



## Communities and Local Government Committee

### Oral evidence: Local Plans Expert Group, HC 44 Monday 18 July 2016

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**Members present:** Mr Clive Betts (Chair); Bob Blackman, Helen Hayes; Kevin Hollinrake; David Mackintosh; Mary Robinson.

#### Watch the session

#### Questions 1 – 43

#### Examination of witnesses

John Rhodes OBE, Chair, Local Plans Expert Group, and Matthew Spry, Special Adviser to the Local Plans Expert Group

Q1 **Chair:** Good afternoon and thank you both for coming. I apologise for keeping you. This is our Committee's inquiry into the recommendations of the Local Plans Expert Group. Before we begin, Committee members will want to put on the record any interests that they have. I am a vice-president of the Local Government Association. That is all for this afternoon from members of the Committee. That is just our particular interests that may be relevant to this inquiry.

For the sake of our records, if you could introduce yourselves, that would be helpful to start off with, please.

**John Rhodes:** Thank you very much for having us. We are extremely pleased to be here. I am John Rhodes. I am a planning consultant and director of a company called Quod, and I was invited to chair the group.

**Matthew Spry:** I am Matthew Spry. I am director of a planning consultancy called Nathaniel Lichfield & Partners, and I was an advisor to the group.

Q2 **Chair:** Thank you both. The first question is this. Every few months, the Committee seems to be looking again at something else going on in the planning world, whether it be a change in guidance, some recommendations, a review of the NPPF or changes

to its wording. Now you have come forward with 47 recommendations, which presumably are going to create more confusion. No doubt that is not your intention, but it may well be an effect. Do you have any concerns about that?

**John Rhodes:** We had a lot of concern about that. It would be ironic, of course, if they did, because one of our recommendations is that the policy should not change very much at all. The way in which we square that with the recommendations is twofold. First, we very much want to work with the grain of the existing system and to help make it work rather than to suggest changes to the system. We have looked to find those bits of grit within the system that we could see a way to remove or smooth, to help the existing system work better.

Secondly, we have been very careful in our recommendations to identify the need for transition. Although it is not set out in the report itself, one of the things that we are keen to say is that the report needs to be read together with a series of discussion papers that give more insight into our thinking, particularly the detailed recommendations that we provided on our website identifying how we think each of the recommendations should be introduced. I do not know if you have been able to see that, but each recommendation identifies where the change should be made—whether it be legislation, the NPPG or a government statement—and how it may be introduced. In some cases, we have been very careful to say, for instance, “Once your plan has started, this recommendation would not apply to you”; so you would introduce some of these changes by very clearly saying that they only take effect in certain circumstances. We may not have got that completely right, but that was our intention. Certain things need to be announced as soon as possible; other things need to take time; and others need to be very carefully phased in their introduction.

Q3 **Chair:** In terms of why we do not have local plans in place, it is really quite incredible that these go back to 2004 legislation and, 12 years later, progress has been painfully slow and, in some authorities, there has been no progress at all. Every authority may come up with its own reasons, but do you think there is an overarching reason why this process has not been taken that seriously by local government?

**John Rhodes:** Yes, we asked ourselves the same question and we also noted that you had investigated these matters yourselves as a Select Committee in 2014 and commented on how slow things were. Rather than jump in with suggestions for efficiency and effectiveness, we thought that the best thing we could try to do was to understand the reasons why plan-making was slow and help to address those reasons. We have listed them in the first section of our report and there are a variety of them—there is not a single reason—including a lack of resources and the complexity of the system.

When you delve down into the way in which the local plan process has evolved, you immediately say to yourself that you would not start from here if you were inventing this system. It has grown from piecemeal changes, which means that it is actually very difficult to implement. We do think that there is an element of political reluctance to accept the implications of the NPPF in some authorities and potentially a deliberate slowness in producing some plans, but we put most of the difficulties down to the technical challenges in plan preparation and the way in which things keep changing—for example, population forecasts and government policy—just as an authority has reached a certain point in its plan.

There is also a lack of clarity about what is expected in the plan-making system. Most authorities will produce one local plan and then move on and review it. People like us see lots of local plans across the country, so we have a wider experience, but, for each authority, it is a unique experience and it is asking a lot of them to expect them to have the in-built knowledge and experience.

When you meet with plan-making officers, you immediately feel very sorry for the task that they are facing and the resources that they have, as well as the lack of help and information available to them, including simple things like: “Where do I look to find out what my local plan has to contain?” We asked ourselves that. “Where should we start?” There is no single source for doing that. “What evidence do I need?” There is no guidance on what you need. “What boundaries do I adopt for my housing market area?” You kind of make them up with your friends, if you can—with the adjacent authorities. Then you find that things are out of step in terms of government policy or that LEPs are producing strategies that make you go back. All these obstacles almost seem designed to prevent you from getting to the end and producing your plan. Then there is uncertainty about what the soundness tests mean and how mean the planning inspectors are going to be to you.

It is a mystery to a lot of people; it should be demystified and it should be relatively straightforward, if it can be. Assistance should be provided to local authorities in doing the work that they do. That was a journey for people like me from the private sector who did not fully appreciate quite how difficult it is to produce a local plan.

**Q4 Chair:** I must say that the way you describe it makes it sound almost like a game of snakes and ladders, except the snakes are longer than the ladders: you take one step forward and then you suddenly find yourself drop back.

**John Rhodes:** Exactly. We saw that phrase in your report. The first three months or so of our work was spent trying to understand those problems; we thought we could not suggest solutions unless we really understood the difficulties.

**Chair:** We will probably look at some of those specific issues in detail with you now, if we may.

Q5 **Kevin Hollinrake:** Mr Rhodes, you mentioned resources and I understand that expenditure by local authorities on planning and development services has been reduced by over 50% since 2009-10.

**John Rhodes:** Yes.

**Kevin Hollinrake:** What account did you take of that when making your recommendations?

**John Rhodes:** We approached it in two ways, really. One was to realise that we are not expert in local government finance and that Government are having a long conversation with local government about how much money can be made available. It almost certainly would not have been very helpful for us to say anything other than that Government should review financial incentives.

We tended to look at the process, to try to understand why it was so resource-intensive. We worked very closely with the District Councils' Network, Planning Officers Society, RTPI and others to find out quite why plan-making was so tortuous, so expensive and so slow, and we made a number of recommendations which we think would significantly de-resource the process of producing a local plan. May I identify some of them?

**Kevin Hollinrake:** Please do.

**John Rhodes:** The snakes and ladders thing, for instance, is very resource-intensive. To get to the point of almost being there with your plan and then find you have to go back to the bottom again is very draining for an authority, hence the early MOTs that we have suggested should be undertaken.

We also looked at the evidence base. We sat round a room, not dissimilar to this, with the District Councils' Network and some planning inspectors and said, "Tell us about the evidence base that you have to produce." The planning inspectors would say, "If we are appointed to examine a local plan, a truck arrives at our house with more paper than we can store so we hire storage or it fills our garage. While we could not possibly tell you this, there are about six documents that we look for. Of course we read everything, but there are six documents that we look for and those are the documents that we know that we need."

We then went through each element of the evidence base to try to identify how it could be cut back without reducing the quality of what is necessary. We think we have made some fairly dramatic suggestions as to how the evidence base could be cut back. Two of the recommendations in that context are clearly controversial from the representations that you have received.

One concerns the sustainability appraisal: suggesting that you are going to cut back on the sustainability appraisal always sounds as if you do not believe in sustainable development. Actually, we would say that the

reverse of that is true. There is nothing really sustainable about producing mountains of paper that do not take you anywhere, and we could find very few people who would stand up for the current sustainability appraisal process. We have quoted in our more detailed discussion paper some quite violent comments about the sustainability appraisal and how it was a massive tick-box iterative process that was self-serving and that you could make say whatever you wanted it to say. Inspectors say, "It does not really help us make any decisions. How could you cut that back?" We have really tried to grasp that quite dramatically. Secondly, strategic housing market assessments, with Matthew's help, were identified very early on as the most expensive, controversial, time-consuming and confusing part of the plan preparation. How could we, as you recommended in your report, identify a single methodology that could be applied, recognising that arriving at an objectively assessed need is only the starting point of the plan-making process; it is not the answer? To get to that starting point, instead of spending hundreds of thousands of pounds and taking 18 months and then having everybody argue over the results, could we come up with a process that would literally take a few weeks, about which nobody could argue? What they would be arguing about then is the extent to which that is deliverable or environmentally acceptable, but not what the numbers should be.

In all those areas, we have tried to empathise with the plan-makers and identify that the process they think they have is far more complex than it needs to be. I say "that they think they have" because it is not particularly written down. One of the things we came across was local authorities undertaking much more evidenced-based research than they really needed to, because they did not know when to stop and they feared getting to a point where the planning inspectors ultimately would say "that is not enough". There was, in their own words, gold-plating in terms of the evidence base, just because of the awful fear of getting all the way through the process and failing. The early MOT would be important in that, as well as effectively changing the guidance as to what "sustainability appraisal" and "evidence base" mean—that which is strictly necessary in the view of the local authority for them to arrive at the policies that they propose in their plan—which means that the ability to judicially review the plan or challenge it in examination is significantly reduced. That was a big part of our thinking.

We also noted—sorry for the long answer—how much local authority resource goes into the five-year housing land supply. Everybody loves to argue about it, and you can have one appeal one week and one appeal the next week that come to different conclusions on the same thing. We think that the five-year housing land supply should be settled for two years so that it cannot be criticised while you are preparing the plan, so, even if things change, you can still carry on and finish your plan, saying, once it has been adopted, that that is the housing requirement for the next three years. At the moment, as soon as the plan is adopted,

developers will say “that is out of date” because something has changed. This gives a period of grace for three years, to review your plan and come up with your site allocations plan, and then say, “That is going to apply at Section 78 appeals, as well as at the local plan examination.”

Having this annual monitor of the five-year supply we know is controversial but, if we can make it work, it would be fabulous for local authorities because it would mean that far fewer resources would be spent on Section 78 appeals and a plan-led approach to housing delivery. If there is not a five-year supply, reserve sites are released, which are the sites the community thought were the next best sites, rather than developers fighting about: “My site is better than somebody else’s site”. We think that would cause a dramatic reduction in the resource requirements of local authorities to fight planning appeals.

Sorry for the long answer, but we have tried to approach it in that way.

**Q6 Kevin Hollinrake:** Based on this slimmed-down process, which you say is a simplification, do the local authorities need more resources within those planning departments, from what you have seen, to get these plans up-to-date and sound or do they have sufficient capacity?

**John Rhodes:** That is a much more political question. My observation would be that planning authorities are generally short of resources, and I only have two—possibly three—observations to contribute to that. One is that these proposals should be implemented because they would definitely help. We were really pleased with the reaction we got from the District Councils’ Network, the LGA, the RTPI and the Planning Officers Society, which supported the report almost without hesitation. We thought we were saying the right things there.

The second thing is more flexibility over planning application fees. Most of our clients would be prepared to pay more money in application fees or through planning performance agreements, if that was in exchange for performance from local authorities.

The cuts in funding are driving some innovative solutions in terms of sharing resources between authorities. Matthew, do you have an observation on that?

**Matthew Spry:** There are some examples of where, as different local authorities within a certain geographical area produce plans at different times, the time pressures on their policy teams are different. The policy team in one authority can assist another authority to move their plans forward in tandem. That is one of the mechanisms for more efficient working.

**Q7 Mr Prisk:** Following on from that, before I move on to the next topic, the division between transport planning in two-tier authority areas—Hertfordshire being a good example—where the transport planning takes place at county level but the local plan is developed at district level, creates totally different timescales in which a local



plan is waiting for a transport plan that is not going to happen in the timeframe. Do you feel that we need to look at single-tier approaches to this, rather than the two tiers, which separate resources out and mean that the process is even more muddled than you have already described?

**John Rhodes:** I do not have a view about how far that reform should go. We tried to put the local plan at the heart of this, rather than other plans. The local plan should be the dominant plan. We suggested something that we call a national concordat, and I think you may have suggested something similar. Talking to authorities, we found that they were frustrated by waiting for county highways, utilities or whatever else it might be; and worried that they could not progress their plan until they had done so because they might fail the duty to co-operate. How do you break through that? You can only break through that by suggesting that it is the local plan to which everyone must respond and should adjust their timescales; and that they would have a limited period in which to respond to their parent organisations, whether it be the association of county councils, the head of Natural England or whoever, to sign up to a national concordat, which then filters down to the local organisations. They will then be obliged to perform within a specified timescale to the local plan or miss out and not be in a position then to object to the local plan, for instance. It is about trying to find ways to make the local plan the moving and dominant force to which they must respond.

**Matthew Spry:** The other recommendation we made was to try to encourage joint plan-making, which would have the benefit of dealing with some of the duty to co-operate issues that have arisen. It has efficiency benefits in terms of authorities working together, but would also have the other effect of effectively providing one area-based plan-making process that is better able to engage with some of the transport planning processes as well.

Q8 **Mr Prisk:** Thank you. Let me turn to another form of statutory duty, which is in your recommendation number 17. It is a bit of an old chestnut, if the truth be told, of introducing a statutory duty in this context. Why do you both think that Government are more likely to accept this as a notion now, given the self-evident and known resistance in years past?

**John Rhodes:** I noted actually that it was also your recommendation 17 in your report.

**Mr Prisk:** I ask the question with feeling.

**John Rhodes:** We should have given it a different number. I saw the Government's response to your recommendation, which was: "We are making such good progress with local plans that we do not necessarily need a statutory duty, but we will keep it under review."

Two things drove us to the recommendation. We found it surprising that there is no statutory duty to prepare a local plan. Originally, we found it to be government thinking that local authorities do not necessarily have to have a local plan; they could apply the NPPF; some authorities do not want to. We did not find an authority that did not want to produce a local plan, but we found that only 31% had produced a local plan and had it examined since the NPPF, so there was a significant issue. We do not share the view that local plan progress has been good; we think it has been particularly poor, especially in responding to the NPPF. Any plan made before the NPPF is almost by definition going to be out-of-date.

Local authority planning departments have told us that they find it hard within the council to get sufficient priority, because the council has so many statutory obligations that, when it is short on resources, it is bound to put the things that it absolutely has to do first. Against that background, we had statements from the Planning Minister publically saying that a local plan should be the absolute heart of local government, and we had members of our group from local authorities saying that the local plan was the single most important document that their council could produce and it levered more investment into their local authority than any other strategy that they could generate. We therefore agree that local plans should be at the heart of local government. It is surprising that there is not already a statutory duty. There is progress being made with local plans but, to give it the priority that it needs, it seemed it should no longer be second-class in terms of the things that local government should undertake. We agree with your recommendation and we wanted to reinforce it.

Q9 **Mr Prisk:** On its own, the question on a lot of people's minds would be: what practical difference would it make if the money is not linked to it, is not conditional? Having a statutory duty of itself is not likely to change anything. Is it your view that having a statutory duty only works if it is then tied to, or conditional upon, additional resources?

**John Rhodes:** No. Our view is that having a statutory duty by itself raises the importance, because the Government have gone to the trouble of legislating and raising the profile. When it becomes a statutory duty, it goes up in the rank of things that a local authority has to do. The lawyers in our group were telling us that, if there is a statutory duty, it can be enforced against local authorities. If you have a particularly slow local authority that is failing its statutory duty, the ability exists to enforce the performance of that statutory duty. It would be a significant step.

Q10 **Mr Prisk:** Would you accept that the provision of additional resources so that it can build up the department would be of more practical use than a statutory duty on its own?



**John Rhodes:** More resources are bound to help but, if plan-making became a statutory duty, we would expect some resource reallocation to that statutory duty, to ensure that it is met.

Q11 **Mr Prisk:** Okay, so the two do go together but you feel that the statutory duty would lead and would, of itself, bring that resource forward from within the council's finances.

**John Rhodes:** It would certainly help. As I said in answer to an earlier question, we did not see it as our role, or within our expertise, to make recommendations about local authority resources. We are just not expert. We heard a lot of information about that and we thought that we should be concentrating on planning matters and that there were many other people better qualified to look at local authority resources. We certainly had sympathy for local authority resources and tried to find our own ways of helping them with resourcing, rather than making a resourcing recommendation.

Q12 **Mary Robinson:** I want to look at local plans in the wider context, particularly in terms of the dominance of the local plan and its being at the heart of local government. Are local plans still at the heart of planning policy-making or are they being side-lined by other developments in the planning and development sectors? Do things like "permission in principle" or brownfield registers change the way that the local plan sits within the wider context?

**John Rhodes:** That is a good question. We met a number of authorities and community groups that thought that planning was going out of fashion to an extent within government policy. We certainly would regret that, if that was the case, and we saw it as part of our role to reinforce the importance of local plans. In a sense, with so many other initiatives going on, it makes the local plan all the more important. There needs to be one place in which this is co-ordinated.

It was interesting that everybody we spoke to, from both public and private sector, as well as community groups, without exception, agreed that local plans should be at the heart of planning. You can understand that community groups want to see some protection generated by the plan and that they want to see some vision within the plan. Local authorities want the plan to be a plan of action, but also to protect their position. Even the private sector valued local plans, because it wants certainty and investors want certainty; the local plan brings them certainty as to where they should be investing and, once they have invested, some protection for their investment. The local plan is the perfect vehicle to achieve everything that we want the planning system to achieve and it must not be undermined. We wanted to reinforce that message.

Q13 **Mary Robinson:** The local plans are also starting to sit in a different context with devolution. For instance, in the Greater Manchester context, you have 10 local authorities there with plans

at various stages, or none at all, with a spatial framework being put together. How do those seemingly conflicting planning obligations or requirements fit together? Do they conflict, or are they very compatible?

**John Rhodes:** We saw devolution as a great opportunity. We knew that it would not be sensible or appropriate for us to recommend a return to regional spatial strategies or structure plans. That was not a recommendation that was likely to find favour. Many people responded to our call for evidence to regret the decline in strategic planning opportunities. Government are not going to plan from the top down and impose solutions on communities, but we looked at devolution in terms of groupings of authorities volunteering to work together from the bottom up and to co-ordinate their work, as a county, a city region or wherever it might be. We saw that as a genuinely important opportunity to get some of the benefits of strategic planning but, at the same time, to grow that from the bottom up rather than having that imposed.

As Matthew said, where there can be joint local plans, we think there should be joint local plans. Some joint local planning goes on very well around the country now and there are other areas where it clearly should but does not at the moment. In fact, the very first thing we did as a group was to write to the Secretary of State to say, "We are only partway through our work but we are aware that you are dealing with bids for devolution at the moment. When you do, we think this is a bus passing by that you must not miss and this bus is the opportunity to require, as part of that devolution bid, that there must be plans that go with the devolved combined authority; they must agree to work together to produce a plan; and they must agree, as far as possible, to meet their needs for development. We suggest that those conditions—it is for you to decide those conditions—should be imposed as you negotiate your deals on devolution."

I do not know whether that has had an effect. It may have done, but we certainly saw devolution as a significant opportunity to achieve some of the best things that came with strategic planning.

Q14 **Mary Robinson:** Where do you think neighbourhood plans fit within a strategic planning framework?

**John Rhodes:** We wrestled with this to some extent, because the distinction is not clear. Neighbourhood plans are a growing force and communities are getting accustomed to how they can get more involved in planning. To a very large extent, that is a good idea. We did not think that there was enough clarity between the role of local plans and neighbourhood plans, so we made some specific recommendations as to how that could happen. We came down on the side of suggesting that it was the local plan that sets the strategic framework for its communities and creates that opportunity for neighbourhood plans, and neighbourhood plans have an important role to give effect to that because one of the

most important things about a country that is trying to develop more is achieving community acceptance of that development.

Neighbourhood plans appear to be a very good way of doing that. They may need some guidance from the local plans to ensure that they collectively add up to what is required but, as far as possible, local plans should not do the job of neighbourhood plans; they should create the space within which neighbourhood plans can operate.

**Q15 Kevin Hollinrake:** Obviously neighbourhoods need to work with their district in terms of setting the numbers, but you can have a situation in which the neighbourhood is doing that, taking its numbers, but the district is not. Therefore, you could have an application in the neighbourhood that is delivering on its numbers and the application based upon the five-year supply is not being delivered at the local level. Do you think there should be total protection for a neighbourhood that is delivering on its numbers in accordance with that local plan?

**John Rhodes:** It is such a difficult question that I will pass it to Matthew.

**Matthew Spry:** It highlights the importance of having a local plan in place. Your question really goes to the point that was made to us about why five-year land supply issues are very destabilising for local plans, because they undermine the credibility of the plan-led system. We were very clear that the local plan should make sufficient provision for housing land, not just to meet objectively assessed need, but also to have an amount in reserve so that, when circumstances change or some sites do not come forward or there is a perceived shortfall in five-year land supply, the way of filling that gap is on a site that has already been identified through a local plan or, indeed, a neighbourhood plan, so that neighbourhood plans might themselves identify their own reserve sites to deal with those inevitable levels of uncertainty. In future, when there is full plan coverage, when there is a five-year land supply shortfall—inevitably there will be in different areas at different times—that is filled from sites that have already come through that plan process.

One of the difficulties that you have identified at the moment is that, because so many neighbourhood plans—about two thirds—are coming forward in situations where there is not already a local plan in place, they are essentially trying to generate their local strategies based on assumptions about what their district strategy might turn out to be before it has been completely settled.

**Q16 Kevin Hollinrake:** Even given all of that, you could still have a local plan that was potentially not meeting its numbers and a neighbourhood that was meeting the numbers that had been delegated from the local plan, and yet an application could be successful in that neighbourhood because of the shortfall in the overall housing land supply in that district.

**Matthew Spry:** Only if the local authority had not identified sites that it wanted to use to fill that gap. The solution to any shortfall is to plan-led. The location of those sites might be a decision of the local authority in terms of the ones that it wanted to identify as reserve sites, and that is why we identified a reserve sites allowance of equivalent to 20% of the housing requirement for the first 15 years of the plan, so that there is a sufficiently sized reservoir of land that local communities have already, through the local authority, selected and tested, which can be drawn down to fill that gap. The situation you have described, where there is a plan in place, would only arise if that 20% reserve site buffer had effectively already been used up.

Q17 **Bob Blackman:** There has been some criticism that the recommendations you have made might lead to more centralisation of local plans where the thrust of government policy is for localism. How do you answer that criticism?

**John Rhodes:** I think that is probably for both of us, but I will start, if I may. I have seen that criticism, but I am not quite sure which recommendations it is addressing.

**Bob Blackman:** Recommendations 2 to 6.

**John Rhodes:** Right.

Q18 **Bob Blackman:** There were some others as well. The key thrust is that we have had some evidence to say that this could be taking away local accountability and moving us towards a more centralised approach, which the Government are trying to move us away from.

**John Rhodes:** That is principally for Matthew, but I would just say that the Government already provide government-based guidance as to how to calculate your objectively assessed need. In principle, the guidance that we are suggesting is not different from that: it is still based on the characteristics of the local area and it is still a local solution. We just think that there is a quicker way of getting to it than that.

Matthew ought to respond to that in more detail but, more generally, we have tried not to centralise things, but to give local authorities the opportunity to prepare their plans. We have identified sanctions if they do not, but those sanctions would kick in five or six years after the NPPF was in place. Local authorities really should have a plan in place by then and we have tried to suggest a number of means that make it easier for them to do so, as well as to give local authorities more control over their plans.

One of our suggestions is to change the soundness test so that, instead of being "the most appropriate strategy", it is "an appropriate strategy", as long as it meets the needs. It may just sound like semantics, but it is a fundamentally important proposition that, as long as a local plan is meeting its needs, it is a local plan: it is a plan for the local area, and it is

for the local authority and the local community to decide what sites they want to allocate and what strategy they have for meeting those needs. That change in soundness would take away the ability for objectors to hijack the plan and to say, "No, it must be my solution and not your solution". It gives a lot more power to the local authority to produce their plan. Matthew may want to comment on the specific recommendations, which are to do with how to calculate your needs.

**Matthew Spry:** To put it into context, agreeing what the objectively assessed need for housing should be for each local plan was the number one problem identified by virtually all respondents, both local authorities and on the developer side. That problem is manifest in the fact that, in the four years since the NPPF came into place, 50% of all the adopted plans have had to increase their housing targets midway through the local plan process in response to uncertainties over the method for calculating objectively assessed need. Those decisions are not made locally; they are made in response to the technical evidence that goes into that local plan process, including at examination. The participants in the debate on OAN and all of the technical work that goes into it are not actually local communities; they are groups of consultants, who are collectively an industry engaged in an arms race for ever more complex levels of assumption for every single part of the OAN debate.

Now, that uncertainty makes it quite difficult for local authorities to decide what their spatial strategy should be because so much of the intellectual energy and the oxygen of debate is not geared to the technical matters of demographic statistics and so on, so it is taking away from proper debates that people in local authorities and communities should be having about what the development strategy is for their area. It is also giving rise to very significant costs for those councils as they constantly have to revisit their evidence, round after round after round.

As John has said, at the moment we have existing government guidance that sets out some steps for how objectively assessed need is done, which is reasonably well understood. We already have a set of official national projections produced by the Office for National Statistics and the Department for Communities and Local Government, which are the starting point for that debate. All that we are doing really in these recommendations is trying to define a narrower set of parameters in which those official statistics are used to arrive at an objectively assessed need figure more quickly, earlier in the process, and then fixing that so that the debate can shift to what the local strategy for development should be, how much development a local area can sensibly accommodate and so on.

Q19 **Bob Blackman:** What effect do you think all this will have on local accountability and the democratic involvement of local people in the development and testing of local plans?

**Matthew Spry:** I think it would strengthen that accountability, because it would shift the debate on the strategy for local plans away from what is effectively a very technocratic OAN debate, which few people understand in real terms—OAN is done to local authorities rather than by them—and towards what the local plan strategy should be, how well that strategy is justified and what local choices have been made.

Q20 **Bob Blackman:** Surely, one of the risks is that we get this top-down view saying, “Your housing numbers should be this, not what you have said they should be”, and that they should presumably be higher, from the evidence you are presenting. Local people will then say, “We are now faced with much higher density, potentially, or certainly much higher numbers of housing units compared to what was being developed previously.” Is there not a risk in people then strongly objecting to the local plans at a local level?

**John Rhodes:** There is a risk. That risk comes not from our recommendations, but from the NPPF, which sets out a requirement for local authorities to meet an objectively assessed need.

**Bob Blackman:** I understand that.

**John Rhodes:** As a national debate, everybody tells us that we need to build more houses and we know that. The clue is in the words “objectively assessed need”. The local communities sometimes want to negotiate the “objective” part of “objectively assessed need”, but all the calculation does is say that, if you want to know what your objectively assessed need is, this is objectively how to work it out and these are the steps that you need to go through. It is based, as Matthew says, on population forecasts and standard adjustments. It takes out the room for unnecessary argument in that, so you arrive at a starting point: that is your objectively assessed need.

The legitimate part of the debate with the community is to what extent an area can and should meet that need, and where and how that need is met. That is what the plan-making process should really be about. If we can fast-forward to the point where everybody knows what the starting point is in terms of overall need, then the plan can concentrate on place-making strategies, environmental constraints and the proper things with which the community should be engaged. There tends to be a false fight at the moment, where there is too much engagement in the calculation of objectively assessed need as if that is not objectively assessed need but is un-objective need that should be argued over. We ought to arrive at it as soon as we can and then look at the consequences of that.

We have been very careful to say in our report, as the NPPF does, that you do not have to meet your objectively assessed need—the NPPF tells you the circumstance in which the objectively assessed need can be not met—but it is a starting point, and you should try to meet that need and



demonstrate if you cannot meet that need; then, as you know, that leads to the duty to co-operate, where you cannot meet the need but perhaps your neighbours can. We have gone as far as saying that, even with a properly operating objectively assessed need and the duty to co-operate, it is predictable that London and the south-east authorities in combination, through their local plans, will not meet the full extent of objectively assessed needs and Government will need to consider other strategies, such as growth points, new settlements and those sorts of things, that sit outside local plans initially but require some government thinking as to how that is to be achieved.

I understand why communities can be very concerned about the scale of the need, but that is the scale of the need. We might as well calculate and face up to the amount of development the country needs and then see whether it can be properly planned or not.

**Q21 Bob Blackman:** What should the Government, and Ministers in particular, do about agreeing these housing numbers? Should it be done up front? Should it be done early in the process? What do you see the Government doing about this?

**John Rhodes:** The Government's role, with respect, is to largely stay out of planning, to set the policy framework and then to be clear that that is the policy framework that the Government expect to be enforced. Difficulties arise when there is a perception that Government are not serious about their own policy, and authorities that might be on the brink of producing a plan sense that there is going to be some change and decide to wait to see and what happens. If the NPPF is the Government's policy, it needs to be consistently enforced. Everybody then knows where they stand.

We are talking about objective assessment of need, which can be calculated from statistics, and then we are talking about local choices in terms of how that need is met. Government have done their job if they have set the policy framework, listened to your recommendations and ours about how to ensure that the process works as well as it can but then recognised that it is for local authorities and local communities to implement that process.

**Q22 Bob Blackman:** What will happen if, as you say, the total assessed numbers in housing provision do not come anywhere near the Government's targets for house-building and development?

**John Rhodes:** We have suggested some default where the Government should look at the potential need for other initiatives, and that probably takes a longer timescale and involves things like thinking about the northern powerhouse, national infrastructure and those sorts of things, to create those opportunities. The Government can consider whether they can generate other outlets for growth, like the private rented sector and tax-type initiatives to help the industry to deliver. But, in terms of planning policy, the policy is already clear: the objective need should be

identified and it should be met as far as it can be, consistent with environmental capacity; if it cannot be consistent with environmental capacity, then arguably it should not be met. That is the consequence of policy.

We have heard from a number of quarters: “We are concerned about the consistency of messaging from Government and we want a level playing field that we can invest in.” The house-building industry wants certainty to grow the capacity of the sector and to know that the policy is going to be applied. Government have a wider role but that, in a sense, goes beyond the role of town planning. Town planning is an interesting thing to try to get involved in and to fiddle with regularly, but it really needs to be settled and then left to be consistently applied.

**Q23 Chair:** Your suggestion that plans that pre-date the NPPF should effectively not be recognised, and that authorities should go back to square one and redo them, is a bit like the ultimate snake on the game. You have got to square 99 and you are just about to get to 100 and they send you back to square 0. How do you justify that?

**John Rhodes:** We justify it very easily, and I do not think it is inconsistent with your recommendations either, which is that plans should be kept up-to-date. The NPPF was in 2012, so four years ago now. We suggest that, if an authority has not published a new, revised or up-to-date plan by March 2018—six years after the NPPF—then it is not really able to claim that it is planning in an up-to-date way or that it is planning for the needs of its community.

We know and can cite and have received numbers of examples of plans that were adopted before the NPPF, as you will recall, particularly in the south-east, many of which were made pursuant to the RSS for the south-east that was then moving through the system. Without naming them, I know authorities that had a plan adopted where the RSS figure was 150 homes a year; if they were to do a SHMA today, their need would be 750 homes a year. Their plan is out of date. The national need for housing means that they need to update their plan and it is the NPPF that tells them they have to meet housing need. Six years after the NPPF, there is no excuse for not doing that, given enough warning. That is one of the recommendations that we think the Government should adopt as soon as possible, so that would be nearly two years away. It is for the Government to say what the date would be, but to set a date by which those without up-to-date plans must publish an up-to-date plan. It does not have to go through the whole process and it does not have to be adopted, but to the point of publishing an up-to-date plan does not seem a great deal to ask. We are characteristically talking about areas that are of the most economic importance to the country—large parts of the south-east—that do not have an up-to-date plan.

One of the things that we set out in our report—we tried to get to a figure, but we did not quite get there—is that local plans today, as they

stand across the country, probably only allocate approximately half or less than half of the housing that the country needs. While the Government can look at many new initiatives to stimulate house-building, getting up-to-date local plans in place is possibly the single most important thing you can do to help meet the housing crisis. That means not allowing local authorities that are sitting on very out-of-date plans to continue to sit on them.

**Q24 Chair:** Is a complete change of mentality needed? Would it be fair to say that, in the past, not planners but councils as a whole thought that the local plan process was about getting a plan and then waiting 50 years before they did the next one? You have done it, put it to one side, finished the work and that is it; you can forget about it for a number of years. You are really saying that, once the plan is in place, it then needs to be refreshed continually, but that the whole process of doing that has to be much simpler than it has been in the past.

**John Rhodes:** Yes, thank you, that is exactly what we are saying. Plans need to be kept up-to-date but a number of the recommendations that we made were about simplifying that process, so reducing the evidence base, speeding up the process of plan preparation and making the calculation of need much easier. It would be much more straightforward to keep plans up to date with the benefit of these recommendations.

**Matthew Spry:** Historically, the preparation of plans often went with the rhythm of the production of regional planning guidance or regional spatial strategies, so local authorities would wait until a regional strategy process had run its course, say what their housing figures should be and then prepare a plan on the back of that. Obviously, without that top-down approach, the instigation of the preparation of a plan has to come from the bottom-up. We have found in the period since the NPPF was produced that there has not been sufficient incentive to start that rhythm at the local level.

**Q25 Mary Robinson:** Continuing to look at the idea of the duty to co-operate and referencing it to recommendation 11, which talks about the components of a sound plan, is it practical, in your view, for a local authority agreement to be a pre-requisite for a local plan to be found sound?

**John Rhodes:** You mean the proper operation of the duty to co-operate. Yes, we received almost as much response about this as we did about SHMAs and objectively assessed need. The absolutely overwhelming view is that the duty to co-operate does not work. It was said to us by many people—and we know from our experience—that it is given lip service and it is very difficult for planning inspectors to enforce. You find that none of the local authorities in areas of difficult planning with a lot of demand, environmental constraints and community opposition to planning have any interest in being obliged by their neighbour to plan for more.

They may appear to decide that they are not going to object to each other's plans. There was a plan recently where the adjacent authority had established through its local plan examination an unmet need of 17,000 homes, but the local plan for the adjacent authority took absolutely no account of that at all. The inspector said that there had been no request from the adjacent authority to deal with their unmet needs and, therefore, it was fair enough for that authority not to address it. If you replicate that across the south-east, you are just going to accumulate huge piles of unmet need, which will completely frustrate the objectives of the NPPF. Something has to change with the duty to co-operate and that is why we made the recommendations that we did.

The key here is for authorities to know that, if these changes are accepted, they will be applied; that they will not have their plan found sound unless they have been seriously engaged in the duty to co-operate and they can demonstrate that, which involves casting their mind outside their own district if they cannot meet their needs, and enquiring and proactively suggesting that there are ways in which their need could be met.

We go so far as to say that, even if they do not do that, the local plan inspectors should assume that they have done that. There is a district in Sussex where the unmet need on its boundaries is 36,000 homes and everybody knows that that authority cannot take 36,000 homes, but that is the cumulative failure of passing the buck and not applying the duty to co-operate sufficiently. It is a very important mechanism but it is a mechanism that needs to be more seriously enforced, so we have recommended changes to the soundness test.

As Matthew said, we have also tried to encourage joint planning between authorities. For instance, where authorities within a housing market area could not, by March of next year, agree a distribution of housing among themselves—say they are a county; they have a SHMA, which tells them what the totality is but it does not tell them how to divide the numbers between themselves—the Government could take the opportunity to say that a joint local plan needs to be prepared for that area. That would probably require legislation, so it probably is not going to happen by March 2017.

We are increasingly coming up against the fact that local plans are becoming harder to prepare, not easier, so those that are relatively easy, or where there is relatively more enthusiasm for them, are the ones that have been prepared and that are up-to-date. We had a graph showing the length of time it has taken to produce local plans, and it is taking longer to produce local plans as you get to the more difficult ones, so the Government have had to suggest that they will intervene if it is not done. There definitely is a need for a mechanism to make that process work better.

One of the most significant issues now is the cross-boundary issue. For example, you have cities like Oxford or towns like Harlow with very

constrained boundaries, whose need does have to be met in part by their neighbours. If you do not have a mechanism or a process by which that has to be seriously undertaken, all those plans stall in some of the most economically important parts of the country. It is realistic as long as the Government are clear that they are serious in their expectation.

**Q26 Mary Robinson:** Delay is a problem. What is the risk that your recommendations will result in increased delays to plan preparation or plans being sent back to inspectors?

**John Rhodes:** It depends on when these are introduced. We have made phased recommendations in the introduction, so you would not want to stop a plan that is in process now. We think, introduced in the right way and with proper transition, if you know from the start of preparing the plan that this will be the test that you have to meet, the duty will bite and will be taken more seriously.

**Q27 Mary Robinson:** Did you consider recommending changes to the Localism Act or introducing any incentives or sanctions if co-operation was not demonstrated? Is that something that you looked at?

**John Rhodes:** We did wonder about introducing financial incentives. We suggested that the Government should review financial incentives but, as I said earlier, we did not regard ourselves as expert in local government finance. I also found it personally quite difficult to suggest rewards for doing a job that local authorities should be doing in any event. While we have a section headed "Incentives", it is really incentives to get on but, if you do not, the consequences will be this.

One of the incentives we considered was whether local authorities should be excused from having their plans examined at all if they submit a plan that meets needs. We had a number of people saying to us, "In any other industry, if someone produces something that is compliant, you do not then make them go through a process of having that tested by the Planning Inspectorate or whatever". We could not bring ourselves to recommend that because we have not found an examination process yet that has not improved a local plan. We think that the prospect of examination drives quality in plan preparation and ensures that plans are rigorously prepared.

No, we did not find any room for incentives, but we suggest that the Government may want to think about that financially. We made some comment on New Homes Bonus, as I think you have, and its relationship to up-to-date plans and those authorities without one. The Government called it "sharpening the incentive" by using the New Homes Bonus. We saw some value in that, but that is no more than to reflect what is already government policy, so we have not recommended new incentives.

**Q28 Mary Robinson:** We spoke earlier about the Greater Manchester local authority areas working together. Should local authorities working together, for example as partners in City Deals, be

required to co-ordinate the production of joint core strategies for the areas that they cover? Should it be a requirement for them to co-ordinate to get a core strategy together for their areas?

**John Rhodes:** Do you mean to co-ordinate with their neighbours?

**Mary Robinson:** Yes.

**John Rhodes:** We would certainly like to see joint planning and, where joint planning is taking place voluntarily, it appears to be very successful and very sensible. Effectively, the revised emphasis on the duty to co-operate would engender a more co-operative relationship between adjacent authorities. They would become inter-dependent and it would make sense for them to work more closely together.

Q29 **Mary Robinson:** It would work on those City Deal areas, where they would work together. Finally, I just want to ask about the relationship between, say, the Greater Manchester local authority area and any other City Deal area. The neighbouring council may be a different local authority with totally different features. What about the duty to co-operate there, particularly where housing supply may affect another local authority's infrastructure network?

**John Rhodes:** The more objective and the less political you can make this, the more likely the duty to co-operate is to work. You just have to state very clearly what the expectations are. With clear warning that your plan will not be found sound unless you meet it, I would expect local authorities to respond to that. At the moment they do not, because they do not think that the duty to co-operate is seriously enforced. We have seen this around the country. I do not criticise the inspector at all who has just examined the Birmingham local plan, but he has recommended that the plan is found sound despite nobody knowing how the unmet need is going to be met. That is how the process works at the moment.

What then happens is that there is a commitment to an early review and there are promises that joint working will take place, but there is no way of enforcing that that happens. One of the things we have suggested is that, if a plan can only be found sound if it is subject to an early review, it should be time limited, because what tends to happen is that early reviews do not take place, so it could be five years later and an early review still has not happened. If that is the case, then, after whatever period of time the inspector thought the plan was valid for, that plan should no longer be regarded as up-to-date. We have made recommendations, as you have seen, that authorities should not be able to hang on to and hide behind local plans that are not up-to-date.

Q30 **Chair:** We actually suggested that that might be a way forward in one of our previous recommendations as a Committee, but we also suggested that combined authorities might take on responsibility for discharging the duty to co-operate between the authorities in their area. The Government rejected that at the time and said it



was a move back to regional planning, which I do not think it was.

**John Rhodes:** As I say, we think the devolved agenda and the role of combined authorities creates a significant opportunity. We have made some suggestions that combined authorities should have the ability to effectively certify whether the plans of constituent districts within combined authorities are consistent with the duty to co-operate. Properly imagined, the devolved agenda creates that opportunity for joint working, which is necessary if we are going to meet our needs.

Q31 **Helen Hayes:** Your report does not reflect as much as I thought it might on London as an example of the only area of the country that still has a de facto regional spatial strategy in the London plan, which provides objectively assessed targets for a range of different types of land use. I wondered whether you thought, perhaps going even a step further than the duty to co-operate, there might be lessons that other parts of the country can learn, with City Deals and combined authorities, from the approach that is taken in London, and whether it might be appropriate to see a Manchester plan or Liverpool plan and whether that might help the delivery of housing in the way that we need to see happen.

**John Rhodes:** We went as far as recognising the benefit of devolution. Possibly just before you arrived, I was saying that one condition of a devolution deal should be a commitment to prepare a joint plan for the devolved area. We certainly think that but we were not going to recommend a return to regional strategies or structure plans.

In relation to London, the particular response that we received to our call for evidence from the Mayor of London was concerned with the duty to co-operate and the inability of mechanisms at the moment to require co-operation between London and its neighbours. That reinforced our view that we should make recommendations to strengthen that duty, but also to identify—it may be one of the most significant recommendations we have made—the opportunity, in certain circumstances where need has not been met, for the Government to direct the preparation of a joint local plan, which is completely different from the Government imposing a plan. What the Government are saying is that you as local communities and local authorities must produce a plan: “You have not done, but we now require you to produce a plan. We are not going to tell you what is going to be in it—that would be top-down planning—but you must produce a plan.” That is in circumstances to meet housing needs, but also, we have suggested, on transport corridors. For instance, Crossrail 2 holds enormous potential for London, but the ability to plan it properly is seriously handicapped by the fact that it extends outside London and there is no remit for the mayor to plan outside London. If the mayor could produce joint local plans with constituent authorities under a governance structure that would be agreed, then there is a serious

opportunity to co-ordinate transport and housing growth across boundaries.

**Q32 Kevin Hollinrake:** On the duty to agree, does that not potentially offer a cop-out for some local authorities politically, who want to just send a hospital pass to a neighbouring authority that they have to take their housing developments, rather than putting them in their own authority? I can think of one locally to my constituency that has tried to do that: York was trying to get Hambleton or Ryedale to take them. Does that not open that opportunity if there is a duty to agree?

**John Rhodes:** It works both ways, of course. We are aware of the change to the NPPG, which said that the duty to co-operate is not a duty to agree. Many observers to our call for evidence said that effectively emasculated the duty to co-operate and made it meaningless. We think authorities need to agree the distribution of housing between them and, if they cannot, two things happen. One is that their own local plan gets examined, and we have suggested that they need to get involved with each other's plans—even if they are not, the inspector should assume that they are—and that their cross-boundary needs need to be addressed. The default would be for a joint local plan to be prepared between them. As long as the tests of the NPPF are properly applied to their own local plan, they should not find that they are taking somebody else's needs that they do not have the environmental capacity to take or that that authority has the environmental capacity to take but is simply passing on to them. The objective application of these tests should result in a fair outcome.

**Q33 Kevin Hollinrake:** Is there a risk that focusing too much on housing could destabilise the balance between housing and other land uses in the local plan?

**John Rhodes:** Yes, definitely, and that is what happens at the moment. Plans are all about housing and they should not be. That is one of the reasons why, if you can cut through the SHMA process—as Matthew said, it takes so much energy now; local planning examinations are dominated by arguments about objectively assessed needs—and that just gets established as a fact that you do not argue about, it creates the space for local plans to do what local plans should do best, which is plan for their communities.

One of the pressures we have felt on us was to cut back the scope of local plans so that they effectively become housing delivery tools, and we refused to do that. We have said in terms in our appendix 12, where we set out a content model for local plans, that none of the requirements for local plans in the NPPF are wrong. We think all those issues that are identified in the NPPF, of place making, heritage, environment, community and civil issues, are desperately important to local communities. They just get lost at the moment in the local plan-making

process because it appears to be about housing. We, of course, are talking about housing with you, but we look forward to the day when, if our recommendations are adopted, the scope for argument about housing becomes far reduced and the opportunity to plan properly in local plans becomes increased.

Q34 **Kevin Hollinrake:** Have you applied your new methodology to the existing situation and seen what the numbers come out like?

**John Rhodes:** Yes.

**Kevin Hollinrake:** What does that figure come out at?

**Matthew Spry:** We cannot make a like-for-like comparison with what the current position is because, in a sense, that is part of the problem: that nobody can pin down what the objectively assessed need is for every local authority area at the moment, because that number is debated at length at every single local plan examination.

We have carried out a high-level application of our methodology, bearing in mind it starts with the official household projections; the most recent set were published last week and identified 210,000 households per annum growth. You add a vacancy rate on top of that. We then apply the various adjustments in our methodology that follow—in the main, the adjustments that the current government practice guidance says should be applied—and we get to a total figure across England of around 275,000 to 285,000 per annum, of which around 75,000 is within London itself. The figure for England outside London is around 200,000 or so.

That is to be seen in the context that Kate Barker recently said that England needed about 300,000 dwellings per annum. The National Housing and Planning Advice Unit, which used to produce the evidence that informed regional spatial strategies, consistently identified a supply range of 260,000 to 295,000 per annum, depending on the different methodologies applied. We drew a degree of confidence that our methodology was consistent with that overall perspective.

Q35 **Kevin Hollinrake:** Those figures seem higher than currently. We are suggesting 250,000. You will be aware that the other expert group has applied your criteria and has said it will produce a total housing need of at least 312,000 net homes per year, which means, of the 325 local planning authorities, 324 would have to lift their recent rate of delivery by more than 50%. Is that realistic?

**Matthew Spry:** The first point is that the 312,000 figure is not accurate. As far as we are aware, there are least two flaws in the approach adopted by that group in preparing that estimate. I am happy to give the details of that if you want them, either now or in writing. That overall number is not correct and too high.

The second point is that it is a false judgment to compare the estimate of need against what is currently being provided in individual local authorities over the past few years because, as we all know, what has

been provided in all those individual local authorities has been woefully inadequate in terms of meeting the amount of housing that is required. A significant boost in housebuilding is required.

The existing system of objectively assessed need would, if applied to all of the local plans, end up with a figure probably not a million miles away from what we have identified, so the challenge of how you get an uplift in those individual authority areas would exist in any event. We are effectively providing a process that gets to that answer more quickly and gets local plans prepared on the basis of that.

The other point to make on objectively assessed need and some of the other evidence that has been put in by representors is that, over the past four years with the NPPF, we have got into this system where there is an artificial expectation of precision as to what housing need is. The existing planning practice guidance says estimating housing need is not an exact science and yet that is what effectively the industry has turned it into.

Just to give you a bit of perspective, the latest population projections produced by the ONS estimate that the population of the UK will change from 65 million currently to an estimate of 74.3 million in its central projection, but it then says that could be as high as 79.1 million or as low as 69.3 million. That is at a national level, so there is a huge variety in all of these projections. To then start making judgments about what housing figures should be at a local level, one has to effectively introduce a healthy dose of proportionality in making that estimate of what is a sensible figure and then, as John said, shifting that debate into how best to go and meet it.

**Q36 Kevin Hollinrake:** I would like to ask you whether that was before or after we decided to leave the EU.

**Matthew Spry:** I do have an answer to that question, if you would like.

**Q37 Kevin Hollinrake:** Obviously, with something like this, I am broadly supportive of what you are trying to do. There is a fair bit of criticism out there. One commentator said that the Local Plans Expert Group report is founded on a limited number of responses, some of which appear to be rather anecdotal or personal observations rather than well researched evidence. It calls for a wider ranging view. Would you accept that?

**John Rhodes:** I saw that comment too and I was surprised. It may be that we did ourselves a disservice by trying to publish a report that was not any longer than the NPPF. We produced this lot and we received a lot more evidence than I expected. We found that people are genuinely very interested in local plans across the sectors.

There is some anecdote in what we received, but we received volumes of representations from all interested parties. Just in case that was not enough, we made sure we went out and interviewed approximately two dozen groups across different parts of the industry to get the benefit of their experience. Then we sent out questionnaires to around 20 local

authorities with more detailed questions, just to make sure that we really got under the skin of what the issues were. We think we immersed ourselves in the right information to find out the right issues. We have published what hopefully is a relatively short and accessible report, but there is a great deal of data and research that sits behind that.

**Q38 Helen Hayes:** I am going to ask you about public involvement in the planning process and some of the recommendations on that. Before I do that, I want to ask about the proposals relating to the split of responsibilities between local plans and neighbourhood plans, which have been met with a degree of criticism. I believe the proposal in the report is that local plans should be strategic and neighbourhood plans should deal with the detail. That is not really how they work at the moment and there is very inconsistent coverage of neighbourhood plans in different areas.

The capacity required within existing communities to deliver neighbourhood plans is quite significant and they deal much more with locally specific policy than they do with matters of detail, policies for which might apply across a whole borough area. I just wondered if you might comment on that particular challenge to the recommendations.

**John Rhodes:** It is a challenge. Again, we have debated that relationship, but we think that neighbourhood plans have a strong and important future in plan-making. One of the most significant challenges that the country faces is the public acceptance of development, and communities need to be engaged as far as they can be in the local plan process. I would be quite interested to talk about that more widely, because one of the criticisms that stung me from the representations that you received was that we were somehow trying to marginalise the role of communities in plan-making. I would like to take the opportunity if I can, at some stage, to say we think we are doing entirely the opposite to that. Just to come back to your question particularly, at the moment there is a confusion between the role of local plans and neighbourhood plans. That is part of the problem. We wanted to try to clarify that relationship. There are some areas where there appears to be no interest in the production of neighbourhood plans, and nobody should produce a plan if they do not want to. Local authorities can, in those circumstances, generate a more detailed plan or go on to a site allocations plan. There appears to be generally an increasing enthusiasm for neighbourhood plans, but a confusion in terms of timing. Where you have neighbourhood plans produced before local plans, that creates a difficulty, which we have touched on. Ideally, you want a situation where the local plan creates the framework within which the neighbourhood plan knows what its job to do is, and then it is for the neighbourhood plan to make those choices.

**Q39 Helen Hayes:** How would you deal with a situation where, for example, a relatively detailed aspect of policy might be density, where different neighbourhoods in different boroughs come up with completely different proposals for density requirements in their area in a way that compromises the ability of the borough as a whole to meet its housing target? It may be the case that there is a lack of interest in some areas when producing a neighbourhood plan, but it might also be the case that there is a lack of capacity to participate in the process of neighbourhood planning in many of the areas that might need planning the most but that have the most pressurised communities, for example. How do you reconcile and resolve those difficulties?

**Matthew Spry:** There is an element around the order in which those plans come forward. We keep on talking about housing, but housing is probably a good microcosm of the challenge. Where you have local plan coverage in place from the beginning, if that local plan clearly identifies how many homes have to be provided, it can explicitly consider the choices that are available as to how those needs might best be met, including considering different approaches to density and different spatial choices—effectively building up or building out—and then make a judgment as to what is the best balance.

It can take on board the views of local communities and local neighbourhoods in making that choice. For example, different neighbourhoods might have varying approaches within that local plan. The key thing is that the local plan is the vehicle for making those strategic judgments about how the needs of a wider area are best met. The challenge we have at the moment is that, when we do not have sufficient local plan coverage, those neighbourhoods are trying to grapple with choices without understanding how they sit within the bigger picture. In terms of resources and capacity, there is great diversity between what on the face of it seem quite similar local authority areas; some have 10 neighbourhood plans in progress and others have none at all. We have been trying to grapple with why that is. We suspect, once one neighbourhood has crossed the Rubicon and produced a plan, that gives everybody in that area confidence, whether it is the local authority supporting that neighbourhood or another neighbourhood in that same local authority drawing inspiration from colleagues over the border.

**Q40 Helen Hayes:** Turning to the comments you made just now, Mr Rhodes, on public involvement, what impact do you think your recommendations will have on the public's involvement and trust in planning system processes?

**John Rhodes:** If the recommendations are accepted, when we look back, we should find greater public trust and greater public involvement in planning. I say that because the current system is really very difficult. At the moment, as you will know, there are two stages of plan-making.



There is the Regulation 18 stage and the Regulation 19 stage. They are both hopeless, really, when you look at the regulations. At the Regulation 18 stage, when you first produce the first draft of your plan, there is no obligation to consult the public at all. Local authorities have to advise certain statutory bodies that they are producing a plan. There is no requirement to engage the public. Many authorities do, but there is no requirement to do it.

Then, when we get to the Regulation 19 stage, you are publishing a plan. The first time the full plan is published is the first time the community can engage with the plan and make representations. Extraordinarily, the regulations prevent the local authority changing its plan in response to those public consultations, because the plan is submitted and is presumed to be sound. Changes can only be made when they go to soundness. I did not really know this, but, charged with the responsibility we were given to look at the application of the regulations, round our table we all thought that that was a hopeless formula for engaging the community. It is no wonder they feel alienated by the process when they are not really properly involved in the plan-making process.

We held a workshop, which was facilitated by the Town and Country Planning Association and a number of community groups, who told us how alienated they felt by the local plan-making process and how overly technical and inaccessible they thought it was. They did not understand the language of it and it seemed to take forever as well. They just got consultation fatigue.

We came up with a series of recommendations that we thought would address each of those issues. It is our failure of communication that we have not been more widely welcomed by the sector of the community that is concerned with local plans. Certainly the public sector has widely welcomed the LPEG report and elements of the private sector have. Community groups have tended to criticise one of our recommendations, which is that, when plans are examined, there should not be an automatic right for people to appear at the examination; it should be for the inspector to decide whom he or she wants to hear at the examination; and the examination would largely take place in writing. We stand by the recommendation, for reasons I will explain. What we particularly recommended was that, at the Regulation 18 stage, there needs to be widespread public consultation on visioning. What vision does the community want for its local plan? That is what the beginning of the plan-making process should be about; it should include high level options, but it must be focused on what the community wants in terms of the vision for the local plan area. We recommended that change to the regulations, but also that change to the NPPG, setting out that there needs to be much clearer guidance to authorities about how to engage the community.

We took neighbourhood plans as a role model, because they seem to be effective at engaging the community, and local plans are ineffective at

engaging the community, as a generalisation. Why is that? Then, at the Regulation 19 stage, we would give the authority the right, which they obviously should have, to change the plan in response to public consultation. If the public perceived changes being made because of the comments they made, they would have greater trust in the process.

When you get to the examination itself, it should be about soundness. People want the opportunity come up and express their views to the inspector, but everybody can do that in writing. Examinations are taking far too long at the moment. We have a graph that says it is taking 800 days to get from the publication of a plan to the adoption of a plan. That process has to be speeded up. If the examination is about soundness, and if we have changed the test of soundness to “an appropriate strategy” rather than “the most appropriate strategy”, then the examination does not need to become a long process. If the community have felt involved and engaged with the preparation of the plan, and if the plan is more a plan about which the local authority can say, “This is our plan”, rather than the development industry saying, “That is not the most appropriate strategy; you should be allocating my site”, it is the development industry that really loses out most from the changes we are making to the hearing process, and the community should feel more engaged with the process.

We have also made recommendations as to how style and presentation of a plan should be much more accessible. There is some emerging best practice. We were told extraordinary statistics about the average reading age of some communities. Plans that are 200 pages long and full of technical information are completely inaccessible to many communities. The Mayor of London’s team are doing a lot of good work at the moment on shortened plans that contain plans—i.e. actual things so that people can say, “I live there. I can see what is going to happen to me.” That is far more effective than three written chapters about that.

We want to increase the role of neighbourhood plans and have a much more plan-led approach to housing delivery, with reserve sites rather than planning by appeal. Communities feel beleaguered by planning by appeal. They think, “It does not matter what plan we have; developers will just come along and win at appeal anyway because of the five-year housing land supply”. We have tried to address that. In combination, those measures give a much stronger voice to the community in plan-making, which is very, very important if we are going to see housebuilding or development generally increase, because it needs that public acceptance. We tried to address that agenda.

**Q41 Helen Hayes:** I agree with much of what you said. I agree in particular with the duty to consult at the visioning stage. I am concerned that that is the only stage at which you seem to be recommending significant community involvement, because, in my experience of many, many different planning issues, it is really only when proposals start to shape up that communities start to become

aware of the things that they might be concerned about.

They are different kinds of conversation with the local community: a positive conversation about how we want the future of our area to be, compared with a specific proposal-based consultation about exactly, "This is what we are proposing and this is the way in which your area might actual start to change in response to your aspirations and how you told us, as a local authority, that you wanted it to change." Those are two different things and the one is not replaced by the other. You need to have opportunities for communities to engage at both stages.

**John Rhodes:** You do. I agree.

**Helen Hayes:** At the examination stage, it seems entirely unreasonable that communities should not be represented and should not have the opportunity to make their voice heard on the specifics.

**John Rhodes:** I certainly agree that both aspects are important, but you have effectively three stages of plan-making. One is the early draft. The other is the published plan. The third is the examination. By the time you get to the examination, the legal requirement is the test of soundness and legal compliance. That can become a pretty arid debate. As I was saying earlier, there is even a suggestion that plans do not need to be examined once they have got to that stage; they can go through a sort of checklist from the Planning Inspectorate, but we did not recommend that. Plans should be seen to be examined, and that is a good thing all round, but they need to be proportionately examined. So much debate that you see at local planning examinations is to do with things that there is nothing inspectors can do about, because they are concerned with the soundness tests of the plan.

People really need to engage and work with their local authorities through the visioning, which I agree should not be just in abstract; it should be against proper alternatives, so people can see what the consequences of those would be, then with proper engagement on the published plan and the ability to change the published plan. If those are done more successfully, the hearing does not need to become a long examination of detailed issues. That is not really what the plan is about. The plan is about setting a strategy.

Q42 **Bob Blackman:** Finally, you submitted to the Government 47 recommendations, a whole series of other discussion papers and annexes about four months ago. The Government consulted on those and we still have not had the answers as to what the Government will do. In your mind, what is the most important of the recommendations you have submitted that you would like to see Government change?

**John Rhodes:** Thinking that you might ask that question, I decided not to give you an easy answer because—we would say this, wouldn't we?—this is a package of measures. We identified three principal difficulties at the beginning. Authorities are struggling with plan-making; communities

are struggling with plan-making; and plans are not meeting needs. If you only address one of those, you are going to go out of balance. You could say meeting needs is the most important, but, if you do not bring with you resources for authorities to do that or the greater engagement of communities in plan-making, you are going to generate resistance.

It was interesting when we saw the response of the HBF to our recommendations, because there are things in there that they will not like. There are probably things in here that every interest group does quite not like, because a plan cannot be a plan just for the community, the development industry or the local authority. Effectively, it has to be a deal between those constituents. We think we have set out a balanced package of measures that address all the problems. We have tried to address all the reasons why plans have been difficult, but you cannot just cherry pick the recommendations. If Government have asked that question as well, we would give them the same answer. We would say that, wouldn't we? It is a package of measures.

**Q43 Bob Blackman:** Finally, if all of this was implemented, given the Government have set a target to have local plans in place inside a year now, can it be achieved? If all your recommendations were taken on board, would that be achievable, in your view?

**John Rhodes:** It would help. It would certainly help the plan-making process, but I guess we have been less focused on the very short term and more focused on trying to get plan-making right. Once we get through, there is a bound to be a transition to a system, but everybody recognises that there needs to be stability around it and around national policy. If these recommendations were adopted, implemented and stuck to, we would find the whole process of plan-making generally becoming much easier, much less controversial, much less in the court, much more something communities can understand, but also something that delivers the housing and other things that we need.

**Chair:** Thank you both very much for coming and answering our questions in such detail this afternoon. It is really appreciated. As you have identified in a number of areas, your recommendations are not dissimilar to those that the Select Committee has made previously. Let us hope you have a bit more success, perhaps, in getting some of them past Ministers and into operation. We certainly support those. Thank you very much for coming and giving evidence this afternoon.

**John Rhodes:** Thank you for the opportunity. We really appreciate it. Thank you.

**Chair:** Thank you.