

## **DRAFT NOTE OF FORUM MEETING: THURSDAY 4 MARCH 2010**

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

**34 members and guests attended; there were 15 apologies for absence (see Minute Book)**

All the presentations made at this meeting can be viewed at [www.natplanforum.org.uk/pres2010.html](http://www.natplanforum.org.uk/pres2010.html)

### **1. WELCOME**

**Mike Haines, NPF Chair, LGA and NPF Vice-Chair (Local Government)** welcomed members and guests and particularly, Colin Haylock, the newly elected Junior Vice President of the Royal Town Planning Institute, who would be representing the RTPI following Mike Hayes' appointment as NPF Secretary and was attending for the first time.

### **2. THE NATIONAL HOUSING AND PLANNING ADVICE UNIT (NHPAU)**

**Dr Peter Williams, Chair NHPAU**

Dr Williams made a presentation on the role and work of the NHPAU.

- The NHPAU was now in its 4<sup>th</sup> year, after the 'set up' phase it is asking 'what now?'
- The organisation is independent of government and was established following Kate Barker's report on housing supply to provide advice on housing demand. Its core information is derived from a sophisticated housing market model based at Reading University. It has a small secretariat of 13 people led by a technically well-qualified board of five members.
- The NHPAU projections for England and its regions deliver a range of housing supply figures based on demographic analysis enhanced by a series of economic and social inputs.
- Both population and housing demand are growing. A range of factors – longevity, divorce, immigration, historic rising values and inter-generational wealth generation amongst them – are fuelling this growth. As a consequence, if supply fails to increase significantly, unaffordability becomes an increasingly significant issue. The housing challenge is driven by demographic, social, economic and environmental factors and the current shortage of credit, economic recession, falling values reduced supply of new stock and a slower market, along with major environmental challenges, are challenging the assumptions underlying current supply requirement projections.
- There was an increasing demand for information, particularly in the context of significant differences of opinion about housing demand and supply at regional and sub-regional level. The NHPAU work programme was moving to looking at providing information and projections at local (sub-regional) levels. In particular, work on housing market area methodologies, sub-regional modelling, establishing strategic housing market areas and new methods for estimating household income at local authority level is being undertaken, along with a range of research projects.

In the discussion that followed:

- Brian Waters (LPF) opined that Section 106 contributions to affordable housing may have the perverse consequence of increasing the cost of new homes to first-time buyers and creating unaffordability. Peter Williams agreed that this might be the case and said this was an issue that the NHPAU ought to examine.
- Ivan Moss (NFU) asked whether we should abandon top-down projections in favour of assessments of demand derived locally. Peter pointed to the Welsh experience, where a 'bottom-up' approach had created problems and was now being paralleled with a national approach. Generally the problem was that information at the local level was quite weak and there were difficulties in measuring progress if there are no 'targets' at regional and/or national level and reliance only on local activity.
- Michael Cope (RICS) pointed out that Barker had firmly identified the problem as a planning system that is restricting land supply. He did not agree with this analysis; however, now, following a failure of the market there was a shortage of supply. How could this be met? Peter recognised that supply was an issue and needed to be increased; but it was not the whole story – alternatives to simply relying on increased supply included the potential of bringing long term vacancies back into use and understanding the true picture around the contribution of student housing. Nevertheless, in the past we delivered much larger numbers of new homes than in recent times and there was no doubt that in the long term supply needed to be increased.
- Mike Hayes (NPF) asked about the findings of NHPAU's report comparing the UK and European planning systems and whether the NHPAU work programme was moving from simply supplying information on projections to 'unpicking' supply side issues and making recommendations on potential improvements. Peter agreed that it was important to understand the processes underpinning supply and the NHPAU research agenda recognised this. Unlike the UK, other countries incentivised local communities to accept development and this might be a way forward in the UK. Local housing market areas are very complicated and it is difficult for local authorities to produce the analysis that is required. Government needs to work closely with local authorities to make supply-side capacity 'real'.
- Fiona Howie (CPRE) supported the NHPAU's move away from simply addressing the housing problem as one of 'numbers'. She asked whether a target approach was the best way of delivering the right houses in the right place. Peter agreed that an approach based only on targets can produce the wrong outcome, for example, large numbers of small, high-density units. In order to take a broader approach that attempted to provide a deeper insight into the issue and support housing market analysis at the local level the NHPAU had recently agreed a change of remit with the minister.

### **3. NPF/PINS MEDIATION IN PLANNING PROJECT – INTERIM FINDINGS** **Leonora Rozee OBE, Chair, Project Steering Group**

Leonora presented a report on the background to the project and her early observations on the current findings. The evidence base needs further development - the project is due to complete in June 2010. Mediation was one of a number of alternative dispute resolution approaches. Its use in helping resolve disputes in planning had been supported by the Killian Pretty Review and earlier by Kate Barker and by Michael Wellbank's report. It fits within the NPF's Culture Change programme. The current study had a wide support from agencies working in the field; was funded by the NPF, PINS and PAS; those taking part were working for reduced fees or on a *pro bono* basis. The project reported to a steering group of 14 agencies and reported progress on a monthly basis.

An extensive evidence base was being assembled from literature and practice, a local authority survey, cases where mediation didn't take place and HCA ATLAS work on major development proposals; however, the principle focus was on review and evaluation of both live mediation cases in three areas – major development, enforcement and area action plans – and previous cases – where anecdotally there were many cases; but in fact little evidence that real mediation had taken place. There was an ambition that additional funding might be found to enable mediation to be applied to a high profile, long standing, mixed use development proposal and to examine the use of techniques already in use that fit in with the mediation concept.

The emerging findings had identified both barriers to the use of mediation in planning and opportunities for its deployment. The barriers include issues of understanding, particularly definition and language; resources and capacity; systems and process, particularly a target culture and the democratic decision-making process; and cultural factors. The opportunities for deploying mediation in planning included the current favourable context, including interest from government in alternative dispute resolution techniques; growing interest in mediation in planning and growing use of mediation in other areas of judicial dispute; the ability to save both time and money that mediation presents; the 'good fit' that mediation has with the objectives and culture of spatial planning; and its ability to make planning more accessible to those unused to the systems language and processes.

A workshop was being planned for May and a high profile launch of the report in the summer.

In the discussion that followed:

- Leonora responded to Mike Haines' (LGA) question about the role of elected members in mediation by stressing the importance of their participation to bring confidence to the process.
- Tony Fyson (TCPA and *Planning*) was concerned about the use of mediation in enforcement, which was a 'non-negotiable' action. Leonora reflected on the enforcement case undertaken as part of the project evidence/evaluation stage and pointed out that in this long-standing case court action had been ineffective and mediation enable the local authority to argue for appropriate action (without compromise) avoiding both further legal proceedings and the high-risk strategy of undertaking the work themselves.

- Andrew Whitaker (HBF) wondered whether the entire planning system could be based on mediation. Leonora suggested that mediation was not a 'cure-all'; but in appropriate circumstances provided another tool in the toolkit of dispute resolution. Now may be the right time for developing mediation techniques as culture change gathers pace and there are moves to create a planning system that embodies a greater sense of trust more than previously.
- Katie Smith (Audit Commission) asked about the training and accreditation of mediators. Leonora explained that all the mediators were both trained and accredited and that there was a current interest in training in mediation, especially by lawyers. Mediators operating in planning needed an understanding of the system.
- Simon Leask (HCA ATLAS) pointed out that the real aim was to eliminate the need for mediation by making good decisions properly communicated in the first place. Leonora agreed – we need to be working to a more 'trusted' system.
- Colin Haylock (RTPI) asked if the outcome of mediation needed to be binding on all the parties. It was pointed out that, while this would normally be the case, in planning it was not possible because of the need for unfettered democratic decisions to be made following the mediation process; which was why elected member participation was helpful.
- Michael Cope (RICS) referred to earlier attempts to encourage mediation, which he understood failed because of the expense entailed in introducing the system. Leonora opined that now was a much better time for developing mediation techniques as part of dispute resolution as a consequence of the requirement for planning processes to be front-end loaded. Appeals are very expensive and it might be that mediation will actually save money and be very cost-effective.
- Liz Peace (BPF) was concerned that mediation might only be used after a refusal of planning permission. Leonora pointed out that mediation could be used at any point in the process and might be most useful at an early stage and in both development management and development planning. There was a family of alternative dispute resolution techniques available that could be applied in a variety of circumstances.
- In answer to a question from Mike Hayes (NPF) Leonora opined that mediation would lead to better decisions by virtue of the fact that it enabled a less confrontational approach and decisions and outcomes that were more widely 'owned'. Simon Leask pointed out that mediation offered the opportunity to achieve better outcomes; but it could not guarantee them.

#### **4. CLG DRAFT PPS ON DEVELOPMENT MANAGEMENT & CONSULTATION DOCUMENTS ON PLANNING CONDITIONS AND STATUTORY AND NON STATUTORY CONSULTEES**

**Tony Thompson, Programme Manager, CLG**

Tony Thompson outlined CLG's proposals currently the subject of consultation for development management, improving engagement with statutory and non-statutory consultees and improving the use and discharge of planning conditions - all recommendations from the Killian-Pretty Review.

Development management is based on seven principles:

- A positive and proactive approach to place shaping
- Putting planning policy into action

- Front loading
- Taking a proportionate approach
- Effective engagement
- Proactive delivery
- Monitoring & reviewing development management outcomes

Each of these is illustrated by case studies available on the PAS website. The draft Development Management PPS also includes two annexes on Pre-application Engagement and Determination.

Proposals for improving engagement with statutory and non-statutory consultees include an outline of the expectations for effective consultation by local authorities, responses from consultees and applying the same principles to non-statutory consultees; and proposals for improving the use and discharge of planning conditions seeks to streamline policy, while retaining the principles of Circular 11/95, nine potential efficiency measures and clarification on fee submission.

In the subsequent discussion:

- Geoffrey Brown (EMDA) reported that there was concern amongst the RDA's and RA's that CLG had only recorded a small number of the actual number of monitoring reports on consultation performance submitted by the regional agencies. Tony undertook to correct the information.
- Andrew Whittaker (HBF) asked about the relationship between the Killian-Pretty Review work and the Penfold Review of non-planning consent regimes. Tony pointed out that they were separate exercises with different objectives. When Penfold reported there would be the opportunity to explore the relationship between the two review processes and deal with synergies and overlaps.
- Mike Hayes (NPF) informed Tony of the NPF work on the relationship between planning and building control and, in particular, the opportunity for closer working between the two services.

## **5. CULTURE CHANGE ACTION PLAN MONITORING REPORT: PHASE 2**

### **Tony Burton, IDOX and Mike Hayes, NPF Secretary**

Mike's presentation reviewed progress on the Culture Change Action Plan Monitoring report, which was due to complete in June 2010 and was now at its half way point. The IDOX interim report had concentrated on four areas of achievement in relation to the culture change agenda:

- Barriers to progress
- A consideration of how these barriers might be addressed by any revisions in the action plan
- Suggestions as to how progress can be better monitored by the members in future.
- A review of changes in the spatial planning system and its context since 2007

The report made 12 suggestions for making further progress, summarised as:

- Developing a better web presence
- Using the NPF's unique membership mix to move culture change on by a series of in-sector, cross-sector and common-interest sector discussions
- Providing evidence of good/best practice through publicising case studies
- Developing an outward-facing agenda that engages the LGA, CLG and wider government

There were concerns about the burden placed on the organisation in monitoring culture change and difficulties in measuring progress. There was, however, no doubt of the need to progress the agenda and the original NPF culture change commitments remained a high priority:

- Understand and promote the role that planning plays in place-shaping
- Appreciate the complexity of planning, but simplify its procedures
- Remove the barriers to partnership working
- Provide the support to enable planning to be effective
- Devise ways of showing what planning can achieve

Preliminary proposals for developing the phase 2 work included developing a self assessment culture change toolkit; creating a stronger web presence; progressing the NPF's intra and inter-sector work; a demonstration project exploring the value of cross-sectoral work on the ground; and using the NPF's potential to help develop future leaders.

His view was that, while progress was being made, a different approach might be needed to enable NPF to fulfil its ambitions. His recommendation was to move to a more dynamic approach, which could lead to better inter-change between organisations in the Forum. Self assessment works well in other areas and perhaps a workshop between members of the organisation could help develop this approach.

Mike concluded the presentation by indicating that there was an ambition to link *Fit for Purpose Spatial Planning* with the Culture Change Action Plan and that the workshop proposition would be explored after the meeting.

In the following discussion:

- Matt Thompson (RTPI) was concerned that the problem is often that of those outside planning were not always aware of its role and the need to embrace spatial issues. He wondered if the NPF could play a role alongside PAS in helping local authority chief executives and the leaders of other organisations understand the role of spatial planning. Mike agreed that there was a lack of information about spatial planning and that possibly the NPF could play a role in meeting this gap.
- Andrew Whittaker (HBF) was concerned that we might be in danger of re-inventing the wheel. His view was that there was no need to redefine the NPF remit or to create a 'whizz-bang' web-site. There was a danger in stretching the agenda beyond the resource that was available. Mike Hayes said that the Board was very conscious of budget issues and Mike Haines said at the very least it would be useful for the NPF to have links to other organisations on the website.

- Lee Armitage (PINS) pointed out that PINS did not regard itself as the organisation to provide advice on spatial planning. It was an operational organisation, rather than one with a policy making role.
- Sue Manns (Planning Aid) commented that a theme running through the discussion seemed to be around helping people, especially in communities, understanding the system. She reflected on Planning Aids' experience of quickly setting up a simple website to explain the draft National Policy Statements, which had received over 100,000 hits and proved very useful.
- Mike Hayes asked for a response to the idea of a workshop to develop a self assessment tool for culture change monitoring and suggested the issue be followed up by email.

## **6. UPDATES FROM EXECUTIVE BOARD**

**Mike Hayes, NPF Secretary**

### **1. Planning and Building Control - *Improving the Connection***

There was considerable support for the notion that there should be closer working between the planning and building control services from both the planning and building control organisations and interest from the Penfold Review in the work. The latest draft of the report would be released to the working group in the near future and completed for the next Forum meeting.

### **2. Fit for Purpose Spatial Planning**

This report had been well received; but needed to be more widely distributed.

### **3. NPF Website**

Work would be undertaken to propose an update or refresh.

### **4. Member subscriptions**

There had been some very positive responses to the drive to increase subscription income and Mike would be meeting 'one on one' with organisations to discuss this.

## **7. AOB**

There was no additional business.

Mike Haines closed the meeting by thanking those present for their attendance.

### **DATES OF THE NEXT THREE MEETINGS:**

**WEDNESDAY 23 JUNE 2010**

**FRIDAY 8 OCTOBER 2010**

**WEDNESDAY 15 DECEMBER 2010**

**at 12.45pm for 1.30pm in Local Government House, Smith Square, London**