HOUSE OF COMMONS

Communities and Local Government Committee

Oral evidence: Operation of the National Planning Policy Framework, HC 190

Monday 9 June 2014

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Written evidence from witnesses:

Panel 1 (Questions 1-66)

Royal Town Planning Institute

Royal Institution of Chartered Surveyors

Local Government Association

Panel 2 (Questions 67-112)

District Councils Network

Planning Officers Society

National Association of Local Councils

Watch the session

Members present: Mr Clive Betts (Chair); Simon Danczuk; Mrs Mary Glindon; Mark Pawsey; John Stevenson; Heather Wheeler; and Chris Williamson

Panel 1 Questions [1-66]

Witnesses: **Richard Blyth**, Head of Policy and Practice, Royal Town Planning Institute, **David Henry**, Chair, UK Planning Policy Panel, Royal Institution of Chartered Surveyors, and **Councillor Tony Newman**, Local Government Association, gave evidence.

Chair: I welcome you all to our first evidence session in the Operation of the National Planning Policy Framework inquiry. Thank you very much for joining us this afternoon. Just before we begin taking evidence, can I get all members of the Committee to put on record their interests? I am a vice-president of the Local Government Association.

Mrs Glindon: My husband is a councillor. I have one member of staff who is a councillor.

Chris Williamson: I have got two members of staff who are elected members on Derby City Council.

Simon Danczuk: My wife is a councillor and some of the staff in my office are councillors.

Mark Pawsey: I have a member of staff who is a councillor.

Heather Wheeler: I am a vice-president of the LGA, I have a member of staff who is a councillor and my husband is a councillor, before I forget him.

Q1 Chair: Thank you very much for coming. To begin with, just for our records, could you go down the line and say who you are and the organisation you are representing today?

Richard Blyth: Richard Blyth, Head of Policy for the Royal Town Planning Institute.

David Henry: David Henry, head of the Planning Policy Panel for RICS.

Cllr Newman: Councillor Tony Newman, member of the LGA Housing and Environment Board.

Q2 Chair: Thank you all for coming this afternoon. One of the issues that has been raised in evidence to the Committee and that certainly was also raised when we paid our initial visit to the Planning Inspectorate is that there is a perceived problem—probably a real problem—with the duty to co-operate not working and leaving a lot of authorities with difficulties. Is that your understanding of the situation, or do you think one or two examples of it not working have been overblown and in reality, up and down the country, authorities are getting on and are co-operating reasonably well and delivering local plans as a result?

David Henry: It is easy to rest on anecdote, and one of the first things is to get a bit more fact as to where the duty to co-operate is working and where it is not working. However, there is a little ambiguity, in the sense that it says in the NPPF "duty to co-operate" but not "duty to agree", and that can be a double-edged sword, in my experience.

Therefore, I believe that there is a need to look at that term with rather more precision and understand precisely where it is working and where it is not, because the consequences of it not working are far too serious to allow housing need to fall through the gap, as it were, between non-co-operating authorities.

Richard Blyth: We have drawn attention in our evidence to some cases where it is not working. We have also drawn attention to cases where there is effective co-operation emerging between authorities. There is a fundamental problem with it, in that it is based on the principle of a kind of veto, so if a plan is not sound then it is not allowed. The difficulty is that that does not encourage you to produce the right kind of plan; it just prevents you from having the non-co-operating plan. There is a skew against rather than for.

Cllr Newman: Yes. It is not going to be perfect, by definition, but in terms of taking this forward and where we have come from, there is a question about the role of the Inspectorate, in terms of at what stage an entire piece of work can be ruled out—if you like, at what stage the inspector can say "yea" or "nay"—and whether you get more input from the Planning Inspectorate ahead of a final decision sometimes.

Q3 Chair: Could you just explain that a bit more?

Cllr Newman: Yes. You have got the duty to co-operate and there are discussions going on, but if, at the end of the process, there are other challenges or legal challenges, you go back to square one, to put it in a sentence. It is whether there can be a more mature discussion, perhaps, during the process.

Q4 Chair: You are saying you would like the Inspectorate to be giving advice and assistance as a local plan is being developed.

Cllr Newman: That would help. I accept that the Inspectorate has a legal role in this and that could compromise that, but it is whether there is a position somewhere between where we are now and what you just said and what I am saying.

Q5 Chair: We will perhaps go to the other two witnesses with that suggestion and also say: are there any other ways in which we could improve this process, if it is one of the fundamental reasons why local plans are not being adopted in certain parts of the country?

Richard Blyth: We have suggested that more incentives to do it would help. We drew attention to the fact that when the strategic economic plans were being called for from Local Enterprise Partnerships the Treasury said: "If you co-operate on spatial planning within your areas,

we will give you brownie points." The problem with the idea of using the soundness test, as I said before, is it is all against; there is not much encouragement to do it other than if you do not do it, you will not have a plan. Incentives may be the way in which Government spending and grants—

Q6 Chair: What sort of incentives specifically?

Richard Blyth: For example, "If you co-operate, we will look more favourably on grants for infrastructure development, schools, hospitals"—things that an area may want.

David Henry: There is a lot of sense in what has just been said; however, I would take it a stage further and say it is a matter of prioritising where the growth is. After all, the duty to co-operate has the worst effect in the areas of highest pressure. If people cannot agree, that is where the consequences are felt. There may be quieter areas of the country where it is not such a big deal. Therefore, it is necessary to look at where one identifies a need to co-operate and focus on that first and perhaps, indeed, have a two-stage process and give a green light, as it were, in local-plan preparation early on, particularly because of that incentive to get things through quickly, before one goes all the way through the process and then—

Chair: Sorry, I am not quite sure I am following you.

David Henry: The plan-making process takes a relatively long time. We are in areas of high pressure. Therefore, we need to see as we go along stage by stage that, yes, we have got an objectively assessed need, we have got a duty to co-operate properly balanced in a housing market area, and get that in place first and move on, not go all the way through the plan-making process then get, snakes and ladders style, put back to the bottom.

Q7 Chair: If that was done, would you allow for considerable weight to be given to a plan at that interim stage when applications are put in for development?

David Henry: Yes, Chair, that is right, because one would be building weight through the plan process as it goes forward; one would have far more confidence that one has got an understanding as to what the housing needs are of the area and therefore, in parallel with that, other actions—whether it is grant-making, whether it is appeal decision-making—can be made against that measure.

Cllr Newman: If everyone has got greater ownership of the process and there has been planning advice across the piece to all the parties concerned, then I would agree with that; it has got more credibility as

you come to the end of the process, rather than the distance you sometimes see between the parties at the moment.

Q8 Simon Danczuk: I will start with you, Councillor Newman. In another inquiry that we are doing about chief executives' pay, the Local Government Association, which you are representing today, have more or less told us that chief executives are worth their weight in gold and we should be stuffing hundreds of thousands of pounds into their back pockets every year. That is my interpretation of the LGA's evidence.

Cllr Newman: I have not read that quote.

Simon Danczuk: Nearly half of them cannot even adopt a local plan, can they?

Cllr Newman: I think the figure is 77% have adopted or are well on the way to adopting.

Simon Danczuk: DCLG tells us that 46% of councils have yet to adopt a local plan. The point I am making is chief executives are the people driving these organisations. You say they should be paid handsomely.

Cllr Newman: No, I did not say that.

Simon Danczuk: That is what the LGA says; that is the evidence to the other inquiry. I am saying that they are failing.

Cllr Newman: We would have to confirm the details about how many have adopted or are on the verge of adopting a plan, in terms of those exact figures, but as someone who has just taken over the running of a council, I shall be reviewing the chief executive's terms and conditions and I certainly do not sign up to the quote that you gave there. We need to make sure that all chief executives are delivering value for money.

Q9 Simon Danczuk: Let us not focus on that. The DCLG tell us that 46% of councils have yet to adopt their local plan, so I am saying to you: why is that?

Cllr Newman: Regardless of the exact figures, if they are the DCLG figures, there is more work to do. There are the sorts of challenges we are hearing here. But if we look at the outputs of local authorities on planning, eight or nine out of 10 planning permissions are granted and there are up to half a million homes not being built or only just starting to be built that already have planning permission. These are credible figures. In terms of planning performance, there is always room for improvement, but local authorities are delivering significant output in

many places. As we have been discussing already today, there are areas for further improvement.

Q10 Simon Danczuk: Well, yes; it is failure. The LGA said councils need more "bedding-down" time, but they have had a duty to do this since 2004. How much more bedding-down time does the LGA think local authorities need?

Cllr Newman: I will repeat the figures. Local government is delivering an awful lot of what is a shared agenda in terms of housing need and planning permissions. I risk repeating myself.

Q11 Simon Danczuk: David, what do you think?

David Henry: First of all, there is still an ethos of constraint in too many places. One of the purposes of the NPPF is the presumption in favour of development and meeting the housing pressures in particular that the country faces now. From my own professional experience, I still get in too many places, "Well, the answer is no. Now, what is the question?" We need to address that very strongly. That comes down to positive leadership. It comes down to people getting the message that we are facing one of the major crises in terms of the construction industry and housing in particular in this country we have had for many a year.

Simon Danczuk: And a housing benefit bill that is going through the roof.

David Henry: The gap is getting bigger and therefore we need to do something about it. The doing something about it is now. It is not waiting for another five years, kicking the ball forward all the time; it is getting plans in place and getting mechanisms in place to deliver right now.

Q12 Simon Danczuk: Richard, what is your take on it all?

Richard Blyth: Resources have fallen 13% year on year to do it, and sometimes the forward-planning part of the local authority gets the short straw; you have got to get the applications determined, so the local plan may sometimes fall down the priority. Having changes of strategic planning circumstances following the abolition of regional strategies has slowed the process down. There may be very good reasons for abolishing regional spatial strategies, but it is simpler if you can simply take a number and translate it into your local area. Now each area has to make its own assessment and the issues are debated from first principles, which is for very good reasons, but that can take time. The Chairman has referred to the duty to co-operate, which

slows thing up if you have got difficulties reaching agreement with other authorities.

I return to the point about incentives. I have seen publicity—I shall not say where—that says, "We have got to have a local plan because otherwise we will lose lots of appeals." This is not a massively motivating reason to do it; it is all on the negative side, rather than saying, "If we have this plan, we will provide homes and jobs for our people."

Q13 Simon Danczuk: Just moving on from that, how important is the requirement to demonstrate a five-year housing supply to ensure that we build the housing that we need?

Cllr Newman: That is important. Just so I get these figures absolutely right here, my understanding is 71% of local authorities have submitted a plan for examination and 56% have so far been found sound. Those are the figures, which do differ from the ones you have. In terms of the five-year supply, it is fundamental. I think we all agree that there is a housing crisis and a supply crisis and a need to deliver and get on with that. There are areas of the country where that response is working better than others.

David Henry: I agree to an extent. The key test is about getting bricks on the ground; it is making sure that the sites that are identified, however that is done, are suitable, are available now, and are achievable—i.e. they can turn the lights on in a new house, for example, within five years. Plan-making is only a gateway through into getting that result. We have got to interrogate the contents of those plans far more forensically and understand whether they will provide the outcomes. On the negative side, if a local authority falls below the line in terms of not having a five-year land supply, my institution is of the view very strongly that we should see that shortfall made up in the next five years, not simply defrayed across a whole long plan period, because otherwise one gets a compounding effect of shortage building on shortage.

Richard Blyth: The issue of quality in the five-year land supply is very important. We would not want to see local authorities allocating sites that are nonsense sites where nobody is ever going to invest and are completely inappropriate and nowhere near the housing need. On the other hand, we are concerned that it is leading to a bias towards short-termism. It is very difficult to construct a large new settlement or urban extension with all the suitable infrastructure in a five-year period, so an authority is either faced with having to have the base five-year supply and then any large new development on top of that or they have got to be in the fortunate position of having already undertaken all the

groundwork for a large development in the past and now be reaping the benefits of it.

It is very difficult under the five-year system to lead to larger-scale development. In some cases, there is also a problem about it leading to potential sprawl, because it is easier to find, maybe, a sprinkle of sites on the edge, villages splayed out around your district, than bite the bullet and undertake a whole new settlement. The owners of those sites are often only too willing to bring them forward, but is this creating the right kind of distribution of settlements in the future for posterity?

Q14 Mark Pawsey: Can I just put a simple proposition? The NPPF is a plan-led system. The problems occur in those local authorities that have not yet adopted a local plan. Local authorities lack motivation to draw up local plans in some instances because they are putting all their efforts into development control. All the Government needs to do is to make plan-making a statutory requirement. What do you think? Is that a solution to the problem, Councillor Newman?

Cllr Newman: Possibly, but the current Government has made much of an agenda of localism and devolving decisions to local people.

Mark Pawsey: It is a plan-led system. You need a plan, so why do your members not just get on and do it?

Cllr Newman: That would be possibly one solution: to have an office in Whitehall with somebody in it dictating what happened up and down the land. But if we are going to have true localism, then we are going to have these tensions. I am somebody who spends other parts of my life committed to working on housing policy.

Q15 Mark Pawsey: You would rather have the tensions and all the hassle that goes with failing to prepare a plan than to put a council to the pressure, imposed by Government, to draw up their own plan.

Cllr Newman: I would rather, as a local councillor, sometimes see those tensions between local communities and developers or the council or whoever.

Q16 Mark Pawsey: You would rather the council say, "We are not going to do that. Even though this is a plan-led system, we are simply not going to bother."

Cllr Newman: No, I would rather see the council exercise the duty to co-operate with other councillors and colleagues and come up with a plan, but your question was, "Should the Government make it legislation and"—

Mark Pawsey: Require.

Cllr Newman: —"require and have a top-down approach?"

Q17 Mark Pawsey: Not do them for them; require them to do it. Mr Henry, what do you think?

David Henry: We need good plans, not just any plans. I understand the sentiment of what you are saying, but there is some degree of danger in it, in that councils will rush just to get a plan in place and say, "Job done." That is not sufficient. We have to make sure they are plans that are effective. However, to take it on a stage, one might want to look at having consequences for authorities that are clearly dragging their heels far too long. Whether that is through an appeal process or financial penalties or whatever is perhaps for you to recommend, but you are quite correct that doing nothing is not really an option in this situation.

Q18 Mark Pawsey: Mr Blyth what do you think?

Richard Blyth: I am not altogether sure it would make a vast amount of difference. I have not got a phone-a-friend lawyer, unfortunately, but I believe that the Planning Act says that you have to do one anyway; what it does not say is how long you can take, so we are talking about the question of whether it would involve a sanctioned timescale. In the Republic of Ireland there was a time when that used to happen. Then I suppose the question would be: if you did not do it on time, what would happen? Would the Government step in? The Government can already step in to undertake a local plan. It has never done so, because it would be enormously complicated and difficult to do so. I am not entirely sure. I again come back to the point of view that if it is really worth people's while, they will do it.

Q19 Chair: My own authority in Sheffield got quite a long way through its local plan and then developers started to say, "You have got brownfield sites there that are not viable in the current circumstances, so go away and find some more greenfield sites to meet your five-year housing supply," yet the NPPF is supposed to be about brownfield first. Is there a contradiction in there? Other authorities—I think Leeds and Salford—have had the same sorts of difficulties as well.

Richard Blyth: There is a question of resources at a time when we have had to all tighten belts. The Homes and Communities Agency money for brownfield remediation and bringing brownfield sites forward fell a lot at first in the current Parliament, which, as you say, has pulled the rug from some of the original plans that had quite a brownfield

emphasis. There is a question about how, as a nation, we can afford brownfield development and what efforts we are prepared to make in terms of prioritising it when greenfield development might be cheaper.

David Henry: You are quite correct, Chair, in the sense that clearly the priority ought to be brownfield first, but, as has just been pointed out, the difficulty is that sometimes those sites are the most complex, longer term and expensive to develop. Therefore, we have to look at how we incentivise, not just through the planning process but via other mechanisms, that that is where the focus ought to be. After all, as soon as one starts to promote greenfield sites, it is quite regularly the case that people say, "Why have you not looked at the brownfield first?" Therefore, it seems to me to be perfectly logical that we address the brownfield with some degree of rigour and incentivise that as much as we can so that it comes forward. Whether that is through tax breaks or whatever might be beyond the planning system, but that is where we need to get to.

Cllr Newman: I would agree with that, for the very reason that was said: that is the question we would be asked locally if we had not looked at the brownfield.

Q20 John Stevenson: Just to move on to infrastructure, quite clearly we all want to see more housing, and part of that is new housing developments, etc. To support that, you need infrastructure, and there is a cost to that. How do you see the NPPF supporting that and ensuring that we do get adequate infrastructure with housing developments?

Richard Blyth: The language in the NPPF is, rightly, supportive of sustainable communities in the round. As a policy document, it is fine. Where it is not very strong is in making spatially specific decisions. A lot of the infrastructure we need for housing has to be in one place rather than another. My point about the small sites and the sprawl is partly connected to this issue that some infrastructure is more likely to be in, for example, adjoining towns along transport routes. The difficulty if you have a concentration on the short-term five-year supply is it may be difficult then to link the housing development to perhaps some longer term plans from other bodies, like the Department for Transport, the Highways Agency and Local Enterprise Partnerships, that are building the infrastructure and funding it. It may be difficult to link those if there is this emphasis on, "You must have the five-year supply."

David Henry: It starts with vision. Firstly, understanding what the needs are for an area, looking at how that is going to be delivered in the area and making sure the infrastructure comes into place to service that. One of the issues with short-term plan-making is that it lacks

long-term vision. If you are only looking ahead five years, it is quite hard to programme and respond and get the kit in place in sufficient time. We do need to have that overarching view as to what the ideas are, particularly for sub-regional areas around the major cities, to get that infrastructure in place.

Secondly, programme co-ordination is vital. It still seems to be the case that we have, as has just been pointed out, a variety of different bodies and stakeholders operating at different paces, and the need to draw those together, almost as an extended duty to co-operate, would seem to me to be another useful device. Thirdly, to look at the funding of that infrastructure, which is so often put up as being the reason why it is not in place. That is not just looking at tax-funded infrastructure; it is looking to other devices. Revolving funds, city deals, the community infrastructure levy and all these other devices have very strong roles to play in getting the direct drive back to delivering on that vision for a local area.

Q21 John Stevenson: You have commented about Section 106 agreements, etc, in the past. Do you think councils are in danger of making some developments unviable because of this?

David Henry: They can do. It is certainly the case in my professional experience that we have faced that, and indeed it has taken quite some time to bring the local authority round to saying, "Look, we will have an open-book approach. I will show you the figures."

Q22 John Stevenson: Have you seen evidence of this?

David Henry: I have one example where I have been involved in it very directly very recently: a 1,100-house scheme that remained unviable for two years simply because of the mismatch between the infrastructure costs and the market value of the site. We have now overcome that and I am pleased to say that just a couple of days ago the local authority concerned resolved to approve it, but it did mean that we had to very much trim back the initial expectations of what was sought in terms of that site from the local authority.

Q23 John Stevenson: From the council?

David Henry: Yes.

Q24 John Stevenson: Tony, what is your view?.

Cllr Newman: To answer your question directly, it is fundamental that the infrastructure is part of the development, part of the wider planning and part of the process. There are issues in terms of how that is

funded and how that is paid for, whether it is the developers or a traditional 106 or whatever. Thinking about issues in my own authority, some folk are in a mindset where they are talking about, perhaps in terms of housing, "We will have 500, 600 or 700 units on a site," but then you question further, "Where is the health provision or the school?" or "What is the transport provision here?" and "How do you bring different agencies together to provide that?" I do sometimes think, rightly, as we focus on the need for a supply of housing and homes, the infrastructure is sometimes seen as almost an afterthought. It should be fundamental to what is happening in the development about how you are going to provide the wider community needs, whether that is, as I said, health, education or transport infrastructure, to support the new community that is being built.

Q25 John Stevenson: The reverse of my question to David, then: do you see developers trying to minimise the levy that they are likely to have to contribute, or do you think they play it reasonably fair?

Cllr Newman: There is a perception that they try to minimise. To be fair, there is a negotiation.

Q26 John Stevenson: Are councils as good negotiators as the developers?

Cllr Newman: I do not know. We would have to look at the outputs. The LGA is putting together a piece of work that I hope we are going to share with you in pretty quick order about how councils need to support each other and share experience in terms of negotiating with developers or whoever so that there can be some best practice and some learning about where the best results are being achieved.

Q27 John Stevenson: Richard, do you have any observations?

Richard Blyth: Yes. I just would like to remind the Committee that it is not a two-sided game. One of the challenges, if we are having a discussion on housing development in particular, is that there are, as Mr Henry has pointed out, such a variety of infrastructure providers, all of whom have to be satisfied. It is not as if you have got councils and developers in a two-sided match; there is the whole range of other bodies and it is the discussions between that whole college of participants and who is prepared to pay for all the different parts that can lead to some substantial delays in issuing permissions.

Q28 John Stevenson: Just go back to having a good local plan in place, then.

Richard Blyth: Certainly good practice would be that the local plan is accompanied by a local infrastructure plan that has been signed up to by that long list of relevant participants.

Q29 John Stevenson: So you would say you have got to have a good local plan and a good infrastructure plan running in parallel.

Richard Blyth: Yes.

Cllr Newman: I would agree with that. A good local plan will assist the authority in terms of those negotiations.

Q30 Chair: Given that some of these issues are wider than local, do we need some sort of national spatial plan?

John Stevenson: Or a regional one.

Richard Blyth: We have called for there to be a map for England that is a way in which the policies of different Government Departments would be aligned. A national spatial plan would be potentially something that might take 20 years to write, and we do not want to be spending a lot of time writing something.

Chair: Even longer than a local plan.

Richard Blyth: It is important that what the Department for Environment, Food and Rural Affairs is planning to do is consistent with what the Treasury is planning to do, and it is sometimes very difficult to tell when you have got to leaf through the 95 different relevant Government policies on land use we identified in existence when we looked at this two years ago. It is very hard to draw those together if you are a special adviser in Government, let alone if you are a member of the public trying to work out just where it is all going to go.

Cllr Newman: In terms of a more regional approach, as a representative of a London borough with another hat on, having that more strategic view of the transport network and how that links into where you are potentially putting new retail or housing can be advantageous. You can have a wider view than just the borough boundary or, coming back to where we started this conversation, into debates around the duty to co-operate or whatever. There are advantages to having a wider overview in terms of regional need and the infrastructure that is needed to support that.

David Henry: We already have it to an extent in the strategic housing market areas. If one looks at how those are structured, they tend to operate around the old travel-to-work areas—the old catchments, as it were—of a large urban area. It is embedded somewhere in the

planning system, but the "R" word—regionalism—has somewhat gone out of fashion recently. Perhaps there is a need to recapture that. As you can probably tell from the accent, I am from north of the border. There is some lesson to be taken from there, where there is a two-level system of looking at strategic development plans for the major city regions to help look at the duty to co-operate in the immediate hinterland of those. After all, that is where many of the issues—brownfield/greenfield, housing pressure, infrastructure delivery—are focussed, rather than across the country as a whole.

Q31 Mark Pawsey: I wonder if I might ask you your views about how effectively the NPPF has supported town centres. There is a town-centre-first policy within the NPPF; there is a sequential test. Despite that, since the NPPF was adopted, the Association of Convenience Stores tell us that 82% of applications for major retail developments have been outside of town centres, presumably in out-of-town developments. Does that mean that the NPPF approach is not working?

Richard Blyth: We are concerned—not within the NPPF but aside to it—about the question of increased permitted development. It is difficult to tell from the NPPF quite what the vision for town centres in a strongly internet-enabled world is. There seems to be a consensus that town centres generally will need to occupy less floor space than they maybe did in their heyday. It is hard to get from the NPPF a guide as to how much less. The difficulty with the freedom to change use out of a shop into a home, for example, is that that might arise in an unplanned way rather than a controlled contraction of a town centre.

Q32 Mark Pawsey: But do you believe that too much out-of-town development has taken place since the NPPF was adopted?

Richard Blyth: I cannot comment on that.

Q33 Mark Pawsey: In which case, do you think that the sequential test is tough enough? If 80% has happened out of town and we have got this sequential test, is that because the test is not sufficiently robust?

Richard Blyth: My understanding is that it is much the same as the one in the consolidating planning policy statements that were merged and edited down to form the NPPF, so in that sense it should be operating the same.

Q34 Mark Pawsey: So you are not bothered about the fact that 80% of the applications permitted since the introduction of the NPPF have been out of town.

Richard Blyth: I am bothered, because maybe there is a difficulty between the way in which the NPPF is phrased and what is happening on the ground. I am not sufficiently well informed to analyse all those different cases, but the figures that you are quoting are of considerable concern.

Q35 Mark Pawsey: Councillor Newman, in the evidence from the LGA there was no reference to town centres at all, so presumably you are quite happy to see this drift of retail from the town centre out of town.

Cllr Newman: No, I do not think so. I personally think we should be looking in town. Coming from Croydon, where we are welcoming Westfield to develop right in the centre of the town, I think that is a model to be encouraged.

Q36 Mark Pawsey: Did you apply the sequential test?

Cllr Newman: We did. Related to that and the earlier point you made in terms of permitted development, I think I am correct in saying—if I can just do a little bit more on Croydon—that we have seen there in terms of the switch of some relatively dated office use to residential that it is having a perverse effect on the market; you are getting lower quality residential coming in as these offices are converted. Somewhere like Croydon—and I would imagine many other places—still needs to maintain a high-quality office support network in a town. There is a bit more thinking-through to look at some of the results of this in terms of the impact it is having in town centres.

Q37 Mark Pawsey: Is that conversion to residential creating more customers for retail outlets in the town centre? Is it a positive thing to support town centres?

Cllr Newman: It is potentially positive, but there are some where the conversion to residential has been agreed but, because of the quality and the market not lending, they are remaining empty in a number of places.

Q38 Mark Pawsey: Mr Henry, is your organisation happy to see this slow drift of retail from our town centres out to the edge of our towns?

David Henry: A lot of that is market driven rather than planning driven. What the planning system can do, though, is have dynamic policies for a dynamic sector.

Q39 Mark Pawsey: Is it doing enough? Would you rather see the planning system stronger and better able to resist this move from our valued town centres?

David Henry: It needs to be better informed and better able to make those judgments. It is very difficult to say, other than on a case-by-case basis, whether it is right that a sequentially less preferable location is allowed. I do not think one can generalise in that way. What we have got to see is NPPG—I suppose NPPF guidance—that is perhaps a little bit more fulsome in terms of how one goes about that assessment.

Q40 Mark Pawsey: Have you got any suggestions for us as to how the NPPF could be beefed up, then, to support town centres?

David Henry: I do not think it needs beefing up in itself, other than to restate it. It is very strong in terms of town-centre protection.

Q41 Mark Pawsey: If it is strong, why are we seeing so many out-of-town applications and so many town centres declining? If it is great, why is that happening?

David Henry: Because that is where the retailers are taking their requirements. Remember, the major retailers—one looks at supermarkets—have already run into a lower level of investment in terms of out-of-town stores, even in the last couple of years. Therefore, the run of play, as it were, changes consistently on that. What one has got to do is to look at how that policy evolves to meet not just new threats but new opportunities, and to capture those and perhaps focus them into the NPPF and, indeed, the subsidiary guidance that sits below that. We have not been particularly good at doing that over the last couple of years.

Q42 Mark Pawsey: As a general question, is the NPPF not reacting to modern ways in which people want to live their lives? Has it got a rosy tint about preserving butcher, baker and candlestick maker down the high street and the trading pattern has moved on? Should the NPPF be revised in the light of that?

David Henry: It perhaps rests in the detail, as I have said, about how that is reflected in people's day-to-day lives. Click and collect, the internet and all these other issues are such strong factors, yet they hardly get a mention in the policy and the tests that we are operating, which is my point: it is not per se the presumption in favour of town centre first—and quite rightly so—but finding the tests below that level with which to judge particular cases to come forward. Perhaps there is a need for better good practice guidance and a more dynamic set of

policies that need to be churned. After all, as I have said, it is supposed to be a living document, not a set-in-stone document.

Richard Blyth: Can I just supplement what I was saying on town centres? It is not just about retail. One of the things that we were a bit disappointed about in terms of how the NPPF was phrased was its approach to health, for example. It talks about how the planning system can encourage healthy choices; it does not talk very much about the way in which investments by what I might call the health industry can support our own town centres. As you have rightly suggested, town centres may have to move away from the butcher, baker and candlestick maker. A useful purpose could be health and education in accessible places, but there is not a great deal about exercising a steer towards our public capital investment in such a way that it can maybe make up for the void that retail may have to leave.

Q43 Chris Williamson: Can I move on now to renewable energy? The extreme weather events that we are more and more experiencing remind us of the importance of tackling climate change and, indeed, the events in Ukraine remind us of the need for better energy security. The Royal Institution of Chartered Surveyors say that the NPPF policies in relation to renewable energy are "positive and workable" but the Royal Town Planning Institute says they have "not been effective". Who is right?

Richard Blyth: We are concerned that it is difficult for local authorities to arrive at wide-ranging climate-change strategies within planning. One reason is partly that you may find it difficult to gain support for the production of windmills and wind turbines in suitable places. One reason that that is difficult to do is because it is hard for an individual authority to assess the balance between maybe landscape damage that is done and people's concern about the appearance of wind farms against the wider-ranging points that you have made in relation to the global climate, because authorities are having to make these decisions on their own. It would be easier, in a way, to have a wider assessment of the total need and the extent to which renewable energy sources may need to contribute to our overall energy makeup and then also assess the kinds of sites that would be suitable and then arrive at some kind of apportionment between places on the basis of the overall national need to balance against things like proximity to people's homes, landscape character and also the suitability of a site to provide renewable energy in relation to the technical requirements of the grid. It is quite hard to do that authority by authority when you are dealing with what is effectively a national concern, and it is difficult for local people maybe to understand why they should put up with a change to

their landscape and their view when they cannot see, "Why can it not go to somewhere else? Why does it have to be in our area?"

Q44 Chris Williamson: What do you think, David?

David Henry: First of all, we are talking about planning issues this afternoon. There is a danger of drifting into broader national energy policy matters, but there is clearly an implication for the geography of the country in terms of how those policies are applied. Our view is that they sit at about the right general level of saying, "Yes, we need to address this in a holistic way." However, just like the conversation we had about retail, it is a fast-changing environment. We had in the Queen's Speech the other day the idea of allowable solutions—in effect offsetting of the energy production of development—coming forward, which will have an implication spatially in terms of how that is dealt with, yet we do not have the clear policy guidance as yet as to where that should be. We say, "Yes, it is on the right track," but, as ever, it would be helpful, perhaps, to have a little bit more guidance as to how that is to be expressed and we have got to be very careful about not being prescriptive and making choices in what is, after all, quite a complex and, indeed, dynamic area.

Q45 Chris Williamson: You, David, have said previously, have you not, that the guidance in the NPPF relating to onshore wind caused "uncertainty"? Would you say that there is a conflict between policy and guidance in the NPPF?

David Henry: There is often a distinction to be made between where a policy should take us and how it is applied, in that local decision-making and local sentiments may not always be in tune with national need. Therefore, yes, there are sometimes occasions when one sees decisions being made that seem to fly in the face of the overall need.

Q46 Chris Williamson: How do you think we should address that, then? How could the NPPF be tweaked to deal with that?

David Henry: As we said in evidence, there is not a great need to tweak it in that way, although one is always open to review wording.

Q47 Chris Williamson: Do we live with the conflict, then?

David Henry: The conflict is part of decision-making. It is a matter of weight and balance. What I am saying is that the way to help people come to that rational decision—and you may not always agree with the decision; that is the democratic prerogative—is to make sure that people understand how the decisions are made and what factors are involved in that. That takes us to another level down, which is, "What

are the detailed methods that are used for assessing these factors?" rather than some sort of reactive approach, because after all that, people just do not understand why we said "yes" in that instance and "no" in another. There has to be a framework to it that allows that logic to be expressed.

Q48 Chris Williamson: Could I just ask Tony a question, then, moving on from that? The Secretary of State has recovered, as I understand it, 35 applications for wind farms since last summer. Do you think that undermines the local decision-making of your members?

Cllr Newman: Absolutely. In some cases, tough decisions are taken with lots of consultation with local people. In Peterborough, permission was given for four wind turbines and that has been, as I understand it, called in by Eric Pickles, who presumably will be taking these decisions himself. I am not sure that fits in with the best way to plan national energy requirements and needs. It is also, clearly, potentially undermining local democracy, because these are not easy decisions to take locally, and if local people are supporting what in some areas may be seen as a tough decision around wind turbines, then it does undermine the local authority and it undermines trust in the system. If national Government is seen to call these things in, as local people might see it, on a random basis, it undermines it. We need a more strategic approach.

Q49 Chris Williamson: How would a more strategic approach manifest itself? Do you think planning decisions relating to renewable energy should be exclusively the preserve of local authorities, bearing in mind their national implications, or should it be something that is determined by the centre, say?

Cllr Newman: Mentioning the word "regional" again, clearly, what you could not have—or no one would suggest you could have—is two adjoining local authorities where one had a very pro-wind farm approach, to keep that example, and had all the wind farms, and on the other side of the valley, or whatever, there were none. There needs to be some planning and there needs to be a joined-up approach. It is at what level you pitch that. But when local people are asked to take a potentially very tough decision, there needs to be a clear understanding that the Secretary of State, as things currently stand—35 times, I think you have just said—can potentially intervene. I do not think it sends a very confident message, either to those seeking to provide the energy or those taking the decisions about where to host it.

Q50 Chris Williamson: Are you making a pitch for a return to some form of regional spatial strategy?

Cllr Newman: Possibly.

Q51 Chris Williamson: I might agree with you, but that is another story. Finally, I can probably guess from what you have just said, Tony, that you are uncomfortable with the level of ministerial intervention. I just wondered whether all of you, in a sentence or so, could say whether you are comfortable or otherwise. What are your thoughts about the level of ministerial intervention at the moment? Is it about right, too much or too little? Tony, we probably know your view on that.

Cllr Newman: Yes. Just to finish, there is a little bit too much focus on planning and its related issues being held up as the problem, when, if we look at some of the outputs, it is not always the case. It is perhaps an easy target for some at the centre to hold up as, "If only we could sort out the planning process or the planners, then everything would be okay," when, as we have heard, there are a lot more folk and a lot more agencies involved in these debates. There is quite a gap now between the centre in Whitehall and local authorities. There is a big space in the middle.

Q52 Chris Williamson: David and Richard, are you comfortable? Is it about right or is there too much or too little?

David Henry: It is quite a difficult question to answer because the Secretary of State's role is one of recovery and intervention when absolutely necessary. Therefore, I do not think one can say whether it is about right or about wrong.

Q53 Chris Williamson: In relation to renewable energy, is the Secretary of State in your opinion exercising his powers appropriately, given what we know of—

David Henry: He is certainly exercising his powers. Whether it is appropriate is a matter of individual judgment.

Q54 Chris Williamson: What is your judgment?

David Henry: In my professional judgment, we have a large energy issue to face in this country, and therefore we have to have consistency of approach over the long term as to how that is met. Therefore, interventions or non-interventions perhaps send questions about how that long-term need is being met.

Q55 Chris Williamson: The same question: what is the answer, though? How do we deal with it?

David Henry: We have touched on it extensively in the discussion just now. These decisions are—indeed, ought to be—largely local decisions. It is local people who have the consequences of these things, and they see the local benefits. Therefore, that is where it should sit. The Secretary of State really sits as some sort of wicketkeeper, I suppose, in that process. Maybe referee is a better example, given we are just about to start the World Cup. They need to intervene in the right place at the right time to make sure that we are delivering on those long-term objectives. A stop/start approach is not the right way of doing that.

Q56 Chris Williamson: Richard, finally, do you have any thoughts about the level of intervention by the Secretary of State?

Richard Blyth: I assume that you are referring specifically to ministerial involvement. It is interesting that from the point of view of local people, the appeal process in the Planning Inspectorate can seem just as much like centralism. The distinction that everyone in this room is aware of between the ministerial role and the Inspectorate's role is possibly lost on many people; they feel that "it is people not here who are making the decision".

There is a difficulty with trying to achieve infrastructure provision through what I would call a solely development-control approach. The principle we have is that we create ideal market conditions and then investment just steps forward. The difficulty is that there can be a danger of encouraging investment to step forward and then appearing to be perhaps less receptive to it than you were at the time when it was stepping forward. That is quite a difficult environment for investors; there is an uncertainty there. We saw it with solar, for example. There can be a difficulty for communities, in the sense that communities can feel threatened when there are people walking round with maps and clipboards: "Gosh, are they going to build something here that I do not want in terms of infrastructure?"

On the other hand, you asked how we move forward. I would return to the idea that with something as fleet of foot as energy—because it can be transmitted relatively successfully around a lot of places; it is not like housing, which needs to be where people are—it is something to do with agreeing how much we need to provide through onshore means and then working out an appropriate means of apportioning that. You refer to the regional spatial strategies; they did do that, although through a slightly different route. The question would be then: over what area of co-operation might it be suitable to say, "How are we going to share out the resources in such a way as to achieve the right locations and give the right comfort to local people and the right confidence to investors?"

Q57 John Stevenson: Can I just pick up a comment you made, Tony, about the Secretary of State and the interventions effectively taking powers away from councillors and affecting local democracy? Do you not also feel that local councils have abdicated their responsibility by not having local plans in place, and effectively they have passed responsibility on to the Inspectorate?

Cllr Newman: All councils need to get local plans in place.

Q58 Mrs Glindon: The NPPF started from the principle that "development that is sustainable should go ahead, without delay". Do you consider that the framework has done anything to reduce delays in the planning system?

Richard Blyth: There has been an increased number of residential large-scale permissions, which is fine providing that you perhaps analyse exactly where they are. In a joint statement with a number of other organisations, the RTPI did say that we need somehow to monitor this. It is two years since adoption of the NPPF, but there is a need for ongoing consideration of particularly the sustainability of planning permissions. We have had more approvals, but are they in the right place? I am not in a position to say, sitting here today, but it needs to be something that is on someone's radar to check. Local planning authorities are doing very well considering the fall in resources that has gone to planning, which seems perhaps somewhat disproportionate relative to other services, but then it is a tough world and there are other very well-deserving services that need the money as well. To keep your performance in terms of answering planning applications and getting them out there under the circumstances is very impressive. It is interesting that my members in the private sector say, "It is not always the eight weeks or the 13 weeks that interests us. What we want is good customer service. We want to ring up and find the right person on the phone. We want to have the same person each time. We do not want out-of-office emails." There is a whole range of issues around quality of service that need to be kept in mind as well as the speed.

David Henry: There is a lot to agree with there. In answer to your question: probably. We need to see more facts. We certainly are strong supporters of the NPPF. It has culled an awful lot of unnecessary words, as it were. In terms of whether it is delivering the results, we are only two years in and we need to see more factual analysis of that to see what real difference it has made to bricks on the ground. It is not just in the sense of whether local authorities approve an application within a certain time period or, indeed, whether local plans are adopted; the real litmus test is: have we built more of what

we need to build? That takes longer to check and to measure. That is the first point: it is quite early to take an absolute view on that point.

I do agree with the comments that have been made about resourcing. If we have not got the right resources in place, it is going to be very hard to see those results come forward. Planning is very important, yet it is still not often regarded as being a frontline service; therefore, have we got not just the quantity but the quality to deliver one of the things that manifests itself to everybody every day as they walk around this country as being something that is an output of the planning process? We need to get that in place and make sure it is properly supported.

Cllr Newman: I will not repeat everything that has been said, but local authority budgets are still under extreme pressure. That does bring other issues, because, again, it is not necessarily seen as a frontline service but planning is helping to deliver some of the most key services, coming back to much-needed homes. Some of the reduction in terms of slimming down the bureaucracy, if you like, around the NPPF has been welcome, but I refer again to the outputs in terms of what planning is delivering. Do we need to review the progress against some of the other criteria in terms of longer term sustainability? Yes. It is two years. I do not know what the appropriate moment to do that review is. Probably in the next year or two. I will not repeat it, but the budget issue is a huge issue in terms of the ongoing pressures on the finance of local government.

Q59 Mrs Glindon: Each of you has outlined the importance of planning, so why, other than when there is a time of budget constraints, do councillors see it as such a low priority, with staff going and not prioritising such an important part of the work they have to do against other things?

Cllr Newman: I do not think that is the case. It certainly is not the case in my own council in terms of the priority, but it is a balance between those frontline services out there where you literally have to put a roof over somebody's head, or whatever it is, that night, and how you fund a service that is providing for the longer term. That is a wider issue for central Government in terms of how much more of the pressure local government can take in terms of ongoing budget reductions. Local government has taken, I think it is fair to say, more than its fair share of the national reduction.

Richard Blyth: It is a correlation; I cannot prove causation. There has been a tendency over the decades in local government for planning to be downgraded in terms of its position in the hierarchy to the second and, in some authorities, the third tier below the chief executive. That was not so true in the 1970s. There is also a question around the

relationship between a service and its status. You can say if you have maybe 2,000 employees under you in a local authority that there is clearly a relationship between your turnover and what you are doing, and your budget and your position in the authority. The value of planning is much harder to put a price on because, in a sense, you are talking about whether there are going to be enough homes in the future and the value of construction in your area. It is not such an obvious thing within the local authority as saying, "Oh yes, this person has 2,000 employees, so therefore this is their position." There is a difficulty in terms of it being that easy to demonstrate the value, but we are working on that.

David Henry: Planners are a bit like estate agents; they do not tend to come very high in popularity polls. However, positive authorities do deliver positive results. Some people get it; some people do not. That does come down ultimately to leadership. In many authorities that have got the message and see that this is a frontline—indeed, key—service, they will put the resources in there and support those planning teams. Of course, there are equally as many that perhaps see it as being an easy place to make the cut; that is when the system starts to falter. Indeed, from my side of the fence, there is frustration in not being able to make that contact—to have to turn around to a willing and able developer or landowner and say, "Look, I just have not got the response I need and it needs to be pushed." It does come back to making clear to local authorities that this is ultimately a very important service for all local authorities and, "If you have not got it, get it."

Q60 Mrs Glindon: If I can just ask you, Councillor Newman, quickly: do you think there can be any excuse for councillors refusing applications and asking developers to re-submit them just so they can meet their planning performance targets?

Cllr Newman: No, I am not aware of that.

Mrs Glindon: That was something that had been pointed out by the Cambridge research that was done. The LGA have not been made aware of anything, then.

Cllr Newman: I am personally not aware of it and it does not sound like very good practice at all.

Q61 Mark Pawsey: Can I just quickly ask you about delays brought into the system by third-party consultees like the environmental agencies and the highways agencies? The NPPF does not speak about that, but do you think it would be a good idea if those agencies were given a deadline in which to reply and, if they cannot reply in that time,

their views will be disregarded? Mr Henry, I am sure many of your developer applicants would love to see that change.

David Henry: The straight answer is yes. There are always caveats to that, but it is rather like a default position for the approval of certain categories of conditions that have just been announced. It is absolutely right, because, just as we were touching on in terms of, as it were, playing the numbers, there are all sorts of issues in terms of meeting statistics, and this is another one. The reason for delay is quite often not sitting with the case officer in a planning authority; it is with some third party.

Q62 Mark Pawsey: Would the RTPI support that, Mr Blyth?

Richard Blyth: Having heard what we have heard about climate change, I am worried about a deemed consent from the Environment Agency. I am not sure that that would be the way of dealing with it, because we would not want a situation where homes were permitted at flood risk simply because someone in the Environment Agency did not meet their timetable. It is too important. I appreciate speed, but there are certain kinds of consultees that are just too vital. The main thing is perhaps not to work through the sticks on that but to just make sure the Environment Agency is able to meet its obligations and meet the timetable.

Cllr Newman: I agree with that answer. We have got to make sure people do respond in the correct timescales.

Q63 Mark Pawsey: But there are no timescales currently. That is the problem. So you would agree with a limit.

Cllr Newman: I would agree with a limit.

Q64 Heather Wheeler: Mr Henry, you sort of alluded to this a little bit earlier on, but all three of you guys have put submissions in that you would like a framework to be put in place to evaluate how the NPPF is going on. That is a reasonable comment. Who would run it, and who would then cope with the monitoring of it? Do you have any suggestions on that front?

Cllr Newman: Clearly the LGA would be very keen to play a leading role in that, in partnership with others.

David Henry: It does not rest with one party alone; it is the creation of a national observatory body of some sort that collates that. Clearly it needs DCLG to be sitting in there strongly to help to steer that perhaps, but there is an awful lot of good resource out there, including

through my own institution, for example; we would be very willing to participate in that process.

Heather Wheeler: Add something if you want to, Mr Blyth.

Richard Blyth: It is a question of trying to identify consistency of measurement. One of the issues that has come around about—quite understandably—undertaking housing-needs surveys for each authority and doing monitoring in each authority is this question about the like for like and the difficulty within, say, a city region of saying, "Authority A has measured for housing need this way; Authority B has measured it this way, so we cannot add them up." In a case study on the south coast, we did refer to places where authorities have joined together and said, "Let us do our statistics together, even if we cannot agree everything else." It does not need to be totally national, but we can build on general co-operation to try to get some common agreements about what is what.

Q65 Heather Wheeler: Just to finish off, you have also, to a man, suggested that there should be no more changes to planning policy. Was the big bang just too much for you all to cope with and you do not want any more, or is it so perfect now—apart from the evaluation, obviously—that you just want a settling-down period? What are you scared of?

Cllr Newman: There is a time for a settling-down period. As I was saying a minute ago, resources are precious and under pressure. Reviewing where we are, best practice and where there clearly need to be improvements is fine, and that will take some time, but in the short to medium term just letting people get on with the job and learn some lessons, as we are discussing here today, would be the preferred way for the next couple of years.

Richard Blyth: I do not think things are totally satisfactory as they are, but I do not think the way of changing them would be another Act of Parliament. It relates to that other activity, almost on the edge of the statutory process, which is about incentivising increasing joint working—stuff that you can do without having to return to Parliament and get authorisation.

David Henry: I do not think planning has ever been more important. We have touched on it in the conversation this afternoon. Whether it is housing, whether it is energy policy, whether it is employment, it is key. It is not a time for wholesale change. That does not mean to say that the policies should not be reviewed and updated and we should not be proactive and try to look forward. After all, that is what planning is about; it is a long-term game. But the one thing that does cause difficulty is stop/start approaches to policymaking. So, consistency,

yes. It is supposed to be a living document. It may need adjustment and updating and revision, etc, but it is a good document and it is welcomed. I am not an advocate of wholesale change, I am afraid.

Q66 Chair: Do you think there is a case for having a light-touch way of refreshing local plans at a more regular interval so they are not like, "We have done it now for the next 10 years; we can all sit back and relax now we have achieved what we have done"?

David Henry: The answer to that is yes, particularly in areas of fast change. If one looks on the covers of plans and sees that they were adopted five or 10 years ago, one's suspicion is immediately raised as to how useful those documents are in terms of reflecting the next five years. Therefore, there is a need for a faster churn of plans in locations where there is clearly a need to address development.

Richard Blyth: There is quite an interesting future in the idea of authorities joining together and working out some of their strategic decision-making, and then maybe the site-by-site stuff can be the province of neighbourhood planning or action area plans for specific areas of change, rather than necessarily having to have the local plan in its entirety for each district.

Cllr Newman: Your suggestion there of an ongoing or a periodic refresh is vital. As we touched on earlier, the rapidly changing technology out there and the way people's lifestyles, patterns of behaviour and all sorts of other stuff, in terms of social media or whatever it is, are changing can render some sorts of discussions from just a few years ago redundant. So, yes.

Chair: Thank you all very much for coming and giving your evidence this afternoon.

Panel 2 Questions [67-112]

Witnesses: **Councillor Gillian Brown**, Planning Lead, District Councils' Network, **Councillor Ken Browse**, Chairman, National Association of Local Councils, and **Mike Kiely**, Chair of the Board, Planning Officers Society, gave evidence.

Q67 Chair: Good afternoon, and thank you for joining us, our second panel this afternoon. For the sake of our records, could just say who you are and the organisation you represent?

Cllr Brown: I am Gillian Brown. I represent the District Councils' Network.

Mike Kiely: I am Mike Kiely. I am the Chair of the Board of the Planning Officers Society.

Cllr Browse: Good afternoon. I am Councillor Ken Browse, and I represent the National Association of Local Councils.

Q68 Chair: Thank you very much for coming. You probably heard some of the earlier evidence we had, particularly about the delays in getting local plans adopted. There could be an argument that it is down to the cuts in resources, but it has actually been a 10-year failure in many cases to get to a local plan at the councils. Given we have got a mixture of officers and councillors, whose fault is it? Is it the councillors who are not giving the resources, or the officers who are not using them properly?

Mike Kiely: Shall I start? It is important to point out that the current system is only two years old. The system was introduced in 2004, but the NPPF has significantly changed it. That, coupled with the abolition of the regional spatial strategies, meant that authorities had to virtually start from square one. I am not saying the system is perfect and everyone has done what they should do, but I think the statistics mask the reality on the ground of planners trying to score a goal with ever-moving goalposts. We need to look at that and the system that was introduced with the NPPF and other public policy changes—whether that is fit for purpose and if it can be tweaked to make it more successful—and, as was touched on earlier, mechanisms that can do that.

Cllr Brown: I do not see that it is anybody's fault. I see councils making a really strenuous effort to get a local plan in place. It is not easy; it is a very long process. Some councils had evidence left over from the spatial strategies and now have to adapt to the NPPF. We are working as fast as we can, but there is an awful lot of evidence to gather. The duty to co-operate has been quite challenging. In lots of instances you are working with other authorities, different timescales and different parts of the planning process that they are in.

Q69 Chair: But half the councils have managed it; the other half have not, so half of them must be doing something right.

Cllr Brown: It is a moving feast, isn't it? Some people were at an earlier stage than others. My council had a local plan. We have only been without an agreed local plan for just over two years, but it is quite difficult to get a local plan in place. We do work as hard as we possibly can, but there is a lot of tension between localism and strategic planning. The communities believe in localism—that they could have their say about where and how many houses they wanted—and that is not the reality of the situation. There is a balancing act, trying to take communities with you.

Q70 Chair: Why not? Could you just explain that a little bit further? What is the challenge?

Cllr Brown: The challenge is trying to take communities with you. It is no good telling them they are going to have 5,000 houses next door if they are not for that proposal. They need to see the evidence: why they need houses, the local plan and the protection. It is just a question of taking communities with you and working strategically across quite a large area.

Q71 Chair: I will come on to Councillor Browse in just a second. I just want to follow up one further point, Councillor Brown. You suggested one way round this is this rolling local plan examination.

Cllr Brown: Yes.

Q72 Chair: Could you say a little bit about that? Then I will come on to Councillor Browse.

Cllr Browse: About the—?

Chair: Councillor Brown has raised in evidence a proposal about a rolling local plan examination to try to speed up the process, so I am just going to ask her to explain that in a bit of detail, then I will come on to you, Councillor Browse, about the other point.

Cllr Brown: Thank you very much. Yes, I think it would be a great help to most authorities if we had this rolling local plan, a staged local plan. All the evidence has accumulated over three to five years in lots of instances, so a lot of the work is done. If we could get 50% of our plan agreed with the Inspectorate, it would cut out a lot of delays. That would be finished; that would be agreed, and then we could move on and evaluate. Lots of authorities have got to the end of the process after say five years, and then the Inspector says, "I am sorry; you have not met the duty to co-operate." That could have been identified a lot sooner to tell them if they were on the right track or not. For example, "Have you had the proper assessment of your housing needs? Are you doing that adequately or not?" If we could get that part over and done with at an earlier stage, then we would be halfway there.

Cllr Browse: We understand the golden thread of the presumption in favour of sustainable development, and we want the planning system and the NPPF to work, but we find there is this frustration. You mentioned it as tensions because of the local plan either not being in place or certain parts being absent, and then communities having to accept some decisions being made and development coming that they have not been able to be consulted on. We have certainly welcomed the neighbourhood planning system. We have over 1,000 of our parish councils involved in that, with 17 or 18 already that have been through a referendum. We support that side of things.

Q73 Chair: But you have expressed frustration that the neighbourhood plan cannot be agreed until the local plans have been adopted, and that is causing problems.

Cllr Browse: Exactly, yes. There are frustrations there throughout the whole town and parish sector. Various different areas have got their own frustrations if they have been working on something for a long time. For example, in my own area, because the master plan is not finished yet, a developer slips in a few months earlier and says, "Well, I am going to put in an application for 300 houses," and that cannot be stopped. The infrastructure is not in place, and all the traffic and vehicles to build that site will come through a very small village that cannot really cope with it. It would be better to see the master plan before that happened.

Q74 Chair: Just finally, the point that I put to the last group of witnesses at the end was the idea that there ought to be a mechanism to be able to refresh local plans on a quicker and less time-consuming basis once one has been adopted. Is that something you would generally support, Mr Kiely?

Mike Kiely: Yes, absolutely. I do not think I have a full answer to that, because that needs to be done in the right sort of context. The Planning Officers Society produced their manifesto a little while ago to set out in brief its main asks of any future Government. We have developed our proposals for the development plan system since then, and there is a paper that we are launching in the next couple of days.

Q75 Chair: Can we have a copy of that?

Mike Kiely: Absolutely. It is ready; I can send it to you now. It is all about the geography. We are a bunch of planners who are basically geographers, and geography is a solution. The duty to co-operate operates at a larger than local area—a strategic level—and therefore, as an exercise, is a process that needs to see itself through. You need to co-operate at that level.

Q76 Chair: We will come on to the duty to co-operate specifically in a minute.

Mike Kiely: You have to follow that right the way through to the Inspector signing it off. We are saying there is a first stage to the process, which is about agreeing the strategy. The plans, which will be produced at the local level, neighbourhood or council level, use that strategy in order to complete their plans. What we are saying is having done all that complicated stuff at the strategic level with the duty to co-operate and the strategic environmental assessment—all those big,

expensive tools—putting the details on that plan is a relatively straightforward process.

The role of the Planning Inspectorate at that level should only be listening to objections. If you produce your detailed plan against the framework of a sound, signed off strategic part of the plan, then you should simply be able to adopt that plan without the need for involving the Inspector. We are suggesting there is still a need for a test to make sure it is delivering the National Planning Policy Framework objectives, the fourth bullet point of the soundness test, but there is no need for it to go through the full process. It is about using the tools and the resources at the right time, at the right geography, so that you have as efficient a process as possible. With that in place, then reviews are quite a simple process, providing you can demonstrate that they do not disturb the main strategy that they are hooked into.

Q77 Heather Wheeler: Councillor Browse, you alluded before to a local situation where the local plan is not in place but you have got a parish plan or whatever. But, of course, at the moment developers can come in and dump on you 300 houses or whatever. Do you think that you are not alone in this? What is the feedback you are getting from councils around the country? Is this an exaggeration or is this really happening?

Cllr Browse: We heard earlier that only a certain percentage of councils have got their plans in place. Without the plan in place, development can take place that is not what the community have been engaged in planning. That is the problem, and that is the tension in the community. They would like to see it worked out and done properly and be part of what goes on in their community. They understand that they have got to accept houses. There is no problem there, but they would like to see it designed with the infrastructure and with the facilities to support that. I can give you examples and leave copies of where you have got a lot of housing planned on the side of a village, yet the school is not big enough to take the children and the facilities cannot cope. That is the frustration there is—that it is not joined up thinking and a complete plan. It is brilliant; we are going down the right road with the community planning, but we have not caught up yet.

Q78 Heather Wheeler: Is that absolutely then squarely the fault of the district councils for not being able to push through and get this nailed?

Cllr Browse: I would not say so. They have had two years to get this in place, and they have got an awful lot of workload with reduced money to do it. They are in a very difficult position, and we do

understand that. We are not blaming anyone; we are saying this is the situation we find ourselves in at this present time.

Cllr Brown: This is where it is absolutely critical that councils have a five-year land supply. This is our only defence against unwanted development, whether we have the local plan agreed or not, so that is the critical issue. One of the difficulties with the five-year land supply is sometimes, when a council thinks it has got a five-year land supply, the methodology for looking at that five-year land supply is being challenged by developers on appeal. This is where the difficulty is. One of the Planning Inspectorate did tell me that maybe we should be looking at seven to eight years' land supply, which would be incredibly difficult to do. But it is the five-year land supply; as long as you have that, then you can hopefully defend unwanted development.

Q79 Heather Wheeler: Mr Kiely, I am going to ask you another motherhood and apple pie question. How frustrating does it get for officers when district councillors will listen to the siren calls of local objections, and then throw things out on non-technical bases?

Mike Kiely: I am sure that they have their good reasons for that. Far be it for me to criticise them. There is a job for my profession; it is a leadership role in terms of explaining these numbers. They are not just numbers; they are people. They are your children and they are their children. When you have discussions about the numbers in those terms, it is a different conversation, and it is important that we develop the skills within the planning profession to understand, explain and articulate these complicated, potentially confusing, jargon-filled debates, but these are actually about people and their need for homes. It is vital that we address those. We do not always get that right, and it is right that we do.

In paragraph 47 the NPPF talks about the five-year and longer housing land supply being deliverable and developable. The deliverable five-year housing land supply has been taken far too literally, resulting in perverse consequences in the system. Developers are using that fairly narrow definition—that it is ready to go—in order to push forward what is more preferable from their point of view in terms of generally greenfield sites rather than brownfield land sites. I am not just talking about in places where the development economics makes it challenging; I am talking about areas where those sites are viable, but developers are putting forward arguments that these things are not coming forward.

We do have to ask ourselves the question as a society; "What is it we do want? Do we want to bring forward sustainable development? Do we want those difficult sites to be brought forward?" The current

system is making it more difficult for that to happen. It is also important to understand the housing market. It is not just about houses for people to buy, particularly in London. It is very challenging economically for people to access that market because the average house price compared with the average salary is now 12/13:1 and rising. The housing market is a range of different things, and the private rental sector is a fairly weak sector in this country. It is not so in Northern Europe or North America, and we need to understand that much more. What is it about this country that does not seem to favour that sector? Is there some piece of regulation, or what is it? Is it just habit? It is a complex problem that we need to look at.

The one area that I would encourage you to look further at is that there are sites in places that can come forward but are difficult; developers are blocking them for various reasons. You should be looking at our CPO powers, and the justification for CPO, in terms of delivering housing. We should focus on adjusting the test to make those powers more deliverable for a local authority that wants to be proactive. I would have doubts in many cases that you would be confident of winning the argument that it is in the public interest to CPO this site just because we want to bring it forward for housing. It would be a small adjustment for clarity regarding meeting the test in terms of the use of CPO powers, which could actually free up councils to be more proactive in delivering those difficult sites.

Q80 Mrs Glindon: You have already touched briefly on the duty to co-operate, so I would particularly like to ask you, Mr Kiely and Councillor Brown, why are so many councils failing to meet the duty to co-operate?

Cllr Brown: I come from an area where we have worked well. We are from the Coastal West Sussex and Greater Brighton, where we put forward a strategic statement and have worked well together, but in lots of instances it is much more difficult. We come from a similar coastal area with similar problems, so I think it was probably easier in our area to do that. I do not know; to plan strategically is just an exceedingly difficult thing to do. Not every area can do that.

Mike Kiely: To some extent, the councils have been left high and dry with that duty. All they have is that duty, not much else to support it, and they are left to sort it out themselves. There can be all sorts of reasons for that to be difficult. There can be political tensions that make that difficult; there can be people at different stages in the plan-making process that make that difficult; and there can be issues about what is the right geography they should be operating in. What is the area over which it is sensible to co-operate in terms of what they are looking at?

That might be different from housing to other factors, such as infrastructure. We do need to support councils in that, and the suggestions that the Planning Society are putting forward are what we feel is the lightest touch change we can make in terms of evolving the existing system and tools that we use in order to deliver a process for the duty to co-operate that is more likely to be successful. We are saying that councils obviously have that duty to co-operate, but we need to assess them in terms of the right geography. The Department of Communities and Local Government did produce a paper, I think in 2010, on housing market areas, which was based on the 2001 Census data. Work has been done on what is the right geography. That should be updated using 2011 Census data so that there is assistance there in terms of what is the right geography to work over and what makes sense. The Government could maybe be even more directive on that, because it avoids the argument over what is the right geography. That is not the Government saying how to plan locally; it is saying, "These are the geographies that make sense in terms of that duty to co-operate."

As I say, that process should then continue at that geography, at that level, to do the first stage of plan-making, which is to understand the needs and the capability of that area to provide it, and to understand what support that area needs in order to provide it in terms of infrastructure. Then a strategy can be created at that strategic level, and that needs to be signed off by the Planning Inspector in the same way that they sign off a local plan at this stage, but using all those complex tools such as strategic environmental assessment, issues and options, etc. Once that is in place, a strategy should have a longer shelf life than the detailed plans. It would obviously need to be kept under review, but councils are then more nimble in terms of adding detail to that if we have a simple process for adding detail. That could operate at a neighbourhood, council or sub-council level. It is all about a single plan that you can add to or amend as necessary, so you can amend it at the strategic or the detailed level, and everything goes in that plan.

What we are saying is that you can actually scrap supplementary planning documents. They would just form a part of the plan. A master plan, say, would have its policy hooked within the main part of the plan, and the master plan itself has an appendix to it. The same with residential extension guidelines; they are boring stuff, but used more than anything else, I would suggest, and can similarly be added as an appendix with its hooks in the main part of the plan. Our proposal is one that takes the 2004 system, which is a suite of plans, so it is still on the statute books, and the change that the NPPF produced—that we would rather have a single plan, and you have not

got the regional tier; you have the duty to co-operate—and develops those forward in a system that actually works, and produces what is in the NPPF.

Q81 Mark Pawsey: I wonder if I might ask you about the threats to the greenbelt and whether they are real or perceived threats. In its call for evidence, the Committee has received a lot of evidence suggesting that the greenbelt is under threat. There is even one greenbelt campaign that says, "No councils in southern England are seriously preserving any piece of greenbelt land." The evidence is that the greenbelt has hardly changed, certainly in the last 10 years or so. Why is there so much concern about the greenbelt when nothing is happening to it?

Mike Kiely: It is important to reflect on what the greenbelt is. The greenbelt is a long-term strategic policy to constrain the growth of metropolitan areas. Greenbelt is not greenbelt because it is nice, attractive landscape. To a large degree that is irrelevant. The greenbelt is there as a strategic tool to stop sprawl. If a council, in assessing its needs and providing homes for the people of the future, have to amend that greenbelt, then that is something they should do as part of that process. But it is part of the strategic planning process, and certainly not something that should be done at the detailed level at the planning application level. The process is an obvious one; you should sweat your brownfield asset first before you extend out, but the way you extend out should be sustainable.

Q82 Mark Pawsey: Can I just come back to you on the role of the greenbelt? You said it was to constrain growth. I always thought it was to keep individual communities separate, not to constrain growth.

Mike Kiely: No; sprawl, not growth.

Q83 Mark Pawsey: No, you said that it was to constrain growth. I want to take issue with you on that.

Mike Kiely: Physical growth, as opposed to population growth.

Q84 Mark Pawsey: But if it is not to constrain growth, it is to keep communities separate. That is a different thing, isn't it?

Mike Kiely: Yes, absolutely right. I will clarify it. It is not to constrain the growth of the population or country; it is to stop the sprawl of the physical city or town.

Q85 Mark Pawsey: Councillor Brown, your association has referred to strategic pressure on greenbelts. There is no evidence of that. Why are people exaggerating in this way?

Cllr Brown: People get their objectively assessed housing needs; if they cannot meet them within their boundary, then they are going to have to look to see whether they do need to review their greenbelt designation.

Q86 Mark Pawsey: Can you tell us where that has happened?

Cllr Brown: Reigate and Banstead is probably a good area. I do not know; I do not have any greenbelt in my own area, I have to say, but there is tension. There is a big strategic issue around London. When they have a massive housing need, will they have to review their boundary? At the end of the day, it has to be a local decision. I do not think Planning Inspectors can say, "You have to do this." They have to assess that themselves.

Q87 Mark Pawsey: Would you agree with me that there is exaggeration about the threat to the greenbelt? There is not really a threat to the greenbelt because the National Planning Policy Framework says the Government attaches great importance to greenbelts. They said it can only be altered in exceptional circumstances, so is all of this froth unnecessary?

Cllr Brown: It probably is not to the areas that have got greenbelt, but, yes, I do not think there is a huge threat. People have to be very wary of it, and I am sure people with greenbelt land will be very protective of it.

Q88 Mark Pawsey: Councillor Browse, would you agree with me that the threat to the greenbelt is exaggerated?

Cllr Browse: Yes. We have got some examples in North Warwickshire, where there were two brownfield sites belonging to the county council available, but because the five-year land bank was not in place, a developer came in.

Q89 Mark Pawsey: Had they got an adopted local plan?

Cllr Browse: I am not aware of the—

Q90 Mark Pawsey: Do you think that might be the source of the problem there?

Cllr Browse: Yes, they had no local plan and no five-year stock, so I think there are exceptions to that. I think as long as a community can

have a say in a neighbourhood plan as to what happens to their greenbelt, and it goes to referendum and the community agrees, that is fine.

Q91 Mark Pawsey: What about the principle of substitution? People have got this idea that the greenbelt is all wonderful greenfield land. In fact the general public get the two terms mixed up on a pretty regular basis. Do you think there is a good case for substituting often unattractive, poor quality land that might be in the greenbelt and allow that to be developed on if an equivalent site is added to the greenbelt?

Cllr Browse: It is really interesting that you took that point about the quality of the land. That came up earlier from the gentleman over there when he was talking about climate change and that coming. We have seen a great change in the South West this spring, where we have had a lot of rain, and there is a lot of ground that is Grade 1 versatile land. You can go on any time and do anything, and get on with the work, but a lot of the poorer quality land, the cultivation cannot take place—the crops cannot be harvested. I know it is not in the plan at the moment, but it is something we will have to look at. But in other situations we do make a great effort about that with the renewable panels for electricity. We talk about not putting it on Grade 1, 3 and 3 land, yet that is only for 25 years. We are talking about putting land underneath concrete for years.

Q92 Mark Pawsey: So you are agreeing that local communities should be able to effect change to the greenbelt, but of course this currently demands a review of the local plan. Do you think that process should be simplified?

Cllr Browse: I would think so, yes.

Q93 Mark Pawsey: Mr Kiely, would that work—this light-touch rearrangement of the five-year plan to modify the greenbelt?

Mike Kiely: I do not think amending the greenbelt at the detailed stage is right. It is a strategic decision, and therefore that is where that should take place. I would caution against concentrating on the physical characteristics of the land, its attractiveness, as being a driving factor. I am not saying it is irrelevant, but it is not a driving factor. If we were in a position where, say, London needed to expand, for the sake of illustration—and that is not currently the position in the third alteration to the London Plan—then what I would recommend is looking at the investment infrastructure, which is your rail, tram and tube lines, and look to what extent you can sweat that asset. You can expand around those stations.

Q94 Mark Pawsey: On the basis of that, do you think that there is land that is currently designated greenbelt that should not be?

Mike Kiely: No, I did not say that at all.

Q95 Mark Pawsey: You said the infrastructure was there.

Mike Kiely: No, what I am saying is that if you needed to expand London, and therefore you were growing in the greenbelt, those are the places you should look at first, not necessarily land that is unattractive or just allowing it to gradually expand. You want that growth to be done in a sustainable way. By and large, that growth is people who are working in central London, and therefore need to travel into central London, so you would look to do it in the most efficient and economical way.

Q96 Mark Pawsey: Councillor Brown, how would you change the greenbelt? Would you preserve it in aspic and never change it, or do you think there could be strategic changes?

Cllr Brown: There could be changes, but, as I said before, it is down to a local decision. We should not be imposing that on people but, yes, you do have to look, as we have to look at strategic gaps. We do have to move on; nothing can be preserved in aspic forever, as you say.

Q97 John Stevenson: Just moving on to infrastructure, quite clearly, if there are small developments and not many of them, you do not need major changes to infrastructure. However, if there are going to be substantial housing developments, etc, the issue of infrastructure becomes quite critical. Do you think the NPPF does enough in this aspect between housing and infrastructure?

Cllr Browse: If you have got your master plan in place that addresses all these issues, that is fine. It is when the plan is not in place that causes the problem.

Q98 John Stevenson: Effectively, you are criticising councils that do not have their local plan in place.

Cllr Browse: I am saying it is more difficult, then, to make sure that communities are happy with what has been developed, the speed at which it has been developed and how it is having an impact on their communities.

Mike Kiely: There are two parts of the process. There is the identification of the infrastructure that is necessary to support development, and then there is the process of delivering or funding

that. The process I have identified in infrastructure is one that must be done with the plan being prepared. It is just obvious that you would do it at the same time. The problem with the process of funding is that we have been messing around with it for a long time. CIL was strongly welcomed by the Planning Officers Society, and my authority was one of the first to have it in place. However, the rules around that have been fiddled with almost annually. I think it is now an annual event to produce amendments to the CIL regulations.

The reality is that there is, in any given development, a box of money, and that is what you sell all the homes for or what the rental value is in today's value. Everything has to be paid for out of that box of money. When you look at all those elements, the one that is movable is the value of the land. In terms of optimising the investment and contribution that the development industry makes to infrastructure, it is about setting that level at an appropriate amount so that the landowner does not feel they are being overcharged. However, it is almost a matter of being consistent, so that over time that does feed its way into the value of the land. If it is always uncertain and there is always an argument, then that process does not happen. We have seen that over the years. With the get-out-of-jail-free card of viability arguments becoming easier and easier, it becomes more and more difficult to optimise the amount of investment the development industry makes to the provision of infrastructure.

Cllr Brown: The problem with infrastructure is it is not just the infrastructure needed for the developments that we are talking about within the local plan; it is the deficit of the infrastructure that most of us have already. This is why we cannot get community buy-in to large developments: they see they have a deficit already and the new development will not make up that gap. That is one of the great problems.

Q99 John Stevenson: You have mentioned this idea of an advanced fund.

Cllr Brown: Yes.

Q100 John Stevenson: Can you explain exactly what you mean and the flexibilities you are looking for with regard to this advanced fund?

Cllr Brown: We would like to see how Government could front-load some of the infrastructure on some of the bigger developments. We have been waiting in my area for an Arundel bypass for 30 years, and we are no nearer to getting it now than we were 30 years ago.

Q101 John Stevenson: What do you mean by flexibility?

Cllr Brown: In a large development, most of the infrastructure comes at the end. I think if we could front-load some of that infrastructure, then we would get much better community buy-in and things would be much smoother. It is just waiting until the end, something goes wrong, and then sometimes they do not get it at all, so I think we should front-load some of the infrastructure.

Q102 John Stevenson: Mr Kiely, do you have any comments on that idea?

Mike Kiely: Yes, I do. There is a whole range of funding mechanisms but, fundamentally, CIL is set up so you cannot borrow against future CIL receipts, and I think that should be reviewed. There is the council's housing revenue account. It is not an area I am an expert in, but those who are tell me that there is an awful lot we could do there to improve authorities' ability to borrow against that. Then there is tax-increment funding. There is a whole range of tools that need to be examined to see how they can fit into the UK financing and development system to deliver that front-loading that is often required.

Q103 Chris Williamson: Just moving on to renewable energy again, you probably heard in the earlier session that the Secretary of State, since around this time last year, has recovered 35 wind energy applications. Do you think he should leave local authorities to make their own decisions? Would it be better if he were to do that?

Cllr Brown: Yes. Absolutely. It is a simple answer: yes, I do.

Mike Kiely: It is an unprecedented level of interference by the Secretary of State, and you have to ask yourself the question, "Well, why is that happening?" There is clearly a fault in the system. The NPPF is clear that authorities should be positive in supporting alternative energy supplies, etc. It was touched on earlier; what we have not done as a nation is to decide how we respond to that nationally—that we do embrace those technologies, and what are the best places to locate them? They have functional requirements. Clearly, you can put one up anywhere, but it will operate better in certain places than others, i.e. windy places, and we should go through that exercise.

Q104 Chris Williamson: Do you need a regional approach, then?

Mike Kiely: Yes. Well, you need a national approach, actually. You need nationally to say, "These are the places where they should go," and if the Government's view is that we should not have them on land and they should be offshore, fine, tell us.

Q105 Chris Williamson: You are saying there should be a national position. Should it be imposed, do you think?

Mike Kiely: It is no more imposed than the NPPF. You set out the national framework on that specific policy area as to the best response, as a nation, to that issue and how we can use our resources—if you take wind as a resource—to best gain energy from it. There is no way each council is going to do that exercise. That is done at some larger scale—national, regional scale—and if we know that is the policy position we have to deliver, we can get on and deliver it. At the moment, we are operating in a bit of a vacuum and Government is taking our decisions over. Something is not right, so let's fix it.

Chris Williamson: Councillor Browse?

Cllr Browse: Yes, we would like to see communities having more of a say in where these energy production sites are, whether it is wind or panels, and we would like to think there was some kind of community benefit from them.

Q106 Chris Williamson: As a final question to you, Councillor Browse, in relation to wind energy applications and having to, as I understand it, engage in pre-application consultation with parishes, why should that be the case? Does that not just build in an unnecessary delay?

Cllr Browse: Local people live in their communities, and with regard to placing something of that size sometimes right in a community, if we talk to the community, they might be able to say, "Why not here? Why not there?" or discuss the best place for it. We are aware that we need green energy. That is not the problem; siting it in the right place, where it is less obtrusive but can still get the benefit from the wind, is great, but communities seem to sometimes be very put out when you say, "We are putting that there, right in the middle of you."

Q107 Chris Williamson: There is a pre-application process, as I understand it, at the moment. Does that not build in a delay? You are implying that could lead to a better location being identified.

Cllr Browse: Yes, but the delay is worth it in that the community can have their say, because it is going to be there for a long time, hopefully, producing a lot of electricity.

Q108 Mark Pawsey: I just wanted to pick up on a couple of suggestions made in the DCN evidence. The first is about the ability to set planning fees. You have suggested that local authorities should be

able to do that, but does that not mean that those where there is lots of demand will rake the money in, and those in more deprived areas will not have planning fees set so high and will not be able to get the same income if they want to attract developers? Where is the rationale behind that?

Cllr Brown: What we are trying to say is that planning fees should be full cost recovery. At the moment they are being subsidised by other parts of the council and council-tax payers as well. Locally, we could set our own fees just for full cost recovery, nothing else—not a cash cow to make lots of money—and we can spend that money on plan making as well. It is the whole part of the planning process.

Q109 Mark Pawsey: So, you would set your fees, and you also want the freedom to upgrade service levels above the statutory minimum for those willing to pay. You are proposing a two-tier planning system. How is that going to work?

Cllr Brown: I think it would work quite well. It depends on the type of application. There are some applications where householders with a large application would welcome pre-application advice and be willing to pay for it.

Q110 Mark Pawsey: It is a bit like the fast track at Alton Towers: if you have got the money, you get there. Mr Kiely, how would your profession respond to that?

Mike Kiely: It is already happening, so it would not be anything new. There are two things. Authorities have been doing cost recovery of fees in building control for many, many years, so we have done it, we know how to do it, and we can be trusted. There is no reason not to introduce that, and authorities would therefore be able to fund the service that is necessary to respond to development that they experience in their areas. Those authorities that do not have much development will not have a large planning department; those that do will, and the fees will reflect that. If Government are unhappy with that, the Planning Advisory Service have been doing benchmarking for a number of years now, so they have all the data necessary to reset fees on cost recovery on an average basis, so, as an alternative, we should at least do that. At the moment, you are probably subsidising planning fees to the order of about 40% in most authorities. That is £1 million in my organisation.

Regarding pre-application services, if they are good quality services, developers are more than willing to pay for them. The Local Government Association and the British Property Federation produced their document about the 10 commitments, which is to the pre-app process and particularly involving members in that process. It really

picks up on the earlier point: front-loading the process so that you have the right discussions at the right time, when the project is still emerging and it can be amended, is important. A large development will cost hundreds of thousands of pounds, if not low millions, just to take it through the planning process, so the earlier you engage with the developer to try to align their brief with your brief, which is effectively the local plan and the NPPF, the better and the more likely you are to go through that process once, rather than having to go through it several times because you are coming at it like that, rather than trying to co-operate to produce the right response for the particular set of circumstances.

Q111 Mark Pawsey: Councillor Browse, how do your members feel about those who can pay more getting a better service out of the planning system?

Cllr Browse: Our parish councils and town councils do not put the applications in. They are the ones who would like to be consulted more on the applications, so setting the fees is not really our brief.

Q112 Mark Pawsey: No, I understand that, but how do you feel about the people who have more resources and are able to pay more getting a better service than those who are not?

Cllr Browse: It is exactly what you said about Alton Towers—fact-tracking—isn't it? People who have more money can do it, and they might not be the ones who necessarily we want to be bringing the plans forward.

Chair: Thank you all very much for coming this afternoon and giving evidence to us.