

policy platform

ACCOUNTABLE PLANNING:

How can the planning system encourage new developments with local accountability?

Introduction

Barry Maginn, Researcher, Localis



Planning has long provided a conundrum for politicians. Targets are set centrally, yet implementation must be passed at the local level. Although there is a nationwide realisation that houses are in shortage, communities are often reluctant for new large-scale building projects to occur in their locality.

Often politicians feel that the area is best left ignored, as it is unlikely to be a vote winner, yet can cause a great deal of resentment. However, with housing shortages continuing to grow, and increasing debate on devolving local decision-making to communities, planning policy has been the subject of growing consideration. In this edition of Policy Platform we consider what a more localised planning system should look like, and how community engagement can benefit future development.

In the first article, Cllr Gary Porter, Leader of South Holland District Council and chair of the LGA's Environment Board, argues that the Conservative Green Paper 'Open Source Planning' offers the potential to enhance local control of the planning process, creating a system that ensures local plans reflect local needs. However, he points out that councils may need to show more ambition, and provide greater support, if they are to take a larger role in planning. To overcome the planning world's fear of 'NIMBYism', councils must find a way to involve affected communities, while also discouraging the potential for self serving behaviour.

Emma Cariaga, of Land Securities, agrees that increasing community buy-in can be positive for planning, but adds a note of caution. She points out that planning is always a controversial topic, and for some local residents no amount of incentivisation will encourage them to see a

development as beneficial. The challenge, Emma argues, is to match democratic accountability in the planning process with 'a system that does not stymie development'. The steps she puts forward for reconciliation include developing a clear national framework that encourages engagement while also setting out clear parameters and providing clear guidelines for incentivisation.

Executive Director of CDS Cooperative, David Rodgers,' article also praises community engagement, noting that processes which involve communities can deliver 'place shaping' outcomes that benefit both developers and the community. He points out that developments by the Planning and Compulsory Purchase Act 2004 created new provisions for community involvement, and that, whatever developments occur, the temptation to 'abandon the crucial role of community engagement in a structured planning process' should be resisted. Outcomes that are positive for both the developer and the community can be achieved if developers engage with 'open, transparent and accountable' community organisations in honest debate.

Finally, Tony Smith, of Birmingham City Council, offers us some lessons from Birmingham about how to engage neighbourhoods and integrate involvement in a joined-up way. He envisages a "Total Neighbourhood" integrated services approach that all communities can gain from.

With the exact policies of the new coalition government still unclear, it is not possible to predict the environment which would-be reformers of the planning process will find themselves in – or what tools, freedoms and support they will be provided with by the Centre. What is clear is that there is great scope for further local involvement, and almost universal support for community engagement of some form, in the planning process. There is also a growing consensus that by engaging a range of stakeholders, councils have a large part to play in developing durable and sympathetic processes to meet the growing challenges of long-term sustainable development.

South Holland District Council

Cllr Gary Porter, Council Leader and LGA Executive Member



Those of us in councils, like my own (South Holland in Lincolnshire) who have been striving to ensure that development continues, even in the face of the collapse of the housing market and the disappearance of past sources of investment, will be only too aware of the importance of an

effective and locally responsive planning system to support our local economies, deliver the homes we need and ensure successful, thriving communities. We are also acutely aware of how far short of this our current system falls. The LGA's Environment Board has long campaigned for more flexibility to ensure that local plans really reflect local needs and aspirations and for an end to nationally and regionally imposed housing targets that bear no relation to local housing need. Councils have objected to the powers of the Planning Inspectorate

to throw out locally approved plans and overturn the decisions of locally accountable politicians. We have done so, not because we seek

“People should have the right and the power to shape the places in which they live”

power for power's sake, but because we recognise that it is by empowering local communities and enhancing local control of planning processes that we will unlock development and deliver the homes the country needs.

The recently published Conservative Green Paper 'Open Source planning' and the radically different approach it proposes is a great step forward. The emphasis on local determination and freedom from central prescription and control shows that the national party is listening to local government and to the people we are elected to serve. The proposals reflect the fundamental principles that people should have the right and the power to shape the places in which they live; that councils are uniquely positioned as the only accountable public bodies to plan for their communities, and that unlocking councils' potential to play a greater leadership role is critical to the delivery of housing and other development. As a package, the proposals could offer a planning system that frees

communities and their elected representatives to plan for development in a way that is tailored to support local economies and create successful and thriving communities

However make no mistake; this will present one of the most important challenges to face local government. Councils have already demonstrated their ability to collaborate with neighbouring authorities and we lead excellent partnerships with the development industry and others, in order to meet local development challenges. This said, we will need to go further still and in some cases to show more ambition if we are to rise to the challenge of this new vision for planning. It will be important that the transition to a more locally responsive system does not create a vacuum and that local government moves quickly to take responsibility and provide leadership for planning at every sub-national level. We will need better ways of supporting elected members who deal with planning to ensure they have the skills and capacity to deliver this enhanced strategic planning role.

Open Source planning hits the nail squarely on the head in its criticism of the way the Local Government finance system currently acts as a disincentive to new housing development. Why should a community accept more housing if it does not come with sufficient resources to provide the services and infrastructure needed to support it? The concept of tax incentives and local tariffs on development that can be used to invest in the services, facilities and infrastructure that communities need is a powerful one. Council finance officers will be keen to work with a Conservative led Government to develop the detail behind these proposals to make sure they stack up in practice.

There are those, not least within the planning world itself, that fear that an enhanced role for communities in designing and planning their neighbourhoods will simply lead to endless delay and dispute, the rule of NIMBYism and nothing ever getting built. However, public engagement with and ownership of, the development process must be the right way forward. As councils and developers know all too well, involvement of communities affected by development, tailoring it to their needs and ensuring they have a stake in a project is the best way to ensure its success, resolve opposition and to improve the resulting development. At the same time, councils need the authority to stop vexatious or self serving behaviour of minorities overcoming the interests of the community at large. It is here that councils must excel, and demonstrate the leadership and accountability to command confidence that they can make the difficult choices fully informed by the interests of local people. If

they are to achieve this, central government must truly let go and ensure that mechanisms for appeals provide an effective check on some issues, without compromising the ability of local decision makers to make local decisions.

There is much in Open Source planning that councils will welcome, but there are some elements that appear to be at odds with the fundamental principles of localism it extols. For example the proposal that development of new or the re-use of redundant schools should be excluded from the new more locally accountable planning regime and instead be decided by the Secretary of State on the recommendation from civil servants in Whitehall. This seems to me to be going against the grain and the ethos of the rest of the paper and indeed its two sister papers in the 'Localism trilogy'.

The opportunity and the challenge afforded by an incoming Conservative/Lib Dem coalition government could be far reaching, the re-casting of

“Involvement of communities affected by development is the best way to ensure its success”

the planning system into one that engages people proactively in the future of their communities and provides councils with the tools, the authority and the financial incentives to plan and deliver development is I believe, a prize worth fighting for. Only then will we have a planning system that is capable of dealing with the significant challenges we face – driving economic recovery and growth, delivering the homes, infrastructure and services we need, reducing our carbon emissions and supporting successful, inclusive communities. Whilst some may be concerned that changing to a system that offers financial incentives and is locally determined will not deliver the number of homes and associated infrastructure that we need one thing is for certain, the current Soviet style top down centrally determined targets have failed to deliver, continue to fail to deliver and unless changed will still fail to deliver the homes that our people need. interest as well as geographical communities?

Land Securities

Emma Cariaga, Head of Strategic Projects



During the approach to the General Election there was a rush from all parties to define their focus on regeneration and development in some way, shape or form. The political challenge is to turn a controversial and traditionally vote-losing topic into a populist approach without irrevocably

damaging the prospects of the development industry.

The current economic climate makes for heightened sensitivity in the industry to proposed change and even more sensitive to uncertainty; wholesale change risks hampering development over the short to medium term.

There has been much speculation over the proposals within the Conservative Planning Green Paper, some of which are grounded in sensible foundations – a national planning framework, the simplification of policy documents and a clearer process of determining planning applications. However, other aspects have the potential to present problems, not simply to developers putting forward planning applications but also to local authorities caught between planning properly for their authority's needs in the face of limited public investment in the future, and community desires.

Increasing local democratic accountability can be positive – it can encourage community buy-in and help to bring forward community-led developments, actively supported by those in the local area who have had a say in how the development takes shape. However, it is vital to recognise that development will often be controversial and for many local communities, no level of 'incentive' can persuade people of the positive benefits of projects that, ultimately, will change their local landscape. Under these circumstances, the introduction of third party rights of appeal and a presumption that development will be given permission so long as it is compliant with the Local Plan is insufficient. Politics will always influence planning decisions and political life cycles and the need for re-election will always have the potential to throw things off course irrespective of long-term benefits.

The challenge for politicians, local authorities and the development industry is to balance the need for democratic accountability with a system that does not stymie development. A return to the days of

the London Docklands' Development Corporation may simply be unacceptable in political terms, but a situation where local communities are involved in and can appeal against every development would undermine the role of elected representatives and result in an undemocratic position where decisions are likely to be made by the Planning Inspectorate in almost every case.

So, how can this be reconciled?

“The challenge is to balance the need for democratic accountability with a system that does not stymie development”

First, there is a need for a clear national framework from which all Local Plans are drawn. This needs to be in place before Regional Spatial Strategies are abolished in order both to avoid a policy vacuum and a position where policy has to be retrofit to development. Within this, policy needs to be

streamlined and reduced in the level of detail in order to provide a clear vision and framework without trapping both local authorities and developers in a quagmire of detail. Locally, this needs to be clearly set out

and promoted to communities in a way that encourages engagement but also sets out clear parameters – blank canvases are unrealistic, there is an opportunity cost for all development and not everything can or should be popular;

There needs to be a clear evidence base for the formulation of local plans not simply local will.

Second, a protocol for working with developers should be drawn up and agreed at the local level. This needs to recognise that development is key to socio-economic sustainability and not simply something to be controlled (changing 'Development Control Committees' to 'Planning' or 'Development Committees' would also be a positive step in this direction). This protocol can subsequently be used to guide the way that developers, communities and councillors engage and take forward proposals in a more positive way.

Third, elected members need to be properly trained on planning and development – this is not a new recommendation; the latest initiative for this came from the Killian Pretty Review but no government, to date has fully taken this forward. Without the knowledge and skills to assess planning applications in the context of the long-term aspirations of a borough, local and national policy frameworks and set this against localised concerns, planning and development will always risk getting caught in a political battlefield. It is critical that, just as councillors can engage with members of

the community and opponents throughout both the pre-and post application planning process, so councillors should also be provided with a framework for engaging with applicants during this period, enabling them, to ask the questions raised by their constituents directly and do so in a clear and structured format. Training is not there to create a bias towards development but to create a balance so that the democratic process can move forward with transparency and clarity for all involved.

Fourth, there is much discussion over incentivising communities – whether this is in the form of the retention of Council Tax and Business Rates, Community Land Trusts, funding community projects or the potential through compensation payments to neighbours to gain support. In principle, the prospect of incentivising communities to accommodate developments is something which the development industry would support. However, in order for this to be effective there needs to be very clear guidelines on how this will work, when it is appropriate and in what circumstances this form of agreement can take place.

Fifth, local authorities and developers should work together – specifically on masterplans and area action plans– to form Community Liaison Groups to act as a steering group on planning in the area. It would be the responsibility of the local authority to put these groups in place, and the responsibility of the applicant to ensure that they are engaged. These groups would need to be governed by clear terms of reference setting out the parameters of engagement.

Against this backdrop, there are clearly discussions and debates to take place over local discretion; individual boroughs can and should have their own approach dependent on the requirements and socio-economic circumstances in the area. However, for this to work democratically and constructively, it needs to be governed by a clear framework set out and monitored by central government.

CDS Co-operatives

David Rodgers, Executive Director



For many communities in our villages, towns and cities, engagement with the planning process is a threatening and negative experience. It is the process through which development happens, development which communities often don't want

and which is seen by them as detrimental to the interests of those who already live in that locality or place. The derogatory term 'NIMBY' (not in my back yard) is often used to describe those who, for whatever reason, oppose new development irrespective of whether or not their objections are reasonable. The result is often conflict between the existing community and the developer wishing to carry out a development within it.

Is it possible to approach development through co-operation with the local community rather than conflict? If so, what processes and structures can be used to engage the community in shaping the place in which they live and delivering 'place shaping' outcomes which they support rather than oppose?

The answer to these key questions, in my experience, is a definite "yes". Community engagement through formally constituted democratic community organisations and processes can deliver positive 'place shaping' outcomes to the benefit of the developer and community alike.

What is meant by community engagement and 'place-shaping'?

The new two-tiered planning system introduced by the Planning and Compulsory Purchase Act 2004, is a process that cascades planning outcomes from tier one Regional Spatial Strategies (RSS), down through tier two Local Development Frameworks (LDFs) for each local planning authority. LDF planning outcomes cascade further to each specific local geographical area through Local Area Agreements. A Local Development Framework (LDF) is a statement, from

the local planning authority, that outlines planning priorities for that authority's area. It looks at the development and land use priorities that need to be achieved for the social, economic and environmental sustainability of that local geographical planning area. These are expressed as outcomes that will enhance the 'wellbeing' of that community. What contributes to 'wellbeing' can be measured against 'wellbeing indicators', which cover many issues such as employment and job creation, housing (including affordable housing), education, transport, leisure, crime reduction, the natural environment and many more issues that impact on the planning process and planning outcomes. The crucial role of community involvement in the planning process is one of the most important elements of the new planning system.

Whether this new planning system will survive a change of government has yet to be seen. The Conservative

party's manifesto included a commitment to abolish a target driven approach to the planning process and to abolish "the entire bureaucratic and undemocratic tier of regional planning, including the Regional Spatial Strategies and building targets". If this is done, the temptation to throw the baby out with the bathwater and abandon the crucial role of community engagement in a structured planning process that defines and delivers measurable wellbeing outcomes, rather than operating on an ad-hoc application by application basis, should be resisted. At a time of public fiscal constraint and shortage of private capital, it remains vital that communities are actively and constructively engaged in the planning process and the positive outcomes it needs to deliver.

In order to win the support of local communities the process of engagement in planning decisions must be structured in a way that harnesses the positive contribution communities can make to them. With the power of communities to influence planning outcomes comes the parallel responsibility to exercise that power in a democratically accountable, responsible, and transparent way. This short article does not enable me to set out the practicalities of how this positive contribution can be harnessed. This has been done elsewhere, notably in the Practitioner's Guide for Community Land Trusts (CLT) published by Community Finance Solutions at the University of Salford. A key requisite, now enshrined for CLTs in section 79 of the Housing and Regeneration Act 2008, is that CLTs must have non discriminatory membership procedures that are open to any person living and/or working in a community that the CLT is set up to serve.

By working with community organisations that are open, transparent and accountable in how they represent their community, developers wishing to secure planning consent for development will find that communities make a positive contribution to their plans and help them maximise the positive outcomes the development opportunity may deliver. As classic example of this is the proposal for the development of the former Cashes Green Hospital site in Stroud, Gloucestershire. Having lain derelict since 1994 the site was originally earmarked by the local authority for the development of forty five homes, of which thirty three would have been for sale and twelve would have been for affordable housing. Following a structured process of community engagement with the local CLT, Gloucestershire Land for People Ltd, which positively took account of the concerns of the community in planning the development, the site now has planning consent for seventy eight homes of which thirty eight will be for sale and thirty eight will be affordable homes for the benefit of that community. This is a positive outcome for both the public sector site owner and the local community. The community's concern to re-establish allotments on the site, which

“Developers wishing to secure planning consent for development will find that communities make a positive contribution”

“Honest debate about choices that will deliver sustainable outcomes is what community engagement in planning is all about.”

had allotments before the hospital was closed, has also been accommodated in the development plans. Without community engagement in the planning process the development proposals for this site would have generated conflict within the community rather than support.

Community engagement in the planning process is not a magic bullet that can replace a structured local, and I would say, regional approach to planning. But if harnessed in a structured and accountable way it can deliver outcomes that meet both the needs of the developer and the aspirations of the community for a development that delivers sustainable outcomes and shapes a better place for all to live.

Perhaps it would be wise to end with a quotation from the preface of Sir Michael Lyon’s 2006 inquiry into local government, ‘Place-shaping: a shared ambition for the future of local government’.

He said, insightfully, that: “We elect governments to make difficult choices on our behalf, but I

am clear that ministers can only make changes where they can be confident of public support, or at least tolerance. So my message, the tensions I expose, and my conclusions, are as much a matter for the people of this country as for its current government. I have become increasingly concerned that

our expectations of what government can do for us grow faster than our willingness to meet the costs of those expectations through taxation, and possibly even beyond what can actually be delivered. Helping citizens to engage in honest debate about our choices, both as a nation and as individual communities, is the big challenge for this and for future governments”.

Honest debate about choices that will deliver sustainable outcomes is what community engagement in planning is all about. It is not about co-opting them into accepting decisions and limitations on public services that they would otherwise reject.

Birmingham City Council

Tony Smith, Policy Executive-Birmingham One



Planners in Birmingham very much welcome the Conservatives’ commitment to localism and community engagement in Planning, set out in the “Open Source” green paper. However there are a number of learning points from Birmingham’s experience that could

enhance the policies as they are refined in government. In particular, given the party’s other proposals on neighbourhoods, there is scope for a more joined up approach to this key area of local government reform.

Some comments on “open source” planning

Clearly the proposed approach to local planning is in the early stages of development and Birmingham’s experience of planning for diverse communities and interests could prove valuable in informing that work.

Five immediate concerns arise from the proposed process:

- The size of Birmingham means that the number of neighbourhoods will be large (and there is a need to set out a process for defining their boundaries). The task of facilitating and mediating the neighbourhood planning process could be very demanding and resource hungry.
- The ability of neighbourhoods to undertake the process will vary between areas – generally the most deprived areas are likely to be the least prepared and engaged.
- There might be a tendency for neighbourhoods to try to protect their immediate interests through this system – this may well reinforce existing social and cultural divisions.
- There is little indication of detail on the expected content of local plans – but some of the other proposals (e.g. for identification of zones where certain changes of use would be automatically allowed and for any development in line with the plan to be approved automatically) imply that they would need to be quite prescriptive, and could become ‘zoning plans’. A prescriptive zoning plan approach is unlikely to be the most appropriate to managing change in a complex urban area like Birmingham.
- It is unclear how such an approach would operate in places with a wider strategic significance such as Birmingham City Centre,

a major sports facility or the area around the National Exhibition Centre and Birmingham International Airport.

Elsewhere in the green paper, there has already been some concern that the proposed third party appeals would be open to abuse, or would be likely to bring the appeals process to a halt. Similarly the proposals for immediate neighbours to hold up proposals or do deals with developers might lead to difficulties in defining “immediate neighbours” and concerns about abuse by both applicants and objectors.

There would be resource implications to the increased reliance on enforcement which is implied by the presumption in favour of sustainable

“There is clearly scope for more joined up approach in which planning is informed”

development. Finally, Birmingham City Council does not want to see a completely unplanned approach to schools provision and would therefore, along with other councils, be concerned about the proposals to allow any building to be used as a school and to prevent properly local planning of the use of redundant school land.

Planning and community engagement

Birmingham has always sought to engage local communities in strategic planning and development control decisions and a debate on how to achieve better engagement of neighbourhoods in the local planning process is welcome (see examples below).

Examples of community involvement in planning in Birmingham

A range of **regular customer surveys** – including planning applicants, users of the Planning reception service and complaints handling

Community engagement on **informal local neighbourhood plans**. Examples include the Moseley Big Plan, led by the Community Development Trust.

Setting up local **Conservation Areas**. Techniques include surveys, exhibitions and public meetings.

Consultation on formal **Local Area Action Plans** – such as Longbridge and Aston, Newtown and Lozells. Techniques include surveys, public meetings, drop in events at locations such as

sure start centres, shopping centres, libraries, supermarkets and a mobile exhibition and standing ward and constituency committees.

The age-old dilemma in the case of planning is that, on the one hand it is a quasi-judicial system designed to balance different social interests in making specific decisions on the use of land. On the other it is a democratic process that should enable all groups in society to influence the way in which local areas are developed. Care is needed in maintaining the independent and representative process of deciding on planning applications, but that does not mean there should not be radical innovation in the local strategic planning process.

One approach that might show quicker results in the short term and avoid some of the concerns raised above could be to establish neighbourhood engagement processes alongside the formal local planning process, rather than making the whole system neighbourhood-driven.

A key feature of Birmingham’s approach is that we have tried, over the years, to develop multi-purpose governance structures, such as neighbourhood forums, ward and constituency committees at the local level. Given the Conservatives’ other ideas about empowering neighbourhood groups, there is clearly scope for a more joined up approach in which local planning is informed by the same processes of engagement as other aspects of local governance, such as regeneration, participatory budgeting, community safety, health and the maintenance of local environment.

There needs to be greater clarity about the nature of these groups and how accountability will be ensured for the development tariff and housing “reward” money that would be distributed to them. There will also be some concern if neighbourhoods that are able to attract more development get all the resources from a tariff and others get little (which might for example include more deprived neighbourhoods).

Birmingham has long experience of a network of neighbourhood forums, a community empowerment network and national “guide neighbourhoods” such as Balsall Heath Forum, Witton Lodge Community Association and Castle Vale Community Housing Association.

Such an integrated approach to neighbourhood involvement would provide a more sustainable way of achieving further community engagement in local planning, whilst protecting the quasi-

judicial nature of the development control system. It could also be part of what we in Birmingham call a "Total Neighbourhood" or "Total Community" approach – building on the previous Total Place initiative at a very local level to create neighbourhood partnerships which can integrate public services and enable local communities to make their full contribution to achieving local outcomes.

For more information

Localis is an independent think-tank dedicated to issues related to local government and localism more generally. We carry out innovative research, hold a calendar of events and facilitate an ever growing network of members to stimulate and challenge the current orthodoxy of the governance of the UK.

For more information, please visit www.localis.org.uk or call 0207 340 2660.

To find out more about the work of The LGA please visit www.lga.gov.uk. For more information on the Land Securities, please visit www.landsecurities.com. To find out more on the CDS Co-operatives, please visit www.cds.coop. To learn more about the work of Birmingham City Council, please visit www.birmingham.gov.uk/planning.

All views expressed in this document are those of the authors alone, and do not necessarily represent the views of the organisations they represent. These views do also not necessarily reflect the views of Localis.



LOCALIS RESEARCH LIMITED
10 Storey's Gate, Westminster, SW1P 3AY
T: 0207 340 2660
F: 0207 222 5859
E: info@localis.org.uk