a personal quality, and individuals vary greatly in how creative they are and the areas in which they exhibit it. It follows that the extent to which local government planning shows itself as creative will depend mainly upon the flair, energy and commitment of practitioners. However, as with other human qualities, the environment in which people operate can encourage creativity to flourish, or at the other extreme, hamper or even suppress it.
- 9.2 Reviewing what the study participants in this project had to say in answer to the various questions, it does appear that several factors work together to make it difficult for senior local government planners to sustain their focus on strategic local issues and operate in a creative manner -
- the current preoccupation with performance, and thereby process, and the perceived need to continue to devote substantial management energies to sustaining the level of Planning Delivery Grant
 - the effect of democratic structures on elected members' understanding of planning policy and principles
 - the tendency for elected members and members of the public to draw senior officers and their staff into detailed local concerns
 - perceptions in some authorities of planners as negative and bureaucratic
 - officer structures which some feel give them less influence than previously
- 9.3 This raises the issue of what can be done to address the negative effects and improve the prospects for planning to be exciting and creative. This report puts forward proposals to address two of these factors, by -
- improving the quality of development through the re-invention of pre-application processes
 - improving the ownership and understanding of planning policy within planning committees, by involving them more closely in policy development
- 9.4 Neither of these proposals can represent a complete solution, but they would certainly improve the situation. Moreover, positive action by the Forum would also send a signal to hard-pressed planning managers that they are being listened to and something done about their concerns.
- 9.5 The question then arises as to what else can be done. One of the main messages which has come out of the study is the extent to which senior planners find themselves continually drawn into detailed matters, at the expense of more strategic and creative activity. This interweaves with the concerns about the perception of planning as bureaucratic and negative.
- 9.6 Meanwhile, the planning system has just undergone a radical overhaul, accompanied by a culture change agenda which aims to reassert the importance of planning and the contribution it can make to Society. Taking these together, planning now has exciting and demanding challenges to respond to -
- putting sustainability at the heart of the system
 - broadening the scope of planning to address spatial considerations
 - making planning a key delivery vehicle for the community strategy

- better engaging communities through a more consensual (as against adversarial) model of planning
- putting in place better foundations of evidence upon which to build sound plans
- realising the potential for flexibility and better speed in plan-making
- improving the efficiency of both plan-making and development control

9.7 Taken together, these challenges will place considerable intellectual demands upon the profession, and amount to considerably more work to do than hitherto. If they are to be tackled successfully, it is considered essential that they are accompanied by a substantial shift of focus towards strategic matters and away from detail. This suggests the need to remove much of the detailed control of development from the system. Several participants in the study made this point, and it is already the policy of some members of the Forum, who see it as an essential element in the culture change agenda.

9.8 The ODPM has explored the possibility of changes in the scope of planning control with a confidential sounding board of representatives of different organisations. By the very fact of the confidentiality of that process it is not known how radical were the ideas discussed, nor the nature of the emerging stance of the ODPM. However, a clear signal from the Forum may be helpful to the ODPM in concluding that the time has come to bring forward radical changes in the level of detail addressed by the planning system.

9.9 If there is to be such change, it is suggested that the best approach would be through changes to the definition of development, so that most householder and other minor schemes are entirely excluded from planning control.

RECOMMENDATION -

That the views of Forum members are sought on the proposition that most minor development should be removed from the planning system

9.10 In addition to the specific recommendations put forward , this study provides useful information about the current perceptions of senior planners in local government, which should be of interest to all Forum member organisations.

RECOMMENDATION

That all Forum members are asked to take account of the information provided by this report in developing their own policy and action

9.11 Apart from possible action at a national level, the question also arises as to what heads of planning can do for themselves and their staff. A number of ideas which emerged in the discussions with study participants are reflected in the following suggestions -

Performance in development control -

- work positively with staff to develop pre-application processes as a key tool in securing quality development
- maximise the use of technicians to deal with householder and other routine applications, so that trained planners can focus on the more significant applications and securing quality through pre-application work
- if using consultants in development control, give them a substantial proportion of routine cases and ensure that all the more challenging and interesting cases do not go to consultants rather than in-house staff

Planning delivery grant -

- consider with neighbouring authorities the idea of a consortium consultancy, to recruit staff to carry out work which will otherwise go out to external consultants, address specialist skills shortages, and tackle peaks of work. This will be of particular value for work which most or many authorities will need to carry out, such as sustainability appraisal and community engagement in LDF preparation, minerals and waste planning, and appeals and enforcement.

The planning committee -

- review the extent to which your own planning committee is involved in the development of planning policy, and if that involvement is inadequate, argue for revised arrangements which will give its members more sense of ownership of policy, drawing on the alternative approaches set out in this report

The public and member focus on detail -

- produce detailed guidance which codifies requirements in relation to householder applications and other minor development - people appreciate clear "rules", and there is some experience that it can lead to greater acceptance and consequently less conflict
- consider a local development order to make many minor projects permitted development, making the point that these applications are now delegated to officers anyway

The corporate perception of planning -

- take and create opportunities to report to cabinet, planning committee, members in general and management team on key issues in the planning system and the future planning of the area
- market the special skills of planners within the authority and with the local strategic partnership to demonstrate the value of their skills in strategic thinking, tackling problems and meeting information needs
- also market the research and information services within planning as a valuable corporate and community planning resource
- see engagement in the community strategy as not only important in its own right but a means of showing that planning is an important means of tackling the issues facing the area and a valuable delivery vehicle for the community strategy
- Make the point to the local strategic partnership that the requirement to have regard to the community strategy means the community strategy needs to

provide an effective framework, and use this to gain influence over the strategy

- 9.11 Clearly, this advice and other material in this report needs to be disseminated to senior local planning officers. The Planning Officers Society's bulletin and website can be used for this purpose.

RECOMMENDATION

That this report and the ideas it offers are commended to local planning authorities, and the Planning Officers Society asked to disseminate it to its members