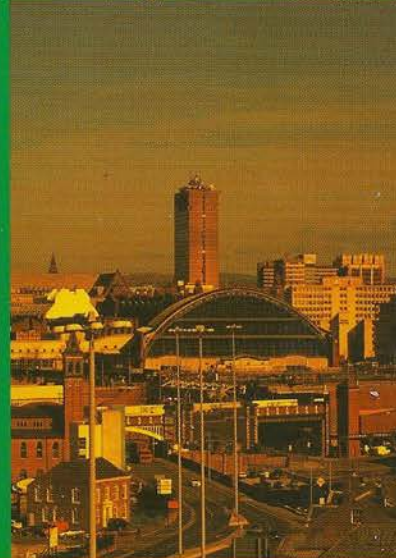
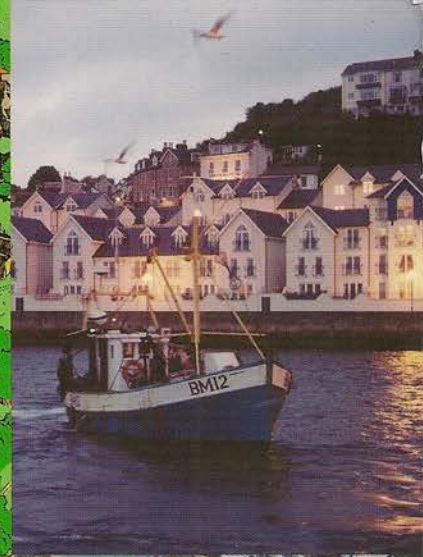




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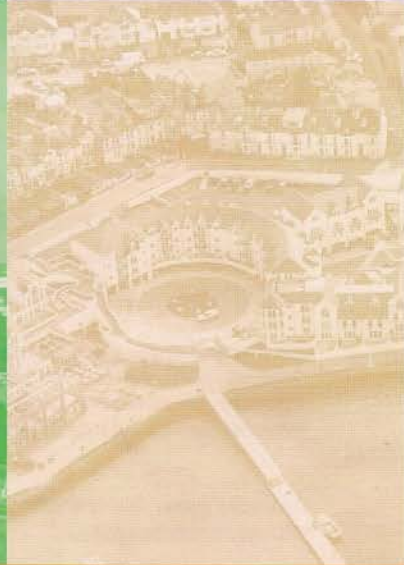
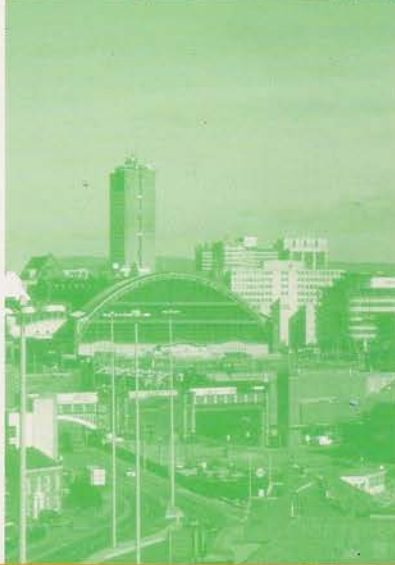
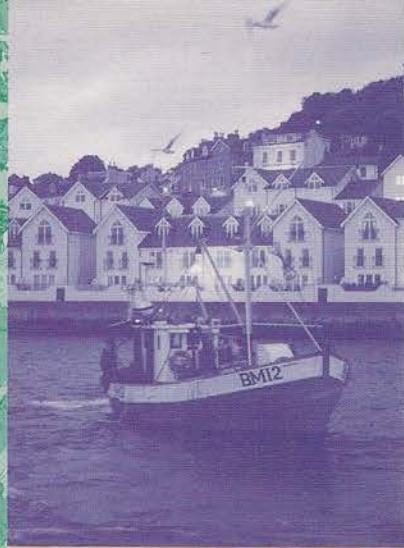
A guide for planners and  
housing providers







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A guide for planners and  
housing providers

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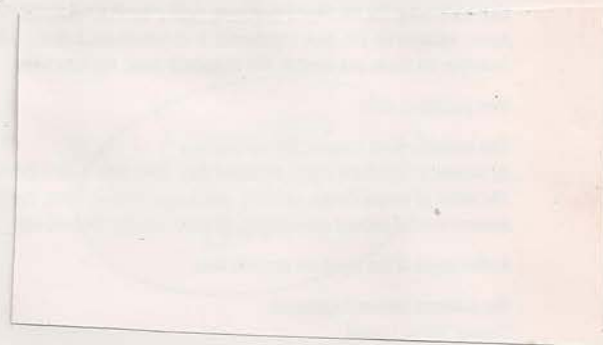
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## FOREWORD

This report contains lessons for all parties about how to make the current housing and planning systems work more effectively. In many of the case studies planners have initiated local changes. But the initiative to improve working relations, with the planners or the wider public, has also been taken effectively by housing providers.

Planners and housing providers have to contend with very different constraints on their activities. Disagreement and tension are often inevitable. A development has to be financially viable even for Registered Social Landlords. Planners have to take account of local public opinion, government policy and many other factors. This report is full of examples of local good practice which has removed unnecessary conflict and misunderstanding, speeded up processes and created better outcomes for all. It is not a prescriptive guide but a collection of examples of good practice that can be drawn on by all practitioners.

You will be able to identify examples that might work for you, and can use the contact numbers to find out more about how they worked. It is the intention of the commissioning organisations to put information on our web sites and encourage further sharing of experiences. We want to promote more sharing of good practice and ideas across the country and between planners and housing providers.

The changing emphasis in government policy towards re-use of land, the sequential approach, mixed use and higher density housing will bring new issues to the relationships. New good practice will develop in dealing with them. We will look for ways of disseminating good practice as it develops.

This report is itself a unique collaboration between Government and representatives of planners, housing providers and their funders. Once we tried it we all found it much easier to work together than we had expected.

Jon Morris MRTPI

*Convenor of the Housing Development and Renewal Panel of the RTPI*

## Acknowledgements

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*The Research Team*

## 1

## Introduction



credit: Countryside Properties

Greenwich Peninsula

## The purpose of the research

**This guide examines the working relationships between housing providers (private housebuilders, registered social landlords (RSLs) and local authority housing departments) and planning authorities that operate the statutory planning system. It considers how tensions can be overcome by adopting five simple routes to better working relationships.**

The aim is to help all parties meet their own objectives in a mutually supportive and positive manner. Such positive working relationships – it is argued – will in turn deliver more efficient and effective development and planning processes, and create ‘better quality’ housing.

This guide aims to identify and explain the motivations and constraints of different groups. And, by assembling positive examples, it aims to demonstrate how the tensions inherent in providing market and affordable housing can be practically overcome in a range of local settings and circumstances. The guide indicates that tensions are perhaps inevitable, but should never be viewed as insurmountable barriers to better and more productive working relationships.

Both the research team and the guide’s funding agencies believe that benefits will accrue not only to housing consumers, but also to the parties involved in housing development, by adopting the principles in this guide.



Peckham, South London

credit: Countryside Properties



Greenwich Peninsular

credit: Countryside Properties

## The research

The research informing this guide sought to identify, in general terms, the tensions that arise at various stages of the development process.

These tensions were identified in two ways:

- ▶ by examining past studies that shared a similar or related research focus; *and*
- ▶ through direct contact with local planning authorities (LPAs), developers and RSLs, using a broad consultation exercise (involving 24 planning authorities, 33 housebuilders and 19 RSLs) and a series of 12 in-depth case studies.

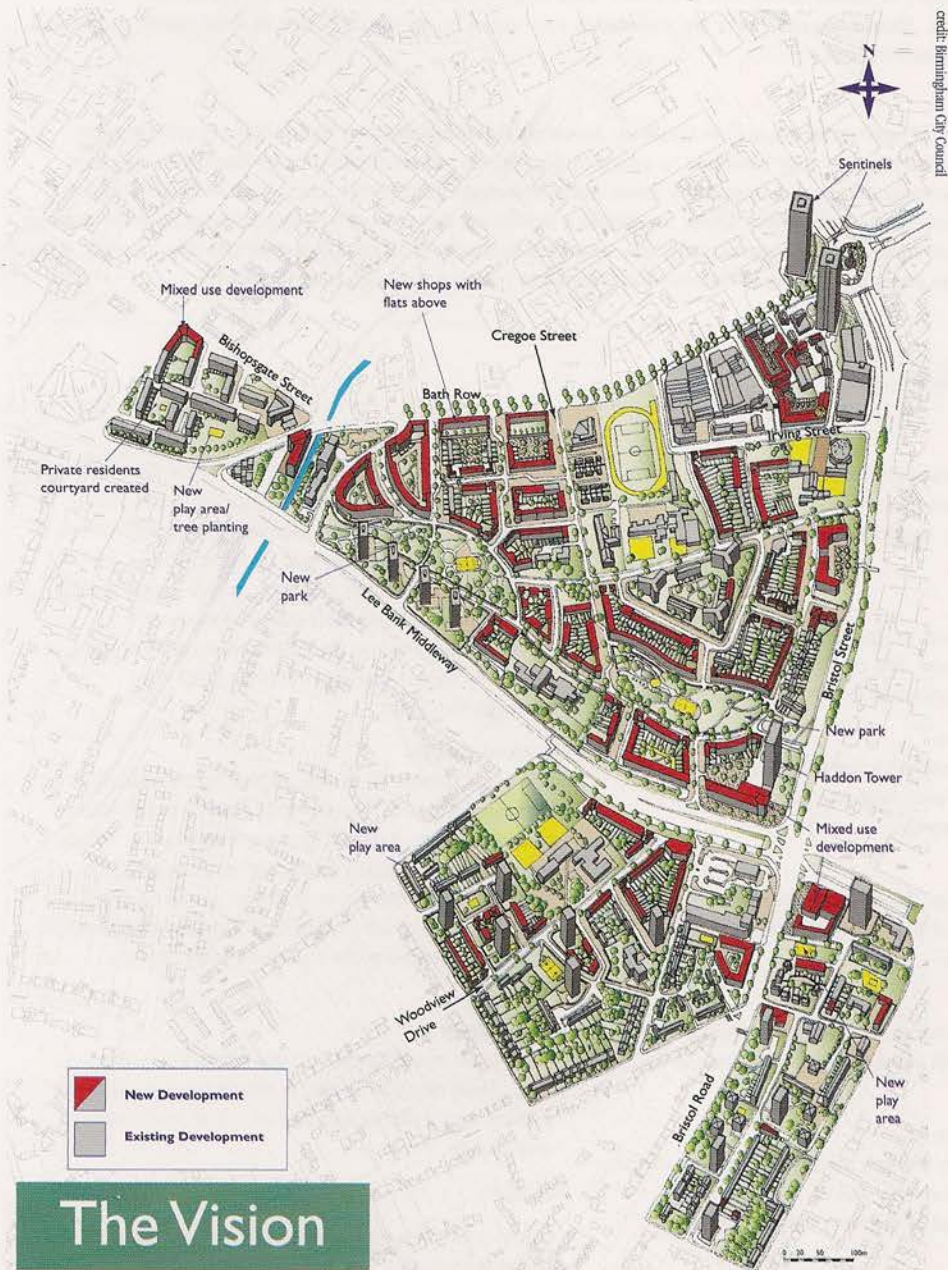
The research aimed to identify local examples of where general difficulties had been successfully overcome. By seeking out good practice, the aim was to identify particularly effective ways of working which could be used elsewhere. In this regard, the guide is concerned with better delivery in the context of current government policy.

## The structure of the guide

This guide is split into eight short chapters. *Chapter 2* provides a brief background to the problems faced by the key stakeholders in the housebuilding process. It looks at their different motivations and the key issues currently affecting the political and social climate in which homes are built. This overview of the context leads into a summary of the key 'tensions' in the development process. These are the points at which the contrasting motivations of stakeholders may cause friction.

From the eight identified tensions, five working routes to better practice emerge. These form the subject of *Chapters 3 to 7*. In each of these chapters, a 'How?' section presents better practice. These sections are built around elements of the case studies that have been used to illustrate the routes, through a series of short insets showing innovative practice in one or more areas. A 'route map' accompanies the discussion of each route, showing how to move beyond the key tensions outlined in *Chapter 2*. *Chapter 8* brings the five routes together, and offers some overarching conclusions.





# The Vision

Birmingham central area estates development framework

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## Inset 1: The stakeholders

### The three key stakeholders

#### ① Local authorities

Can be viewed as 'gatekeepers' and enablers, holding the key to securing planning permission and planning for sufficient housing (market and affordable). They have a duty to release land for all types of new housing, and through their housing departments to monitor and enable the provision of new affordable housing. Authorities comprise officers and members, the former advising the latter on planning and housing matters. Procedural views sometimes clash with political views, resulting in planning delays that can frustrate those seeking planning permission. *On occasions, separate departments in authorities (e.g. housing and planning) approach problems from different viewpoints, prioritising social above land-use considerations or vice versa. This can result in inter-departmental tensions.*

#### ② Private housebuilders

Operate under market conditions and are driven by the need to make a profit, although many also take on social concerns. They want to see sufficient land allocated for housing, mainly to service their immediate and future business needs, and they require good market intelligence to limit risk. They also face constraints in the construction industry: for example, in the supply of skilled labour and materials. One means of limiting risk is to market tried-and-tested 'standardized' products. Hence housebuilders are sometimes accused of being unresponsive to local needs and wishes, and of being unwilling to innovate.

#### ③ RSLs

Are the main providers of new social housing in England. Ensuring the affordability of their products is their main motivation, though in recent years they have had to adapt to a switch to mixed public-private funding. Long-term reductions in public funding (expressed, in part, by lower Social Housing Grant (SHG) rates) have meant increasing reliance on private funds for new schemes. Many see this as a significant threat to affordable housing, as is the scarcity of suitable land for such development – particularly now that local authority land banks have all but disappeared. RSLs increasingly rely on the planning process to deliver new, affordable housing (through planning gain).

### The other stakeholders

#### The Government

Concerned with balancing conflicting objectives: in particular, meeting the nation's housing needs without compromising important environmental and economic goals.

#### Landowners

The group with the most to gain from market development of housing. The permission to develop is likely to lead to huge potential profits for the landowner.

#### Adjacent landowners

Will usually be concerned with the effects of new development on their own property, whether environmental or economic.

#### Private funders

Concerned with low-risk, high-return investments, pushing developers and RSLs towards safer development products.

#### Public funders

The controllers and awarders of Social Housing Grant (SHG). Concerned with value for money in the use of public funds.

#### Highways authorities

Mainly concerned with the functionality and safety of the roads and footpaths that they will be asked to adopt. Often, they are accused of creating car-dominated environments.

#### Police authorities

Concerned with the contribution that built form can make to the reduction of crime, and therefore with adopting 'designing out crime' principles.

#### Other service providers

Various other service providers will take a keen interest in new residential development, and they will have a role to play in providing basic amenities such as water, sewerage, gas and electricity. Similarly, the providers of public transport, open space, leisure or shopping facilities (and many others) will be carefully weighing up the implications of new (and especially larger) developments for their own business strategies.

#### General public

The requirement for public consultation means that communities, and the general public, get involved in housebuilding. Resident groups, in particular, often succeed in preventing or reshaping developments. The public also has an increasingly powerful effect on the nature of new housebuilding, as environmental concerns become more central to local political agendas.

#### Homebuyers

Want their investment in a new house to be a good one. Their decision to buy is driven by cost, value for money, functionality and size of home, and location and design.

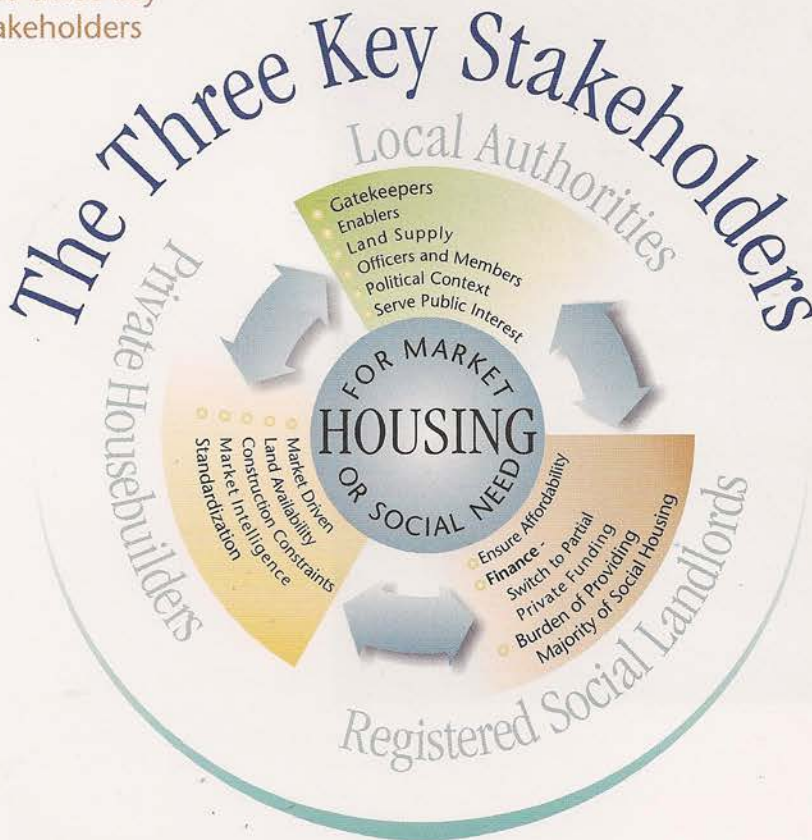
#### Tenants

Want to live in a high-quality environment and a stable community, just like owner-occupiers. Their decisions are also driven by need and cost.

## 2

Stakeholders,  
Tensions  
and Possibilities

Figure 1:  
The three key  
stakeholders



## The stakeholders

Providing high-quality new housing is vitally important to individuals, as consumers; to a healthy society; and to the national economy. But private housebuilding, like any other industry, is vulnerable to the changing fortunes of the market, and can be an uncertain and risky business. The supply of social housing is also vulnerable as it competes in the same market for land that is apportioned through the planning process.

A successful working relationship between the key stakeholders in the development and planning process is therefore crucial. But to understand how this relationship might be improved, it is first necessary to consider who these stakeholders are, how they are motivated, and what each hopes to get out of this process. Only by considering these motivations, as well as working constraints, is it possible to build a picture of the tensions that develop between stakeholders when things go wrong.

Many groups have parts to play in producing housing: from landowners, and financiers and investors; through highway engineers; all the way to the eventual homebuyer or tenant (see *Inset 1*). This guide, however, is concerned with three key stakeholders: local authorities and with those involved directly in housing production; the RSLs; and private housebuilders. *Figure 1* (and *Inset 1*) summarises the main characteristics of these stakeholders.



credit: Brian Lawrence, Still Images

Midas Homes, Brixham Marina

## The context

Each of the three key stakeholders needs to understand the interests and concerns of the other partners throughout the development process. Today, this understanding is either patchy or non-existent, and has been replaced by a series of seemingly intractable tensions. Many of these tensions relate to a lack of consensus over the need for housing. The media is continually highlighting instances throughout the country where planners, housing providers, politicians and communities cannot agree on whether new housing is needed. This is despite the publication of household projections pointing to massive growth in the number of homes required in England over the next 25 years.

Better working relationships must be grounded in a consensus about the need for more housing. Nevertheless, the context for new housebuilding is becoming increasingly political and at the local level, housebuilders need to appreciate the significant community pressures exerted on the planning system and local politicians. This pressure is arguably pushing planners towards a situation where it is acceptable, rather than sufficient, sites that are allocated.

This and other contextual issues outlined in **Inset 2** confirm how dramatically the policy and development context is changing for UK housebuilding, and therefore how important it is that the key relationships at the heart of the housebuilding process – between public and private interests – are positive. If this is so then time, resources and enthusiasm will be released to meet the other challenges head on. Unfortunately, and all too often, significant tensions remain.

**Inset 2:****Contextual issues  
changing planner and  
house-provider relationships****Sustainability**

The need to 'think sustainably' is increasingly affecting how and where housing is produced. Recently, there has been a push towards more brownfield development, and a move towards higher densities in existing urban centres and to better designed developments everywhere. The recently revised PPG3 promotes development linked to public transport, mixed use, 'greener' residential environments, new quality standards and greater efficiency in patterns of land use.

**Affordability**

It is estimated that 30% of all new homes produced in England over the next 25 years will need to be affordable. The figure in London could be as high as 50%. Again, the new PPG3 reiterates the importance of providing affordable homes. This is to be achieved through negotiation between LPAs and builders, and it is likely to become an area of even greater interaction in the future. The recent Rural White Paper confirms the Government's continuing support for the rural 'exceptions' initiative.

**Enabling and funding**

It is some years since the housing role of local authorities switched from provider to enabler. But the nature of this role is constantly changing and planners are playing an increasing role in identifying and securing sites for affordable housing. Today, authorities rely on RSLs and developers much more to help them achieve their statutory housing role. RSLs in turn rely on a complex combination of public and private funding sources to finance schemes. The result is a need to balance public accountability with many of the pressures inherent in operating in the marketplace.

**Standardization**

The increasing standardization of house types in the UK has been partly blamed on the planning system, for the overuse of road and 'amenity' standards. This results in monotonous residential environments. But standardization is also the product of a development process that aims to reduce uncertainty and meet marketing requirements, so different stakeholders must share the blame for substandard products. Detailed design guidance can help, though many developers have complained about a lack of consistency across LAs in this regard.

**Land for housing**

Debates about scarcity of land (with some authorities being accused of allocating too little) are likely to run and run. But there are also more complex concerns. If, for instance, structure planning is to provide a comprehensive vision across different local areas, the allocation policies of different LPAs need to be co-ordinated. If one authority restricts supply, this is likely to have market implications across a much wider area. In terms of locating development, authorities have been enthused with the need to allocate more brownfield sites, but these are often far away from areas of strong demand. The move from a planning system that emphasises the importance of 'supplying land for housing' to one that emphasises 'supply but in the right location' offers perhaps the greatest current challenge to all stakeholders.

**Planning agreements**

Agreements are a development control tool used in a relatively systematic way (for example, to secure affordable housing from a scheme), and they are used more randomly to overcome barriers that might otherwise lead to a refusal of permission. The way that agreements (through planning obligations) are used, and the power that LPAs therefore wield, is a critical current issue. Many regard planning obligations as an effective tax on development, and as a means of ensuring that some of the betterment associated with the granting of planning permissions comes back to the state.

**Building efficiency**

John Egan's 1997 report for the DETR focused, in part, on quality and efficiency in UK construction. This will have an important bearing on the way houses are built in the future, and on the relationship that developers share with each other and with the planning profession. The Egan Report advocated continuous monitoring of what the customer wants (with implications for standardization), and the development of performance-improvement tools and benchmarking.

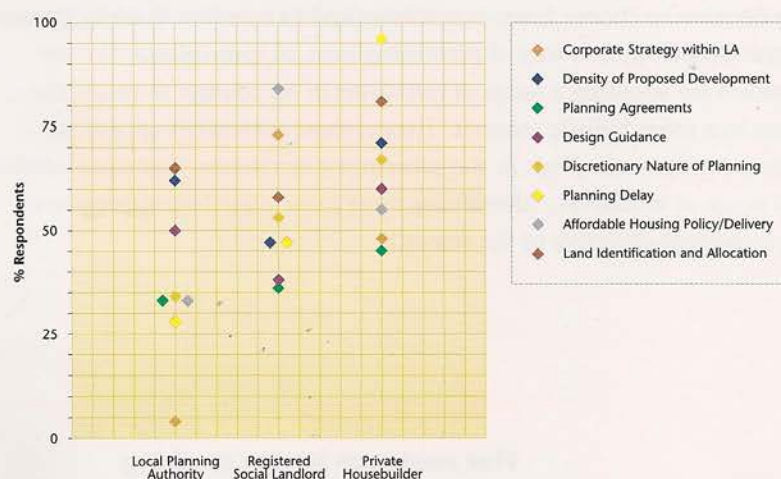
## The tensions

Neither planners nor housing providers are completely free agents. Tensions between them do not develop in a vacuum, and often result from the pressures applied by other stakeholders. Planners, for example, face a range of pressures from central government, local councillors, the general public and others – such as highways engineers or basic amenities suppliers (gas, water, sewerage and electricity), or services (public transport, schools, etc). Private housebuilders also come under pressure from shareholders, funders and house buyers, while RSLs must meet the demands of the Housing Corporation, tenants and private financiers, to name but a few. The freedom for manoeuvre that these key stakeholders enjoy will also be greatly affected by the deal they have, or can reach, with the landowner. So while this guide is concerned with better working relationships between the three key stakeholders. It is vitally important that each of these stakeholders appreciate the constraints that result from the relationships of the others with these additional agencies.

**Figure 2:**  
The eight working tensions



The key problems – borne of the housebuilding context and particularly the range of pressures facing the key stakeholders – boil down to eight working tensions, focusing on the issues identified in **Figure 2**. These tensions were identified from a detailed review of the context in which housebuilding occurs, and through the national consultation exercise. The significance, nature and components of each is considered in more detail in an annex to this guide.



**Figure 3:**  
Stakeholder weighting of key tensions

Bar charts in the annex reveal findings on the 'comparative' views of the three stakeholders. In some instances, RSLs rated a tension as more important, while private housebuilders or planning authorities felt it to be of lesser significance. The patterns of ratings are different for each of the eight tensions; the information is brought together in **Figure 3**. This figure reveals that generally, housebuilders considered almost all points of concern to be of greater significance than planners, with RSLs somewhere in between.

Unsurprisingly, RSLs rated the delivery of affordable housing as the source of greatest tension; but they were also concerned about internal working arrangements within LAs, particularly the relationships between planning and housing departments. The issue of land allocation for affordable housing (or the lack of it) was also a significant worry. For private housebuilders, delay was by far their greatest concern although, again, issues of land allocation and the new requirement to build higher-density developments were high on their agenda. The perceived uncertainty derived from the discretionary nature of the planning system also gave cause for concern. For planners, the main worries focused on land identification and allocation, but significant unease was noted over the new emphasis of central government on higher density and better designed housing, and how they would deal with such concerns. For planners, issues of the discretionary nature of planning and of planning delay were not regarded as major issues.

## The solutions

As well as clarifying their main concerns, respondents to the consultation exercise were asked to identify solutions to the problems. These, together with detailed case-study interviews with representatives of the three key stakeholders in the 12 case-study areas, led from the eight tensions to five routes to better working relationships. The routes are by no means mutually exclusive, but are in themselves related in a series of complex inter-relationships. Some of these relationships are briefly discussed in the conclusion to the guide where the five routes are brought together in an overarching route-map.

The decision to choose fewer case studies and to examine them in greater depth was deliberate, as a way of examining how, in some places, the key stakeholders are adopting a range of initiatives in an attempt to tackle the problems in a more holistic manner. Hence, most authorities appear as insets in more than one place in the subsequent discussion, and some exhibit a broad range of initiatives. Identifying these more joined-up approaches was an important objective of the research.

### **Five routes to better working relationships**

- 1 Strive to streamline implementation processes.**
- 2 Adopt inclusive planning and decision-making processes.**
- 3 Adopt integrated and realistic working practices.**
- 4 Strive for certainty and transparency.**
- 5 Adopt a positive and proactive approach to planning and development.**



## The routes

Each of the five routes follows the same structure. First, a route-map is presented which summarises the route and the way forward. Next, the routes are discussed in terms of their key characteristics and **'What is required'** to pursue them. The ranges of identified initiatives and approaches revealed by the research are then discussed. These **'How'** sections offer practical approaches to help practitioners follow the suggested routes to better practice. In this respect, they represent the core of the guide.

Space only permits the briefest discussion of each initiative, although the case study insets alongside the main text give further information and contact names for readers wishing to find out more about a particular initiative. The relevance to particular stakeholders – local authorities, housebuilders and RSLs – is distinguished by the respective designations **L**, **H** and **R** next to each initiative. The designations indicate that most initiatives are relevant to all three stakeholder groups, and require their collective input to make them work. A number of general **'Watch points'** raised by the interviewees, and relating to each route, are also passed on to help ensure the smoother adoption of better practice.

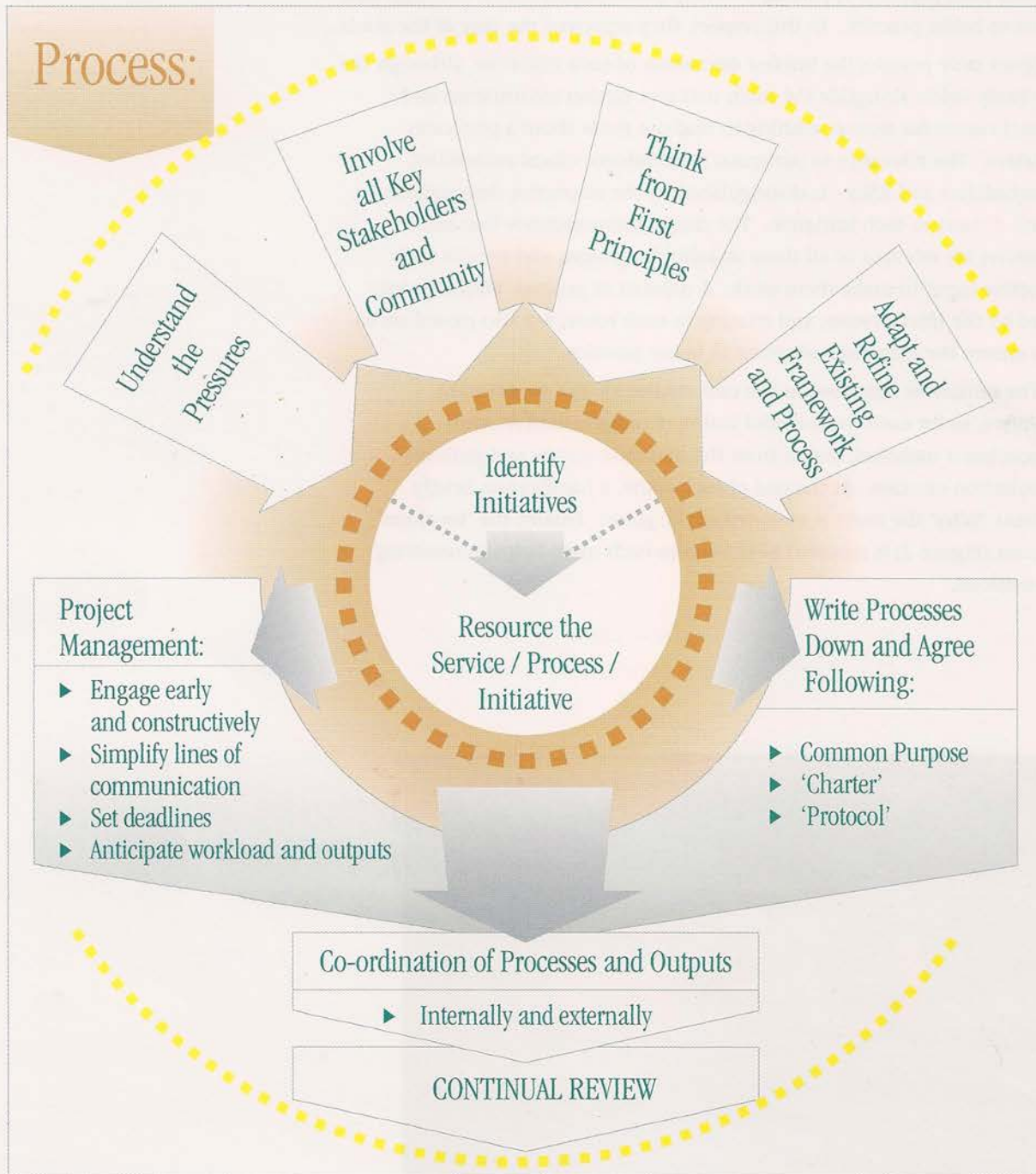
The initiatives described in the case studies are not meant to be definitive, so for each route a brief listing of other initiatives and approaches is included, drawn from the literature review and national consultation exercise. At the end of each route, a justification briefly explains **'Why'** the route is included in the guide. Finally, the **'tensions'** diagram (Figure 2) is repeated to show how each route helps in resolving the tensions.



credit: Countryside Properties

**Route Map 1:**  
Streamlined implementation processes

**Objective:** Establish a More Streamlined Process:  
Increase Speed and Quality of Delivery



**Achievement:** A Streamlined Approach and Process  
Characterized by Speed and Quality

## 3

Streamline  
Implementation  
Processes

### What is required?

Throughout the five routes to better practice, the need for a greater understanding of the constraints affecting the key stakeholders in the process is stressed. Understanding is needed both of the reasons why delay can be so costly to housebuilders and RSLs, and of why planning as a process takes the time it does to reach the right decisions.

The recent history of British planning is punctuated by attempts to reduce the inevitable charge of inefficiency and delay, and to speed up both ends of the planning process. For a long time, authorities have been set dates by government to achieve an adopted development plan – dates which have been consistently extended – while a minority of authorities still do not have an adopted development plan 10 years after the 1991 Planning Act. Meanwhile, targets aimed at increasing the speed at which planning applications are determined (80% of applications in eight weeks) have never been reached by many authorities (currently 63% of applications are determined in eight weeks), although others exceed the requirement by some margin.

Such headline targets only tell part of the story however, as they do not reflect the quality of decisions being made; the relative size of applications; or the extent to which outcomes are positive in terms of an approved planning permission. It is likely, for example, that most housing providers would prefer to wait a little longer for a permission, rather than receive a refusal because they had reached a deadline that required them to either re-apply or appeal, causing further delay. Furthermore, it is likely that most authorities would prefer to negotiate a little longer on more complex

**The pursuit of more efficient and effective implementation processes that continually strive to deliver more timely policy frameworks and decisions, and which respond to the pressures on those operating within the marketplace or with other funding constraints.**

applications to ensure that the outcome more closely meets their policy objectives. Needless to say, however, quality and speed in decision-making are not mutually exclusive, and **continual improvement** in each should be an aim of any modern planning service. It is an explicit aim, for example, of the new 'Best Value' regime introduced in the 1999 Local Government Act – delivering planning services as efficiently and effectively as possible, while still maintaining open and transparent standards that strive for quality.

The need for continual improvement in the efficiency of plan-making and development control is therefore a Best Value responsibility and an objective that recognises the constraints on other key stakeholders in the development process. Indeed, this need forms an overarching recommendation of this guide and goes hand in hand with delivering better quality outcomes (housing) and increased public accountability. It involves a process of continual questioning – how can this task be done more effectively? It also requires that housing providers play their part, coming to authorities early with proposals rather than waiting until development or funding deadlines are nearly upon them and hoping for planning permission without a hitch. Like all the routes it is a two-way process, with each party playing their part to ensure the other has the information it needs to make informed, and therefore speedy and reliable, decisions.

## How?

### i) Fast-tracking processes

A number of the case studies had developed fast-tracking procedures that ranged in both the formality with which they were adopted, and the extent they were used. Fast-tracking arrangements can be one-off processes for particular high-profile schemes, where circumstances demand a streamlined approach, such as at Newcastle (see **Inset 3**). Alternatively, they might be permanent arrangements directed towards particular types of development, such as new housing for which there is a local need. The need for more affordable housing at Hammersmith (see **Inset 4**), or to attract major investments at Birmingham (see **Inset 5**) are examples of the latter type. Their introduction can also be seen as opportunities to radically review established planning procedures, or as opportunities to build on and refine existing processes.

#### Key characteristics of such processes include

- ▶ clear lines of communication to cut through the sometimes baffling corporate complexity faced by housing providers;
- ▶ dedicated project officers to drive and champion proposals or one-stop-shop arrangements as at Birmingham (see **Inset 5**);
- ▶ preferably a single point of contact, with a clear understanding of commercial realities and with the ability to make decisions (or with direct access to those who can);
- ▶ a process that offers greater certainty to housing providers, keeping them informed and involved as their application begins; *and*
- ▶ a process with all its key stages well documented and resourced.



As part of the Unitary Development Plan process, a large site – Newcastle Great Park – on the edge of the city was identified to address the imbalance in the city's existing housing stock by building additional higher-value family homes. In particular, the authority hopes to halt the out-migration of the city's mobile 25-45 age group (and attract a new range of job opportunities onto this mixed use, strategic employment site). The UDP (covering the Great Park allocation) was adopted in January 1998. In August of the same year, a consortium of developers (Bryant Homes and Beazer Homes) decided to convert the recent allocation of the site into a consent. However, they immediately faced the problem that their land options on the site needed to be exercised before the end of the year, when they would run out. The developers required planning permission quickly to give them the certainty required for the investment.

Because of the strategic importance to the city of the site, the local authority accepted the commercial imperatives of the developers and – despite the complexity of the site – agreed a programme for the application period to meet the developer's deadline. The decision required a fast-tracking process to be put in place with both parties – developers and the authority – playing their part. The developers established a project management system, with consultant project managers brought in to run the process and maintain a level of control over the complexity and scale of the project. Regular weekly meetings were held with the authority and in between, the consultants and developers were charged to work up key issues. More than 20 public meetings were fitted into the timetable.

The local authority decided to retain its basic management structures to ensure continuity, but to re-organise resources internally and re-prioritise workloads in order to meet the deadlines. A full-time project officer was appointed to the project, aided by a formal officer working group with development control; forward planning; highways, housing and education representatives; a set of informal networks; and a special politically balanced sub-committee with powers to deal with all matters (apart from planning applications). At key points, a higher decision-making forum was convened with director level representation so that key decisions could be taken without delay. Although the consent was not achieved by the end of the year, the authority gave a formal indication that they were minded to approve it, and this encouraged the developers to buy the land outright. The streamlined and co-ordinated processes remained in place to see through the detailed negotiations and realisation of the scheme.

### Inset 3: Newcastle: fast-tracking the process

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The danger to be avoided is the perception that unless applied across the board, fast-tracking arrangements generate a two-tier planning process, potentially leading to resentment that other projects receive a second-rate service. So, careful justification of the arrangements is also needed, preferably alongside a commitment to spread best practice across the planning service as resources allow.

## ii) Securing adequate resources

The lack of resources (particularly manpower) is perhaps the fundamental problem facing many authorities and the reason for many delays throughout the planning process. In some respects, planning is always likely to face a squeeze on resources when competing with other high-spending and high-profile departments such as education and social services. Nevertheless, the lack of resources may also have much to do with the failure of planning departments to clearly and consistently demonstrate the 'value added' by their existence. The danger comes when the squeeze on resources causes problems to spiral out of control, as processes become more reactive.

This can lead to further delay as more time is spent dealing with problems that might otherwise have been anticipated and dealt with earlier in the



credit: Notting Hill Housing Group

Lime Grove, Hammersmith

### **Inset 4:** **Hammersmith:** application management

Hammersmith are wary of explicit fast-tracking arrangements because of the potential tension caused by prioritising one application over another. They are more concerned with achieving the right outcome rather than necessarily a fast outcome. Nevertheless, they carefully manage affordable housing applications to ensure that there are no delays (particularly for want of officer time), and that such applications are under scrutiny from the day they reach the office.

As a corporate priority, the delivery of affordable housing is appropriately matched with staff resources – dedicated officers who deal with affordable housing and who work with the housing department and RSLs to identify sites, and to bring forward projects with a greater chance of success.

The approach adopts two key principles. First, that pre-application discussions with RSLs ensure that the application, when it arrives, is likely to be acceptable and will not be unnecessarily delayed. Second, that extensive consultation can help smooth the way for affordable housing schemes, which inevitably raise more objections than other developments from the public. In particular, clear communication between the planner in charge of the application, the RSLs and the local councillors – whose job it is to approve the application – can smooth many foreseeable barriers. Hammersmith's attitude is that the extra time spent managing the progression of affordable housing applications would have been spent anyway, later in the process, in less productive and more acrimonious ways. Spent upfront, it delivers both better quality housing and better planner and RSL relationships.

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### Inset 5: Birmingham: accelerated development programme

Under Chief Executives' instructions the different development departments are now working together to pilot new fast-tracking arrangements for major projects. The initiative aims to make it easier for investors to operate in **Birmingham**, responding to earlier criticism that the authority were holding up development with too much discussion about the nature of schemes, and this was losing the city investment. A conference was called, with invitations to developers who helped sketch out a more streamlined process for key applications as a move towards a 'one-stop-shop' mode of operating. The objective has been to give developers more certainty, not least to tell them early on if their proposals have little chance of success.

The scheme was recently launched and has now been formalised in a 'charter' or protocol for major projects. Each project is allocated a 'project champion' in the authority with targets set upfront around the developer's timetable, and a clear process written down and agreed by both parties. In particular, the council agrees to meet key deadlines and to give feedback on progress. Because of the complexity of the city, advice from consultations is co-ordinated and a development team is involved as early as possible in a scheme's life. To ensure staff resources are available to manage the workload, the Development Chief Officers' Group keep a list of all major projects (both potential and actual) to ensure they are in a position to react promptly when required. Significantly, the instigation of the scheme went hand-in-hand with a realisation that the development control service had been under-resourced, and that this had been partly to blame for poor perceptions of the service. If successful, the intention is to extend the process to a wider range of applications; and despite some suggestions that a two-tier system now exists in Birmingham, the experiment has generally been well received.



credit: Birmingham City Council

A charter for development

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process. In Birmingham, the realisation that the service had been under-resourced led to a reinvestment that enabled the introduction of a fast-tracking system and a key development list. The latter helps the department anticipate future workloads and therefore work more efficiently. In Newcastle, the housebuilders themselves resourced the project management required to fastrack a particular development. This project management shows that a two-way process is possible, with housing providers providing expertise and resources themselves in exchange for a streamlined service.

#### iii) Positive planning: pre-application discussions

With increased resources, more time and effort can be spent upfront in the planning process, establishing and updating policy frameworks – not least in ensuring that an up-to-date development plan is in place. Such work, including the preparation of development briefs, design and planning guidance and the use of capacity studies are discussed as a route to best practice in their own right later in the guide (see **Chapter 7**). Nevertheless, the effect of such early investments can significantly streamline the planning process by offering certainty and clarity in a policy framework to which applicants can respond. In Hammersmith and Torbay (see **Insets 4 and 6**),

pre-application discussions provide one way to engage early with housing providers and to clarify objectives and aspirations before any abortive work is done. In Torbay, pre-application discussions are particularly welcomed by the authority to clarify their design requirements for particular sites. Equally, local developer Midas Homes has been able to avoid ever going to appeal on an application. It has done this by being willing to engage early in meaningful communication, to establish and clarify both its own requirements and those of the authority. During the research the extension of the principle to pre-plan-making discussions was also highlighted. Such discussions were viewed as a valuable opportunity for housing providers to engage in the plan-making process early on, and in so doing, helping to build understanding and trust.

#### iv) **Protocols and timetables**

Most streamlining initiatives themselves depend on a further range of initiatives – the writing of and signing-up to protocols and concordats. At the national level, a range of concordats have recently been signed, such as *'The Planning Users' Concordat'* between the Local Government Association (LGA) and the business and voluntary sectors. At the local level, the success

### Watch points

- ▶ Streamlining does not necessarily mean throwing the baby out with the bath water. Start from where you are – from tried and tested processes – and think, from first principles, how they can be improved.
- ▶ Bring all key stakeholders on board early. There is little point, for example, striving for an eight-week planning decision if the planning agreement takes a further two months to be agreed because the legal team were not involved early on.
- ▶ Never treat design (including landscape design) as an afterthought; it will only cause delays further down the line which will not optimize solutions.
- ▶ Attitudes and perceptions will take time to change. Do not expect a new process to either solve problems overnight (or necessarily work as intended immediately), or change external perceptions of a service which will often have been built up over many years.
- ▶ Any change requires investment and innovative thinking upfront, but that should never be an excuse not to change in the first place.
- ▶ Involve end-users to advise on the process – they will usually be only too glad to help.
- ▶ Applicants have just as much responsibility to ensure a streamlined process as authorities, in particular by being flexible and willing to negotiate.



of any streamlined processes will also depend on the writing down of the process for all to see, and on the ownership of that process by operators and users alike. In Brent (see *Inset 7*), the use of protocols has been embraced as a means of systemising both the internal and external working relationships of the planning department with local RSLs; and separately, the internal working practices between the planning and housing departments. In both cases, key tasks are written down and given time allocations in a two-way process in which both sides agree to supply information at the right time in order to expedite the process. In Birmingham, the accelerated development programme is also formalised in a charter. Establishing key deadlines, critical paths and objectives early enough in the process is the key to success with such initiatives.

#### v) Other possible approaches

- ▶ **Increased delegation of decisions to officers** L  
although recent research has revealed that this does not always equate to a faster service.
- ▶ **Clear guidance to councillors and committees** L  
on their roles and responsibilities, and on the dangers of ignoring officer advice.
- ▶ **Streamlining planning obligations** L H R  
start negotiating early in the process, or preferably before development activity and outline requirements in the development plan or development briefs (see *Inset 19*).
- ▶ **Using pre-application consultations and community involvement** H R  
to gauge community feeling early, and to avoid political backlashes later (see *Inset 21*).
- ▶ **Avoiding planning appeals** H R  
minimise resorting to planning appeals at all costs; negotiate early and earnestly, and be willing to address those issues that can cause delay (for example, better designs or delivery of planning gain).
- ▶ **Avoiding enforcement** H R  
implement planning permissions, conditions and agreements honestly and in good faith.
- ▶ **Selective updating** L  
by avoiding the temptation to review the whole plan each time new government advice is released, and instead only selectively updating those parts directly affected.
- ▶ **Streamlining the statutory consultee process** L  
by working with statutory consultees to encourage quicker responses, and perhaps even drawing up mutually agreed protocols.

## **Inset 6:** **Torbay:** Investing upfront



credit: Midas Homes

Former Clarence Hotel site, Torquay



credit: Midas Homes

Model of Midas Homes' Marina Quay, Brixham Development

Midas Homes Ltd is a proactive regional developer, operating in the South West. The essence of the Midas Homes approach is to include the local authority (ie, **Torbay**) as part of the team from the start, and to involve them in the developer's decision-making process. The approach leads to a proactive working relationship with the planning authority, and avoids the reactive and negative relationships so often seen between housebuilders and planners.

Typically, Midas Homes talk to the planning officer at Torbay very early on about their own, and the authority's, aspirations for a site. Subsequently they return, first with sketch ideas and then with more detailed proposals, perhaps involving the conservation officer. To aid the process, the officers are more than willing to sit down and discuss design ideas before schemes become too concrete, and to give a clear indication of whether the local authority is likely to approve schemes. Such pre-application discussions greatly expedite the planning process to ensure that once an application is submitted it remains within the eight-week determination period, as officers already know what to expect. The strategy has worked well for the developer over the years, and at the time of interview, Midas Homes had never had to appeal a scheme. Their attitude, and that of the authority, is that a little more time spent upfront in clarifying objectives and aspirations, pays dividends in time and resource savings further down the line.

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In **Brent**, the decision to share information with local RSLs has brought dividends in an active – dialogue between local housing providers and the authority, and more effective joint working practices. One tangible benefit of the new approach has been the adoption of a type of service level agreement by the planning authority. In this, key tasks and the expectations of each party (such as the preparation of Section 106 agreements) are written down and given time allocations at the different stages of an application – pre-application and post-application. To aid the process, clear advice is available to RSLs on key issues including planning agreements and design matters. RSLs also agree to give the authority the information it needs at the right time to hasten the process of development control, and agree to undertake public consultation as and where required. This (along with the undertaking of housing capacity studies, which have greatly increased the speed at which sites come forward) has led to a more efficient planning process, and helped to address earlier concerns that new affordable housing was being delayed by the planning authority. To enhance the process a protocol agreement has also been drafted to aid a working partnership between the local authority planning and housing departments.

**Inset 7:**  
**Brent:**  
protocol (service-level)  
agreements

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## Why is streamlining a route?

Delay has consistently been the most frequent and serious cause of tension between housebuilders and planners, although the research indicated that RSLs are less concerned with speed than their private-sector counterparts (see **Figure A2** in **Annex**). As with so much of the relationship between housebuilding and planners, tension is the result of contrasting motives and interests:

- ▶ the market imperative of housebuilding versus the public interest of planning;
- ▶ the relatively short-term interest of much housebuilding (at least in the houses once built) versus the long-term interest of planning; *and*
- ▶ the site-specific interest of housebuilding versus the settlement-wide interest of planning.

For the housebuilder in the private sector it is important to seize the opportunity when it arises in an often-volatile market and to turn round capital as efficiently as possible in order to maximise investment returns. This is because, like most private industries, speculative housebuilding depends on maintaining cash flow in the short run and profitability in the long run – a difficult and risky business. In reality, this implies a careful control of investment in land and, once on site, building as many houses as the market will take, as quickly as possible. This simple reality reveals why so many housebuilders feel it is necessary to take the planning system head on and to resort to the appeals system to settle the inevitable disputes.

The situation is compounded by the extended production times of most new housing (far longer than many other commodities) and by the capital-intensive nature of the industry, where so much of the developer's capital is tied up in land and materials. This leads to a heavy reliance on well-trying and tested (marketable) design formulae, and on the need to gain all relevant approvals as quickly as possible. Delay is potentially an immense source of frustration that can increase risk and represent the difference between profit and loss. For RSLs, funding is equally uncertain and the need to secure public and private sources of finance means that unnecessary delay can jeopardise funding.

For the planner, the time taken to reach a decision is governed by three major factors:

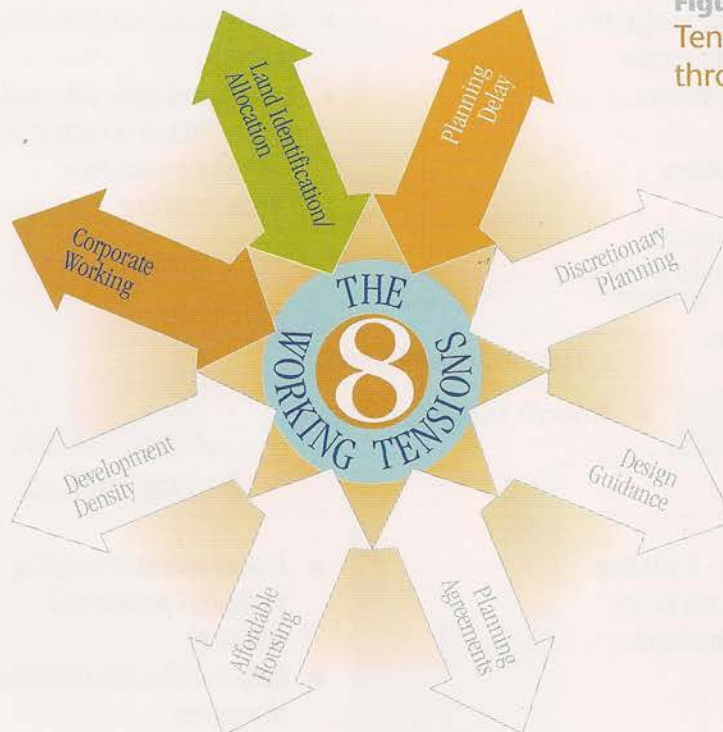
- 1 The process to be followed to reach any planning decision, including the need for consultation and review;
- 2 The changing policy context at a national level; *and*
- 3 The resources available locally for planning.

Many of the key factors determining the length of time it takes to plan - and subsequently implement - are therefore out of the direct control of planning officers. Instead they are determined by statute; by the effect of central government advice; and by the decisions of local councillors, for whom planning is just one of an often conflicting range of policy responsibilities needing to be resourced. The frequent result is a planning process with a 'fire-fighting' mentality, keeping up with the day-to-day, run-of-the-mill applications but struggling to deal as efficiently with the more complex planning applications and with the long-term activity of plan making.

Delay is possible in both plan making and development control. Since the adoption of a plan-led system, for example, the status of the plan has increased. Key decisions concerning the allocation of land in the development plan are now made far earlier in the planning process, and they are very difficult to change once adopted as policy. Key stakeholders - public, community and private - are therefore more willing to spend considerable time and effort influencing the allocation of land upfront. The inevitable result is a much longer adoption process.

Nevertheless, the British planning system is still discretionary in that each application is considered on its merits. Therefore, as the complexity of applications increases through the use of planning agreements, affordable housing requirements, the complications of brownfield re-developments, a more vocal public, and the demand for better designed developments, the whole process of development control is also frequently the subject of delay. The outcome is more time devoted to the process, and greater resources (and hence increased risk) from all parties.

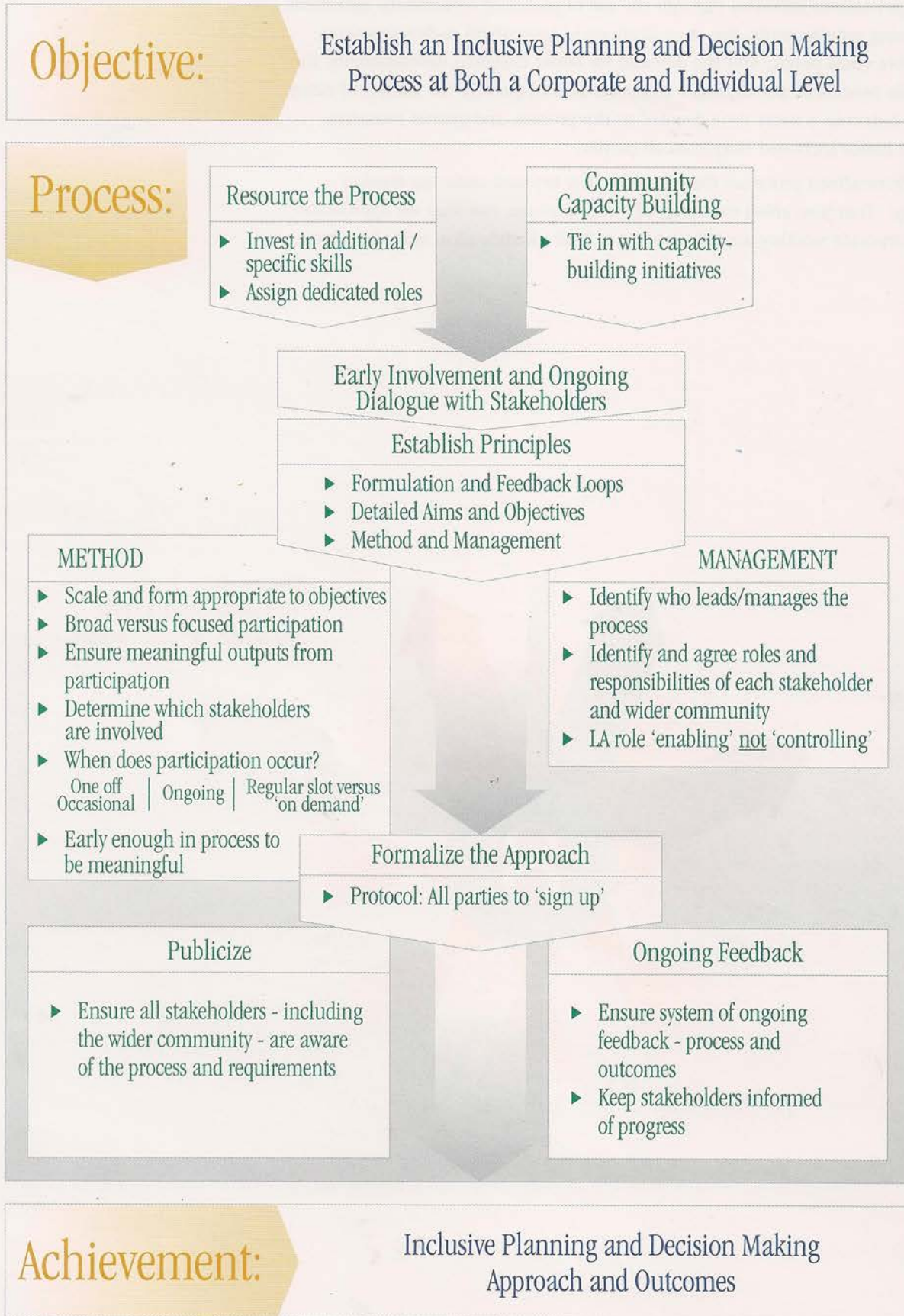
Streamlined processes directly tackle the key and enduring tension – delay. They also affect the range of other tensions, not least on approaches to corporate working and the process of land identification and allocation.



**Figure 4:**  
Tensions addressed  
through streamlining

## Route Map 2:

### Inclusive planning and decision-making processes



## 4

## Inclusive Planning and Decision-making Processes

### What is required?

This route to good practice shares many elements of the other routes. Key underpinning aspects are better understanding and attitudes, and enhanced co-ordination and management. There are three fundamental strands of an inclusive process that together can start to close the gulf between parties:

- ▶ Fostering a **sense of ownership** of the process and the outcomes to address any feelings of lack of control and to encourage a willingness to engage in the process.
- ▶ Using **shared knowledge** to form planning tools and development proposals that respond to the particular needs of a locality or community, or to the working processes of the organisations involved.
- ▶ **Setting the limits** by consulting early, and with integrity, and therefore forestalling the demand for more comprehensive involvement further down the line (when it is more difficult for housing providers to respond constructively).

The principle of inclusion in the development and planning process can take different forms. It can be formal or informal, ongoing or intermittent, wide-ranging or focussed, and directed towards policy formulation or feedback (preferably both). An inclusive process should have stakeholder involvement in formulation (of policy and proposals), and feedback at both policy-based and development-specific levels. This process should provide a framework for discussion, enabling relationships to develop between parties that would not normally come into contact. It should also enable wider

**Engaging with the full range of stakeholders in a meaningful way, encompassing the principle of all parties 'signing-up to' and 'owning' the process.**

understanding of different objectives, and identification of potential cross-party aims or common ground. Finally, and ideally, it should be an iterative process, with the involvement of the stakeholders feeding back into and shaping the outcomes. Unfortunately it is too often seen as a 'check-box' or 'token' undertaking, and is resourced accordingly.

The range of inclusive approaches includes consultation exercises, exhibitions and public meetings, forums, 'planning for real' workshops, cross-party 'panels' and working groups. It will not always be possible to bring all partners on board with the need for more development, but at least such approaches can help move 'anti-development' attitudes towards a more constructive acceptance of development. These approaches can also be important in clarifying the role that stakeholders can play in shaping development. Indeed, all key stakeholders can initiate and run inclusive processes – local authorities, housebuilders, RSLs and even local communities.

## How?

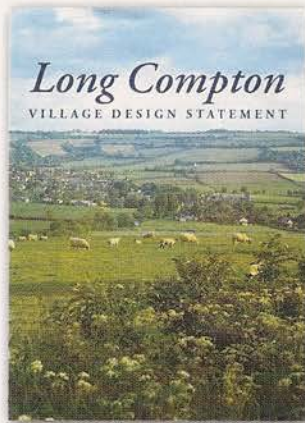
### i) Consultation exercises (housing and planning) at the policy-based level

A wide-ranging and detailed consultation exercise undertaken while formulating planning tools and policy, can be a way of ensuring that the wider stakeholders have an opportunity to comment and make suggestions. This will result in the final 'product' being more appropriate to the local and environmental context. Housing departments might also benefit from adopting similar approaches while forming their housing strategies, ensuring, for example, that planning departments comment on their plans and vice versa to deliver a co-ordinated framework (see **Chapter 5**). As undertaken in Stratford-on-Avon (see **Inset 8**), a consultation exercise with extended scope beyond the local context can also draw on the experience of other professionals who have experience in creating similar tools. By such means a climate of shared experience between local authorities, academics and other organisations and individuals can be fostered. As the case study shows, if the process is established at an early stage, a more positive outcome is facilitated. The policy or guidance is also likely to be accepted as something that other stakeholders will become involved with and 'sign up to'.

### ii) Consortia input

In common with user forums and working groups (see (iii)), a consortium approach to consultation is a proactive initiative that enables a more consolidated housing provider response, as experienced in Brent and the Southwest (see **Inset 9**). Many smaller RSLs may have limited experience of the planning process or of dealing with developers during planning gain negotiations. The creation of consortia – and hence opportunities for sharing knowledge – may go some way towards addressing this problem. Sharing the resource burden through a consortium (formal or informal) of housing providers can also enable an increased level of proactive input.





credit: Stratford-on-Avon District Council



Long Compton: The old and the new



credit: Stratford-on-Avon District Council

Several approaches that seek to ensure that policy tools are appropriate and relevant are in place in **Stratford-on-Avon**. A consultation exercise for the recently adopted District Design Guide (residential) was wide-ranging in its scope. 500 copies of the draft document were sent out to consultees, including most of the local housebuilders, the parish council, statutory bodies and appropriate broader consultees (including academics) at a nationwide scale. The housebuilders felt that as consultation occurred at a reasonably early stage, it enabled meaningful involvement and a positive outcome.

Stratford-on-Avon District Council promote a full hierarchy of design guidance, including the support and facilitation of Village Design Statements (VDS). VDSs are formed through a community-led process, including community workshops and other techniques. A full-time project officer takes a supporting and enabling role in this process. A VDS was prepared by the Long Compton community as the residents were keen to maintain local character in the light of an increasing level of development pressure. A co-ordinating group was set up through the support of the local parish council and with interested volunteers. The community-led process was undertaken with the help of the VDS project officer and step-by-step guidance material. The co-ordinating group produced the final document (over a year) through a process of questionnaires, participatory workshops and local consultation. The process was partly funded by the Warwickshire Rural Action Fund and the parish council, and relied heavily on volunteer time. Local people view the process and outcomes as a positive undertaking, introducing an element of local 'control' and ownership of the process. The VDS operates as Supplementary Planning Guidance. Developers suggest that the VDS can increase levels of clarity in the planning process, but that issues of interpretation by the local authority can still be problematic.

### **Inset 8:** **Stratford-on-Avon:** consultation exercises and community-led village design statements

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## Inset 9:

### Brent and the South-West: consortia input



credit: National Housing Federation, Oldfield King Planning and the Housing Corporation.

A report for the Housing Corporation and Devon and Cornwall Housing Association

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Within the London Borough of Brent, there is a great need for affordable housing due to the rising cost of housing in London. Limited land supply has meant that RSLs are now financially unable to acquire land on the open market. In response, the RSLs in the area have adopted a proactive approach to influencing the planning mechanisms, to facilitate the development of affordable housing. A group of RSLs operating in the area initiated a 'consortia' approach to consultation during the recent UDP review, and consultants were commissioned to undertake an appraisal of the draft policies and to present a co-ordinated response. This amalgamation of views proved very useful to the LA, and enabled specific elements to be adapted; in particular, a new definition of affordable housing (for technical purposes) was established.

A similar approach has been utilised within a number of authorities in the South-West, the impact of which (over time) has been the subject of research. The consortia (with involvement from the National Housing Federation) were formed to promote the interests of the member RSLs. Planning consultants representing the consortia were able to assess the draft documents and discuss the findings at regular meetings with the local authorities. The RSLs involved felt that the outcomes were positive; a greater emphasis on affordable housing had been established within both the various structure plans and local plans affected, and better integration has been achieved between development plans and housing strategies.

## Inset 10:

### Birmingham: user forums and working groups



credit: Birmingham Social Housing Partnership

Research and understanding is critically important.

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Birmingham City Council acknowledges the need for ongoing review and feedback, from the development industry, on the performance of the planning process. This is part of the corporate culture of seeking to adapt and innovate their function, as a means to encourage and promote development and investment within the city. The Planning Department and the Economic Development department each have a user forum of 'industry' representatives. The Planning and Architecture User Forum comprises agents, architects and surveyors, whilst the Economic Development User Forum comprises agents, surveyors, property agents, property owners and landowners. This is an ongoing context for the authority to test new ideas, monitor the outcomes of initiatives; and potentially learn about development issues within the city.

The Birmingham Social Housing Partnership (BSHP) is a group of RSLs operating within the city, with a formal agreement of association – a 'non-aggression treaty'. Jointly with the authority, BSHP works on several strategic issues in the areas of affordable housing, management, rents, the planning process and the means of choosing council partners. Conference-type meetings are held as a form of knowledge sharing, and outside research has been jointly commissioned (with the authority) on a number of issues. A sub-group of RSLs meets with the council's policy working group, and policy matters are discussed in detail. The outcomes of these discussions and research are an important step forward. Furthermore, as the process is jointly owned, the commitment to innovate and adapt is also potentially cross-party.

For example, commissioning or joint commissioning (with the LA) research and analysis and representations on specific aspects of the process, as undertaken in Brent or Birmingham (see **Inset 9** and **10**). The establishment of consortia can further provide a formal point of contact between the LPA and the housing providers, enabling an ongoing relationship for feedback and participation, and with the potential to tie in to a system of 'partnering'. This approach can enhance the credibility of RSLs, enabling a relationship on an equal footing with the planning officers and improving the levels of mutual understanding between the RSLs and the planning officers. It also helps to foster realistic expectations. ('Enabling officers' have a key role to play within these types of consortia – see **Inset 13**).

### iii) **User forums and working groups**

User forums and working groups are a good way of establishing an ongoing point of feedback or contact between the planning authority and the housing provider, and other relevant parties (for example, consultants and agents) at the strategic (non-development) level. In Birmingham, this approach has been used to establish a dialogue between the parties as a way of monitoring the planning process and potentially identifying and addressing common points of tension within a neutral (non-development) setting. The forum meets every three months (a lunchtime session with the authority providing the lunch), and is invited to discuss any relevant issues. It enables the sharing of knowledge, increases mutual understanding and can provide a ready-made context for forming and developing initiatives in an inclusive way. Continuity among the individuals involved enables a long-term working relationship to evolve. Industry representatives benefit from an opportunity to shape the process, while establishing an ongoing relationship with the local authority.

### iv) **'Planning for real' and public workshops**

'Planning for real' exercises and public workshops can be undertaken at both the strategic (policy-based) and development level. This form of focussed participation requires strong management and a clearly defined set of objectives. At the strategic level, 'planning for real' exercises can be used to establish local planning guidance that embraces the aspirations of the community, while taking advantage of local knowledge. In Stratford-on-Avon, the process is used to form community-led Village Design Statements (VDSs) through a dedicated enabling officer. At the development level, this approach can be used to establish site-specific development briefs, as shown in the Cambridge case study (see **Inset 11**), and in appropriate circumstances to develop a design in more detail.

This approach requires 'enabling' rather than 'directing', and can potentially provide a framework within which detailed local issues are identified and explored. It enables direct negotiation between the relevant stakeholders – a key part of the process in Cambridge. At the development level, it can also be good practice for a housing provider to proactively establish and maintain contact with the wider community (and councillors) at an early stage. This can identify potential 'sticking points' and start to address any latent community opposition. Yet success in implementing both 'planning for real' and development control forums (see below) depends heavily on the commitment of individuals. Cambridge City Council acknowledges that senior level staff play a key role in driving and establishing the approach, while the officers are very committed and dedicated despite limited resources. Attitudes of applicants and petitioners also strongly affect the outcome, particularly the willingness to establish a relationship as the basis for meaningful discussion and negotiation.

## **Inset 11:** **Cambridge:** inclusive and corporate planning processes

An inclusive approach to the planning process is now an established corporate objective in **Cambridge** City Council. This has many strands that have gradually developed over time. 'Planning for real' exercises help to form site-specific planning briefs and to gauge the community's opinions. Usually a public meeting is held to discuss general planning issues about the site, then workshops tackle the issues identified in more detail. So far, the process is only applied to large-scale developments.

As an example, there was a high level of community objection to an application for a site to the north of the city centre, so public meetings and workshops were held as a basis for negotiation between the residents and the applicant. The initial meeting was very combative, with the residents feeling threatened by the proposals and resenting their own lack of control. Discussions and workshops then revealed areas of potential compromise acceptable to both parties, and a very positive relationship developed between the community representatives and the applicant. This enabled negotiation at a core 'liaison' level to progress behind the scenes. In a further example, a development control forum was held on an application about a site to the north of St Andrew's Road, in an established, mainly residential community to the north of the city centre. The petitioners included residents skilled in planning matters and presentation. This enabled them to tackle the forum and representation from a strong position.

Inclusion at a corporate level extends to the relationship between the council's housing and planning departments. Within the local plan, affordable housing needs are clearly set out (30% on sites of over 20 units), and on all suitable outline applications the housing department are consulted and, where appropriate, get a housing association on board as early as possible and jointly organise local consultations. Finally, to keep in contact, the housing and planning departments get together to review sites in the pipeline every five weeks. The aim is to encourage joint involvement on all sites early in the process.



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#### v) Development control forum

In Cambridge, the development control forum is used to open up the planning process (a form of 'safety valve') to enable wider community involvement in the decision-making process for significant applications. The purpose of the meeting is to mediate and seek compromise. If valid planning points arise (supported by the members), then applications can be re-negotiated, although sometimes agreement is achieved at the meeting. Consequently, all those involved in the decision-making process (including the planning committee) reap the benefit of an ongoing and detailed knowledge of the relevant issues. If there is an appropriate level of objection (25 petitioners) to an application during the statutory consultation period, then a forum is held. The forums take place in a four-weekly slot, and all planning sub-committee members are encouraged to attend, alongside the case officer, the public and the press. The Director (or Assistant Director) of Planning chairs the meeting, and the applicant and petitioners are allowed three representatives each. The applicant and each petitioner are given up to 20 minutes to make comments, after which the members are allowed to ask questions. The process is formally recorded. Cambridge City Council suggests that the key to success is to get people's views as early as possible.

#### vi) Other possible approaches

- ▶ **Public exhibitions, websites and the local media**     
to aid consultation and spread awareness.
- ▶ **End-user workshops**     
creating design guides to include workshops with end-users as a means to identify what does (and does not) work for the residents.
- ▶ **Knowledge-building**     
use long-term approaches to knowledge building, inclusion and involvement in built environment issues within the community. Examples include a 'suggestions box' in a public area; a formal and ongoing means of consultation and information; and enhancing local awareness of issues and impact through formal review (with objectors) of contentious schemes after their completion, to address whether fears were unfounded.
- ▶ **Neighbourhood forums**    
which enable ongoing involvement, capacity building and feedback from all parties over the long-term.
- ▶ **Knowledge sharing**   
to encourage consistency between authorities, potential for knowledge-sharing and central guidance.
- ▶ **Enquiry by design**     
is a process of involving the stakeholders in the collaborative planning and design of sustainable urban extensions. The process is similar to Urban Design Action Teams (UDATs), with facilitators brought in to guide a collaborative and intensive process of discussion and design, structured over several days. The outcome is a masterplan which participants do not have to be bound by, but which they must agree to be influenced by. It provides a basis from which to negotiate when taking a development forward (Prince's Foundation 2000).

## Why are inclusive processes a route?

The planning system is essentially the interface between the key parties in the development process, and the means through which development is publicly endorsed. It is therefore important that the interests and needs of all of the parties – including the wider community – are acknowledged.

Many tensions in the planning process occur because of the gulf between the motives and understanding of the different parties, including the wider community. There is, for example, a widespread perception that many of the principles and elements of current planning policy are not accepted or understood by the wider community, including council – and planning committee – members. The issue of density is one such example. Conversely, there is also a view that many policies and proposals are not

### Watch points

- ▶ Senior and director level commitment and support is crucial to drive and fund inclusive processes.
- ▶ These processes can be resource-intensive, although potential delay in the initial stages is offset by a smoother route overall and more positive outcomes, with reduced necessity for appeal.
- ▶ Negative or defensive attitudes at the outset can be problematic; willingness to adapt and flexibility are required.
- ▶ Sometimes more focused involvement is more appropriate than wider consultation or participation, avoiding issues of several tiers of public representation.
- ▶ There is a potential for 'meeting fatigue'; a core 'liaison' group (constituting key members of all parties) can maintain continuity, establish a strategic negotiation context and maintain the impetus of the process.
- ▶ Some established communities may be better equipped than others to engage in such processes, necessitating an element of capacity building as part of the process.
- ▶ The process should be 'enabled'. A 'light hand' approach should be used within 'planning for real' exercises, to ensure that particular solutions are explored, but not imposed.
- ▶ Hostile and defensive attitudes from councillors and the wider community are not uncommon. Knowledge-building exercises within the community to explore development issues (location, nature and density) can help to address this.
- ▶ A 'user forum' approach may not involve key parties or stakeholders as it is focused on the 'interface' of the planning service. There may be scope to translate the principle to become a wider 'sounding board', addressing broader development issues.
- ▶ There may be conflict between the community's understanding of the process and that of other stakeholders, with the community seeing 'planning for real' as a means of controlling or restricting development. Again knowledge- and capacity-building exercises are important.

realistic or responsive to the local context. This adds to conflict and delay and worsens an often already 'combative' relationship between the local community, the elected members, planners and housing providers.

An inclusive, and more streamlined, process can foster a more co-operative approach. Establishing an early dialogue can potentially overcome contentious issues at an early stage. It can also provide an opportunity for all parties to understand each other's motives, and gain a better understanding of the planning and housebuilding process. There can, however, be 'costs' to this approach. The actual process can require increased resources and different skills, and if involvement and inclusion are to be meaningful then a level of compromise is, to an extent, inevitable. So a willingness to adapt is needed.

Also, more time may be needed during the initial stages. However, this could be balanced later by the benefits of having a smoother process overall (saving time by avoiding classic NIMBY responses to development proposals), leading to better outcomes that all parties 'sign up to'.

Pursuing more inclusive planning and decision-making processes directly tackles the key tensions concerned with perceptions of design and density, and delay and the discretionary nature of planning.



**Figure 5:**  
Tensions addressed  
through an inclusive  
process

## Route Map 3:

### Integrated and realistic working practices





# 5

## Integrated and Realistic Working Practices

### What is required?

The key principles of integration and realism involve establishing joint working practices within and between organisations, and the formulation and implementation of policy tools and proposals that are holistic, realistic and fit within an agreed framework. Appropriate skills, shared knowledge, understanding and awareness of contexts, limitations and constraints are therefore key components in achieving and enabling realistic processes and outcomes. Best practice involves:

- ▶ integration and co-ordination of working practices and implementation:
  - ▶ *within an organization, both corporately and individually*
  - ▶ *between organizations*
  - ▶ *with wider involvement.*
- ▶ integration and co-ordination between:
  - ▶ *the different tiers of policy*
  - ▶ *different strategies, policies and guidance appropriate to an area*
  - ▶ *a development proposal, and the policy and physical context*
  - ▶ *elements of a development to its totality.*
- ▶ realism through:
  - ▶ *understanding contexts, constraints, roles and motives*
  - ▶ *policy, process and stakeholder responsiveness*
  - ▶ *skills availability*
  - ▶ *shared knowledge and shared undertakings.*

**The co-ordination of roles, processes, mechanisms and outcomes, through integrated working practices that encourage inter-stakeholder awareness, and therefore greater realism.**

At the strategic level, partnership – or joint – working (both formal and informal) between organisations can facilitate responsive planning tools, and enable implementation processes that benefit from greater certainty and consistency. Formalising the link or working practice can enhance the relationship between different departments within the same organisations by introducing new 'liaison' roles; inter-departmental working protocols; or through rationalising the structure of the organisation to combine or link functions where appropriate. The success of such corporate working initiatives depends on the individuals involved, and their willingness and attitudes. Informal methods of establishing links and co-ordination can also contribute; while enhancing skills, knowledge and understanding within and between organisations also has a role to play. The lessons are just as important for housing providers as for local authorities. For large housebuilders, for example, the different working practices of their various subsidiary companies and regional offices can lead to large differences in local practice. For local authorities, the need for co-ordination between planning and housing departments represents a key recommendation of the research.

At the development level, partnership working is also a key initiative, enabling shared knowledge and integration. Formal partnerships between organisations (where appropriate) can potentially simplify the process, through decision making in parallel and co-ordinated project management. Informal partnerships facilitate similar benefits within contexts where formal (or legal) agreements between the parties are not appropriate.

Realistic policy is about establishing achievable objectives. Realism in forming planning obligations is one example (PPG1 states that obligations and conditions should be both 'reasonable and enforceable'). At the same time, policy realism has to be viewed as a product of both social (community involvement) and commercial (business oriented) objectives. Thus, authorities should take care to ensure that their requirements are both appropriate to the size and scale of the project, and that they are proportionate to its effects. Housing providers, on the other hand, should be prepared to ameliorate the social and environmental costs of their development. Policy realism therefore arises from local understanding, and realistic planning policy can only be developed by those close to – and with an awareness of – the local situation.



Great Notley



credits: Countryside Properties

## How?

### i) Strategic partnerships

There are many different forms of strategic partnership. A formalised association between the local authority and selected RSLs (usually on a competitive basis) can establish certainty and continuity in assigning S106 affordable housing obligations and joint commissioning.

The constitution of the Braintree Housing Partnership (see **Inset 12**) is set up for three-year periods, while the key partner agreement is renewed every year. In this instance, the LA or developers bring appropriate developments to the table and these are 'shared out' between the RSLs who operate on a mutually 'non-aggressive' basis. The partnership approach establishes a culture of shared knowledge and undertaking between partners, enabling innovative approaches to the sharing and management of information, as in Bolton (see **Inset 15**). As well as benefits at the development level, partnerships can also function as ongoing 'forums' or panels for review, feedback and proactive involvement. Authorities should be careful, however, that partnerships include a range of partners (which are regularly reviewed) in order to avoid conflicts of interest or the stifling of competition.

**Braintree** is currently undergoing something of a housing boom, partly because of its proximity to Stansted Airport. A detailed needs survey was undertaken on behalf of the local authority housing department in 1998, the outcomes of which helped to establish the Braintree Housing Partnership (BHP). The partnership comprises the local authority, three RSLs (selected on the basis of past performance, standards and approach), a developer (Countryside in Partnership), a solicitor and an employer's agent. The continuity of development has provided a level of certainty that has helped the RSLs agree to different shares of units on individual sites, with parity over the total value across the various developments. The RSLs have had to establish a common specification, from which benefits accrue because of increased certainty in cost projections.

Great Notley Garden Village (on the outskirts of Braintree), which is being developed by Countryside Properties Plc, provides the foundation for BHP. This development partnership enables mutually non-aggressive RSLs to maintain continuity and certainty with one developer who functions (formally) as contractor and land vendor combined, providing either free land or free units (as in the Section 106 subsidy for affordable housing). The grouping and phasing of individual sites enables decisions to be undertaken in parallel, with constant review, benchmarking (from one phase to the next) and innovation explored through cross-party workshops. The function of the partnership is evolving over time, and the participants acknowledge the need for a streamlined and controlled system of management alongside commercial imperatives to drive the process.

### **Inset 12:** **Braintree: strategic and development partnerships**



Great Notley Garden Village

credit: Countryside Properties

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## ii) Liaison or enabling officers

Formalising links or working practices between local authority departments (particularly housing and planning departments) can contribute to smooth internal and external processes, while ensuring that the remit of one department is thoroughly acknowledged within another. Key benefits accrue through establishing a 'liaison' (or enabling) role between the planning and housing departments as in Stratford-on-Avon (see **Inset 13**), while the interface with housing providers is enhanced and the interests of RSLs are emphasised. Potential co-ordination can be encouraged through the location of the post within both departments for 50% of the time, with an established protocol for involving the officer in each department. Preferably someone with a background in both planning and housing should undertake the role.



New homes at Lower Quinton

credit: Sue Collier

### **Inset 13:**

#### **Stratford-on-Avon: enabling officer and 'partner' RSLs**

For 10 years, **Stratford-on-Avon** has had a Development and Enabling Officer in a liaison role between the planning and housing departments. Based equally within both departments, the officer has played a key role in ensuring that the interests of RSLs are acknowledged in guidance, policy and applications; and in 'shepherding' the RSLs through the planning process. Local developers and RSLs agree that the initiative is valuable, as it injects levels of certainty about affordable housing requirements and contributes to a smooth process, reducing friction between the parties.

A Housing Partnership Agreement has operated in Stratford-on-Avon since 1997, and has recently been revised. Joint commissioning will also be introduced from April 2001. These mechanisms are and will be used to direct developers (of sites where there is, or is likely to be, an obligation to provide affordable housing) towards a preferred RSL, selected from the eight RSL members of the Partnership. Used in conjunction with a Section 106 Agreement (drafted to give a high level of certainty on land transfer and clarity on land values for affordable housing), these arrangements seek to enhance certainty of delivery and, in particular, avoid the problem of 'aggressive' (and ultimately self-defeating) competition between RSLs. It also improves the prospects of developers and RSLs developing constructive working relationships, in line with the Egan agenda. The 'preferred partner' approach, while generally supported by the Housing Corporation, is not yet supported in government advice.

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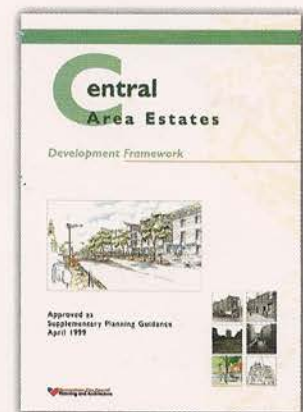
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### iii) Corporate working: integrated and joint strategies, policies and guidance

This initiative operates at different levels. It can overlap with the concept of strategic partnerships, where an area-based approach is undertaken with combined housing and development strategies, common objectives and partners (from both private and public sectors) to deliver housing, as in Birmingham (see Inset 14). It can be expressed through a more thorough integration of planning policy and housing strategies, for example in Cambridge (see Inset 11). It can also include methods of corporate and inclusive working, within and beyond the local authority, to produce policy tools that reflect common interests and acknowledge requirements specific to the local context (for example, the formulation of SPG on affordable housing in South Lakeland (see Inset 18)). There can, however, be potential constraints to close working between housing and planning departments, reflecting their different frameworks, targets, budgets and legislation. This can be alleviated to an extent through establishing an ongoing working relationship or 'protocol'; or, by undertaking a major joint-working exercise (as at Birmingham or South Lakeland), or by enhancing shared and dual skills.

Estates renewal is a key part of Birmingham City Council's housing strategy. The award-winning renewal of the Pype Hayes estate is an example – a mixed tenure development of 1,650 new dwellings to be completed by 2003. The work is being undertaken through a 'joint venture' type of partnership, with three RSLs and five private developers. The process has been very inclusive, with resident-led steering groups involved in shaping the outcomes. Optima Community Association, in parallel with a stock transfer from the LA, was established to deliver the renewal of Lee Bank (an inner-city estate) with an Estates Renewal Challenge Fund grant. It has an area-based Joint Development Strategy agreed between the LA, Optima and other partners, with defined objectives and a common programme. As a result, it is a 'joined-up' and efficient use of resources; the capital programmes are on target, and any retained assets are ring-fenced and re-invested. There is also a high level of community and tenant representation and involvement. Optima part-funds a dedicated planning officer within the authority, who is involved in fast-tracking the planning applications, facilitating a smoother and more inclusive process and a closer relationship between the parties.

Corporate co-ordination between different policy strategies for the whole administrative district is also something that is encouraged within Birmingham City Council. The housing and strategy chapters of the UDP, for example, were drafted then reviewed on a 'line-by-line' basis by a panel of housing and planning officers. A specific joint consultation document was also sent out prior to drafting, to RSLs and developers operating in the area. For project work, the approach is to get all around the table at the start of the process, instead of in a series of bilateral meetings. The objective has been to establish a series of shared corporate objectives early on.



Central area estates development framework

credit: Birmingham City Council

#### Inset 14: Birmingham: strategic partnerships, joint strategies and policies

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Corporate working requires authorities to move beyond closely defined roles and responsibilities to consider how, by working with other departments, shared objectives can be identified; resources can be pooled; and more efficient and effective processes can be put in place.

Effective corporate working requires:

- ▶ agreed authority-wide corporate objectives, based on a strategic vision;
- ▶ a willingness to share information and resources;
- ▶ commitment to joint working at the highest level; *and*
- ▶ a desire to seek collaborative, shared solutions to problems.

In the specific context of planning and housing, it might imply:

- ▶ co-ordinated policy frameworks (development plan policy and housing strategies);
- ▶ keeping in touch – meeting to discuss joint interests, initiatives and projects in the pipeline;
- ▶ preparing joint guidance or protocols;
- ▶ pooling resources on, for example, consultation exercises;
- ▶ inter-departmental meetings early in any project's life span;
- ▶ funding joint liaison positions (see above);
- ▶ including housing departments on the statutory consultee list;
- ▶ moving, in time, beyond bilateral to multilateral modes of working – inter-departmental, inter-agency and inter-authority; *and*
- ▶ investing time and effort upfront to reap the rewards further down the line.

#### iv) Sharing knowledge and information

Actively building relationships is an essential means of gaining greater knowledge and awareness. This can involve gathering local intelligence and sharing this information between partners, as in Bolton (see **Inset 15**). It can also involve raising awareness of the different constraints faced by partners. Initiatives in Brent (see **Inset 16**) involving lunchtime presentations and seminars undertaken in conjunction with an RSL – or the RSL consortia in Brent and the South West (see **Inset 9**) – directly or indirectly aim to build relationships, while recognising the limitations of 'going it alone'. The initiatives have shown the complementary nature of partners' skills bases (and some of the gaps) and the importance of investing time in shared learning. These relationships represent acknowledgement that no one stakeholder has a monopoly over skills or knowledge. They also show that by bringing skills together, better outcomes can be achieved.

#### v) Development partnerships

Development-based partnerships can be a way of achieving development smoothly and of establishing a formal or informal dialogue between the different parties at an early stage in the process. This will ensure that a specific development is achieved in an integrated and holistic manner. Different types of partnership may be appropriate in different contexts; for example, reflecting the different scales and nature of development. Levels of commercial openness and trust are required, as is strong management (establishing who will drive the process) and efficient administration to avoid unnecessary duplication of tasks. Key elements of the approach can include regular cross-party meetings, partnering



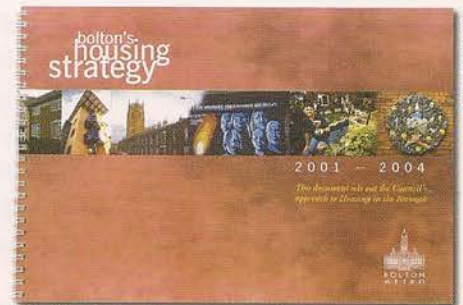
New houses, Bolton

credit: Bolton Metro



Improving old terraced housing

credit: Bolton Metro



Bolton's housing strategy

credit: Bolton Metro

Consortia working structures are also adept at improving the way information moves between partners. This comes both in the form of shared experience and learning, and from 'real' data on affordability and the nature and extent of housing needs etc. The **Bolton** Community Homes (BCH) initiative (set up in 1992) brings together several large and small RSLs operating in the borough, along with officers from the local authority (housing and planning). BCH is currently looking at ways to improve the means by which partners share and manage data electronically. Better information will result in more consistent dealings with developers, particularly if the partners (RSLs and the LA) reach an agreed view on the nature of housing need in the borough.

The BCH partnership is also concerned with how changing circumstances in Bolton can be monitored effectively (drawing inferences from small local studies, housing registers, national and regional data sources and information gathered by Greater Manchester Research), rather than expensive borough-wide research. Again, BCH hopes to achieve this aim through regularly sharing information and using new technology.

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Policies need to be both workable and acceptable. For this reason, **Brent** have been keen to involve RSLs in knowledge-sharing exercises, the outcomes of which feed into the UDP review. Representatives from Notting Hill Housing Trust (an RSL active in the area) were invited to contribute (alongside the housing and policy departments) to a lunchtime presentation in the development control section. The presentation was attended by 50 people from the local authority and covered such issues as why development control was under pressure from RSLs; what RSLs do; how they are financed; and the land constraints they face (inability to compete in the open market). A dialogue emerged from the presentations, increasing mutual understanding and enabling a more effective working relationship. All parties saw it as positive. The dialogue and shared knowledge has affected both the content of the policies (e.g. thresholds and definitions), and also how they are implemented (a type of 'service level agreement' or protocol, defining and clarifying the process and outputs).

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workshops, joint decision making and accountability; while sharing the burden of technical and management resources can be a potential benefit. The development at Great Notley Garden Village (see Inset 12), for example, is essentially an extension of the activities of Braintree Housing Partnership (a formal association) and its (largely informal) interface with a developer (Countryside Properties). Other formal partnerships or associations between the local authority, the private sector and RSLs (for example, the Estate Renewal initiatives in Birmingham) can be a very inclusive, responsive and strategic way of delivering housing in a co-ordinated way.

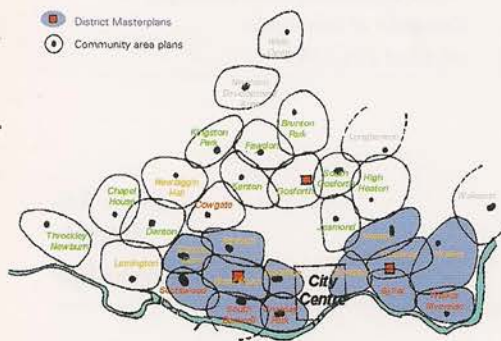
## vi) Integrated project management and negotiation

Co-ordinating project management and negotiation between parties without a formal mode of association can become critical at larger scales of development. This approach represents a multilateral commitment to achieving agreed outcomes. As mutually agreed objectives often have no formal basis, as in Newcastle (see Inset 17), it depends heavily on the attitudes of the organisations and individuals involved. Integrating the management of the process requires an early establishment of (and



credit Bryant Group and Leech Homes

### Inset 17: Newcastle: integrated project management, negotiation and development proposals



Masterplans and area plans:  
The Citywide Strategy

credit Newcastle City Council

The scale of the proposal and the limited commercial timescale at Newcastle Great Park required a co-ordinated and committed approach to managing the process and the negotiations. Objectives, outcomes and timetables were agreed in detail and a series of working groups were set up in both organisations to achieve these agreed outcomes. Strategic co-ordination took place at regular Officer Working Group (and later Core Implementation Group (CIG)) meetings. If the group could not agree, the matter could go to a chief-executive-level panel: formal decision making rested with a cross-party sub-committee of the full council. A preliminary inter-departmental 'shopping list' for the Section 106 agreement was established by the LA, which was then negotiated and agreed in a concise way by a single (director-level) point of contact.

The scale of the development optimises the effect of planning gain. All parties feel they have learnt a lot from the close working nature of the process, and the requirement to engage with each other and adapt to emerging policy. The development proposals are integrated: at the detailed design stage 'Development Site Strategy Statements' (DSSS) are prepared and submitted for each 'cell' (portion of the site). Each DSSS goes through masterplan and policy tests, and is essentially the means of drawing together (and ensuring that each 'cell' meets the requirements of) S106, the masterplan, the UDP and the LA design code. The developers suggest that this approach requires strict management and cost control; there also needs to be recognition, by the LPA, of the commercial pressures associated with bringing such a big scheme forward.

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commitment to) mutual objectives, alongside the co-ordinating of outputs and timetables (planning and commercial). Establishing a hierarchy of negotiation and decision making (with preparatory inter-departmental negotiation leading to 'one-stop-shop' senior level decision-making) can also be crucial. Unfortunately, co-ordinated project management can become very unwieldy in terms of administration and communication, due to the large numbers (and hierarchies) of people involved. Tight control and strong management is therefore crucial

#### vii) **Integrated development proposals** L H R

The outputs of the process also need co-ordinating and integrating. This is largely the role of better urban design, ensuring that large projects are co-ordinated between phases and that small projects add up with their context to create a coherent whole. This involves understanding and responding to the existing context and relationships, co-ordinating services, amenities and infrastructure as well as addressing issues of character and 'place', and the wider impact of the development in social and economic terms (such as at Newcastle Great Park). Phasing of a development can be an important tool to tie a development to its context and improve the effect of construction and development. Existing residents may wish to throw up barriers around their established communities, leading to disconnected and inherently unsustainable developments. This should be resisted, not least by seeking to explain the benefits of more integrated schemes.

#### viii) **Other possible approaches**

- ▶ **Acceptance of national targets and policy** L H R  
LPAs to avoid 'undershooting' and to embrace the role of 'enabler'; housing providers to adapt to emerging policy requirements; wider community involvement; understanding and acceptance of planning targets and policy; and how they impact upon local contexts.
- ▶ **Locally-set performance indicators** L  
adopt and adapt local Best Value indicators to identify and monitor key problem areas. To cut across key policy areas and to measure and encourage holistic working practices, cross-disciplinary Best Value indicators might be adopted.
- ▶ **Address cross-disciplinary skills and expertise shortage** L H R  
design, planning, housing management and development economics to be addressed through CPD and training.
- ▶ **Corporate strategies** L  
which, under the Best Value regime, provide the opportunity to co-ordinate local authority activities and place the planning vision firmly into the broader holistic and cross-departmental disciplinary vision for the local authority area.
- ▶ **Matrix management structures** L  
including cross-departmental committee structures, and cross-disciplinary management arrangements and objectives. At Wycombe, matrix management is used across the authority, with cross-departmental committees and corporate priorities based on MORI surveys, carried out every two years.

## Why is integration and realism a route?

Many of the tensions experienced in housing provider and planner relationships can be attributed to a lack of integration and realism. This can occur throughout the whole process, both at a strategic (policy) level and at the level of individual developments. Indeed, many of the problems created by the lack of integration and realism at the policy and strategic level have a trickle-down effect on development control and implementation processes.

Inconsistencies between the different tiers of planning policy (regional, county and district) can lead to uncertainty and delay, and can perpetuate combative attitudes between the different parties (for example, in relation to assessments of housing need and demand, or disagreements over the need for any housing at all). A common perception is that LA analysis and consequent policy requirements are over-simplistic; with allocations, capacity and need not reflecting local context and market conditions. Equally, housebuilders' commercial assessments of housing demand may not adequately reflect issues of need and context.

The lack of co-ordination between different strategies, on a cross-disciplinary and geographical basis, can also cause problems. A lack of co-ordination between housing and economic development strategies, for example, can restrict land availability and viability, as housing demand (or

### Watch points

- ▶ Potential conflicts of interest can occur in partnership arrangements where the LA is involved. Such arrangements give potential commercial advantage to existing partners, therefore prejudicing future competition. The role and motives of LAs can be an issue (controlling or promoting?).
- ▶ Due to the large number of people involved in project management, the process can become unwieldy and a drain on resources. Streamlined means of involvement, administration and communication can help.
- ▶ A commercial motive driving the process can potentially ensure levels of accountability, and can also ensure that targets and timescales are met, and undertakings are actioned.
- ▶ LA implementation processes may not be as geared up as commercial project management skills and programming; benefit can be found through enhancing these skills and systems.
- ▶ Without formal agreement between organisations, it can be difficult to maintain impetus and participation internally. High levels of trust are required, enabled by an overarching commitment to the desired outcome. There is potentially a lack of 'leverage' without a formal agreement.
- ▶ Institutional and corporate unwillingness to change remains a key constraint.
- ▶ Spread responsibilities according to recognised skills. Leadership is important, but projects should not rely excessively on the input of particular individuals or parties.
- ▶ Ongoing investment in the development of human resources and skills is essential.

need) does not necessarily correspond geographically with land availability. Delay, inconsistency and antagonism can result from a lack of corporate co-ordination between planning and housing departments or even within departments; for example, between forward planning and development control. This can be a major constraint when undertaking complex negotiations, such as on Section 106 agreements. The aim should be to integrate practices over time to deliver a consistent message.

This third route to good practice links very closely with the others. An inclusive planning process fosters and facilitates high levels of realism and responsiveness to local contexts, communities and commercial constraints, while a streamlined process embraces issues of efficiency and integration of planning mechanisms and outcomes. The costs of pursuing these initiatives are likely to necessitate additional upfront resources (time and skills involved in establishing and maintaining systems), and increased levels of commercial openness. A willingness to participate and potentially compromise is also required. The benefits of such an approach include better outcomes, and a smoother and more efficient process enabling streamlined implementation, both within and between organisations, and over time. The mechanisms and outcomes are potentially more realistic and responsive, and relationships between parties are established and strengthened.

Integrated and realistic working practices affect almost all the key tensions, but most directly corporate working arrangements, the discretionary nature of planning and on the establishing of planning agreements.



**Figure 6:**  
Tensions addressed  
through integration  
and realism

**Route Map 4:**  
**Certainty and transparency**



## 6

Certainty and  
Transparency

### What is required?

At a strategic level, the policy frameworks and approaches that an authority wishes to adopt need to be in place at the earliest possible opportunity. These frameworks must be clear and legible, while standard documents – such as Section 106 Agreements – should be accepted by the different users. Where supplementary planning guidance is produced, it needs to be well thought-out and should be taken into account consistently during the life of the local plan (although the plan retains primacy).

Clarity of policy is at the heart of coherent decision-making. At a strategic level, achieving greater certainty and transparency has much to do with clear leadership. The LPA has an obvious role to play in ensuring that what happens on the ground bears a close resemblance to the vision established on paper. But this vision itself must be acceptable to all the key stakeholders. The acceptability and joint-ownership of the policy framework is central to the way that stakeholders build trust. Private developers may be less inclined to be completely open about the costs of particular housing schemes if they do not believe that the frameworks in which they are operating are 'right', or at least democratically based. As one RSL commented: *"Clarity is what everyone strives for, whether it's building cost, land value or planning consent. If they know what they're buying into, then they're much more willing to do it quickly and efficiently."*

At the development level, if consistent, clear and transparent policy has already created conditions in which trust and positive planning can thrive, then the need is to ensure that better relationships result in better

**The promotion of more certain and transparent policies and development processes, through sharing information and objectives.**

housing products. For the key stakeholders, this will mean open negotiations where all concerned have a clear grasp of the costs of a particular scheme and the planning gain requirements. For housing providers, willingness to engage in more open negotiation processes seems fundamental if less combative relationships are to be created. In particular, housing providers need to understand the political pressures facing local authority members. Members, for their part, should make decisions in an open and accountable way, ensuring that such decisions reflect economic realities in the local development context. In doing so, members will avoid the criticism that their poor understanding of development economics leads them to request unrealistic planning gains. Members have a critical role to play in making sure that the public comes to trust the actions of the local authority.

Once the policy and decision-making process extends beyond the local authority, its transparency (and hence acceptability) increases. Officers and members should be proactive in drawing the widest possible range of groups into the area of policy design. Housing providers need then to be willing to positively engage in this process. The case studies revealed a range of examples of how stakeholders might work together more effectively at both the strategic and development level. The examples point toward a more transparent way of working, resulting in less conflict, fewer delays and therefore **greater certainty**.

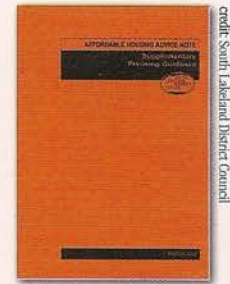
## How?

### i) Establishing a policy framework

The first requirement of certainty is establishing a clear, stable and broadly accepted policy framework as the basis for negotiation to start and decisions to be made. First and foremost will be a development plan that is up to date, adopted and under constant review. There can be no excuse for authorities that do not meet these objectives. Outside the plan, non-statutory supplementary planning guidance also has an important role. South Lakeland's SPG on affordable housing, for example, has been greatly welcomed by developers and RSLs (see *Inset 18*), and the exercise has brought strategic and development-level benefits. At the strategic level has come the realisation that different stakeholders can work together effectively, and there is now a greater commitment to use this realisation in other policy areas. At the development level, the entire process of producing affordable homes is now smoother, more transparent and defined by trust and frankness, rather than misunderstanding. Planning is largely about reconciling interests, and establishing a clear policy framework is the first and most crucial part of this. Positively engaging in this process beyond one-sided, site-specific representations can be an important role for housing providers.

The housing context of **South Lakeland** is restricted by the 'halo' effect of adjacent national parks. Limited land supply and high prices limit the availability of affordable housing. In a move to tackle this, the local authority has produced supplementary planning guidance on affordable housing and S106 Agreements. The SPG provides clear guidelines to potential developers and has established more consistent implementation within the LA. The SPG has built on a detailed needs survey – a postal survey of 15,000 households, broken down by electoral ward. A LA working party was established to draw up the guidance with representatives from all relevant planning, housing, property, legal and land departments. Several workshops were held with the HBF, local developers and RSLs, once a draft had been prepared at the consultees' request. This process gathered speed as more stakeholders expressed an interest.

The process has increased mutual respect and understanding, creating stronger links all round. After adoption, developers have praised the guide for establishing a 'level playing field', and better understanding and trust. Involvement of housing providers in the SPG has helped resolve potential problems and given them 'ownership' of the guidance. Previously, the local authority felt there was some confusion between the different departments about who should take the lead in affordable housing; and that clarity in approach and interface with the housing providers was required. Since the formation and adoption of the SPG, a good relationship has existed between the housing and planning departments.



Affordable Housing advice note, 2000

credit South Lakeland District Council

### **Inset 18:** **South Lakeland:** **integrated guidance**

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#### **ii) Consistent implementation and interpretation**

The second part is consistent interpretation and implementation of the framework. Ensuring that an organisation (especially a local authority) is operating in a consistent and co-ordinated way in implementing and interpreting policy tools raises the level of certainty and consistency in the process. This represents a key issue for housing providers and their ability to plan projects and undertake commercial operations. Consistency can be achieved through a system of comprehensive knowledge sharing, such as Stratford-on-Avon's lunchtime CPD sessions on their design guidance and its interpretation (see **Inset 19**), or it might involve adopting formal working practices and protocols to increase consistency. These can include dedicated (and appropriately skilled) local authority officers who comment and report on specific issues (for example, on social housing or design) for each application, thus ensuring continuity.

#### **iii) Open-book accounting**

The financing of schemes, and the extent to which the development economics of each allows – or not – the funding of public sector aspirations (infrastructure, social gain, better design etc) represents the root cause of much tension between housing providers and planners. An open-book process provides a possible route forward. While some partners seem to be embracing the need for greater openness (see the RSLs at Braintree), developers remain unhappy with the extent of some gain requirements and the consequent prolonging of S106 negotiations. Many believe that full cost

disclosure could leave the private sector vulnerable to further gain demands, and may compromise commercial confidentiality in a sometimes cutthroat industry. For these reasons open-book examples are rare, although the experience at Sedgemoor of an open and shared process quickly allowed the parties to bypass defensive posturing to clarify shared – and superior – objectives (see Inset 20).

#### iv) A shared appreciation of development economics and social costs

Open-book approaches by developers can be matched by LPAs with a commitment to a comparable level of clarity and openness. This might, for example, involve significant improvements to the way S106 agreements are laid out and issued (for example, in specimen form – see Inset 19) to build on increased certainty and transparency in the policy process.

Unfortunately, where planning gain is concerned, planners sometimes ask for the impossible on a particular site. Through training, and therefore a greater appreciation of development economics, officers and members can develop more informed ideas about what is, and is not, feasible. The early involvement of local authority estates departments will also help overcome the lack of understanding that permeates so many S106 negotiations. Knowing what is economically possible should pave the way for greater



credit: Sue Callant

King's Acre Site, Stratford-on-Avon

#### Inset 19:

### Stratford-on-Avon: clarity of Section 106 agreements; consistency in implementation

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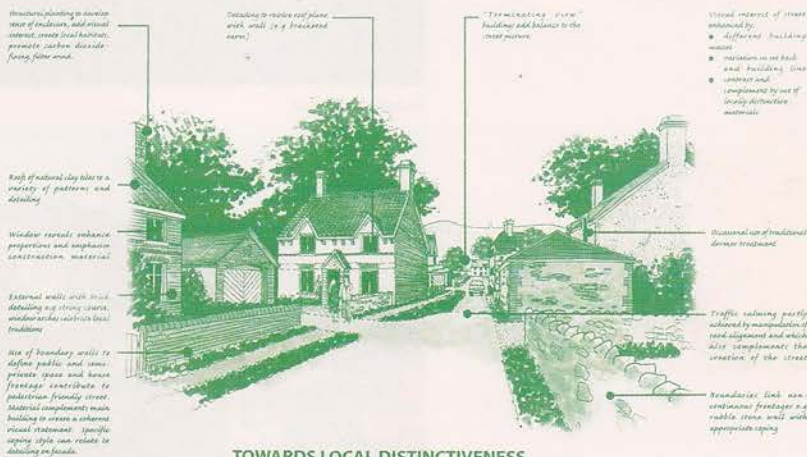
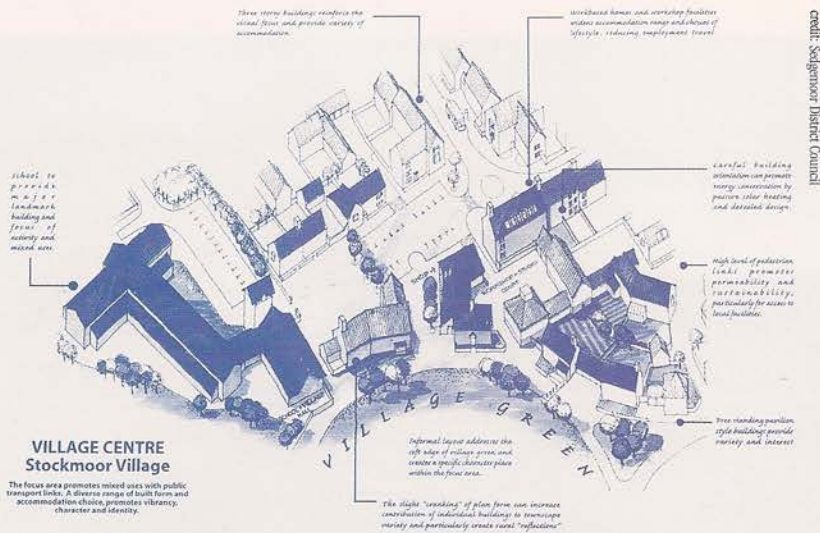
Both developers and RSLs alike agree that the relationship between key stakeholders in **Stratford-on-Avon** has been improved in recent years by the clarity of the S106 agreements used in the district, and the consistency with which these are applied. The LPA only rarely allows exceptions to its requirements, and 'sample agreements' are available for inspection by developers at any time. Following recent consultation, the content and clarity of S106 agreements will be further improved. The firm framing of these agreements means, for example, that affordable housing is treated as just another cost deducted from the price a developer is willing to pay for a parcel of land. The landowner is aware of the impact of policy, developers realise their obligations and RSLs know exactly what they will get from a development. Clear quotas of contributions (education, social housing, highways, community and so forth) are specified, and this gives developers the clarity they need.

Stratford's agreements are also subject to periodic review and it is the task of the district's 'Development and Enabling Officer' to ensure that the terms of the agreements are acceptable to developers, and reflect the aspirations and requirements of the RSLs. A sense of joint input and ownership of the S106 agreements is seen as crucial.

Success in implementing all types of planning guidance depends on active and consistent application through discussion and negotiation. Lunchtime CPD sessions for planning officers have been held to present (in detail) the recently adopted residential design guidance. The author of the guidance argues that, in the long run, just having the guide is not enough:

*"Successful implementation relies on actively using and promoting it. Clearly, it will be most effective if all officers use it consistently."*

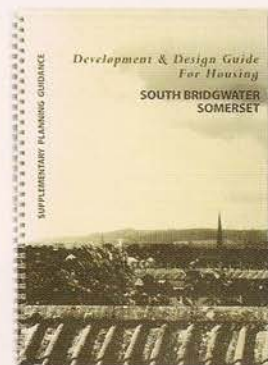




As one of only three larger urban centres in Somerset, Bridgwater (in Sedgemoor District Council) has received a large proportion of the county's housing allocations in the 1980s, most of which were developed in a fragmented manner. Nevertheless, in the face of mounting pressure for new residential development, two significant parcels of greenfield land were allocated for 1,400 new homes in the local plan. The scenario faced by officers — with fragmented ownership and heavy infrastructure costs —promised to deliver uncoordinated development, with little chance of securing the required infrastructure improvements or sustainable environment the authority wanted. Officers argued that a positive approach to residential development was required, which avoided the confrontational and reactive review of residential design.

The solution was to involve housebuilders at the outset (pre-application) in collaborating with the council to build a culture of co-operation in which all parties could achieve shared objectives. A steering group was convened representing the broad range of stakeholders in the area. A project specification was drawn up to identify the roles, interests and needs of the different stakeholders, together with the benefits each expected from the process. This key innovation – to which all stakeholders signed up – clarified issues, ways of working and decision making, as well as common aims, objectives and outputs. The aim was to create a team capable of solving problems together, to avoid defensive posturing and to use the resources and skills of public and private sectors effectively. So, from the start, one of the public-private taboos was broken, with members of the team sharing knowledge and information, as well as operational costs. Following the initiative, the authority has now prepared a detailed development brief, providing a framework for future planning applications. The experiment is seen by the stakeholders as a success because of the new collaborative working relationships in the district.

**Inset 20:**  
**Sedgemoor:**  
an open process



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credit: T G Woodman and Son

Marina Quay, Brixham



credit: T G Woodman and Son

## **Inset 21:** **Torbay:** building better relationships with developers

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Of particular interest in Torbay was the relationship between Midas Homes and Torbay Council, centring on a development of 'town houses' and flats at Brixham Marina. The scheme's success owed much to Midas Homes' policy of being open and honest with local authorities; in this case the policy was used to explore what might be acceptable at the Brixham Marina site. There was no prepared development brief (a barrier to greater certainty, perhaps), but the developer felt that this did not impede the development but enabled more flexibility and responsiveness towards the site's possibilities.

Early discussions with the LPA, coupled with frankness about the potential costs of developing the site, have increased both clarity and trust. The Brixham Marina example shows the importance of building a record of performance with local authorities. Special local relationships, built on personal trust where stakeholders feel they have joint ownership in the development of a site, are particularly valuable in the development process. But the experience of Midas Homes also suggests that such relationships take time to build, are fragile, and depend on individual personalities and attitudes. Out of their area, Midas Homes feel the process sometimes becomes unstuck. Too often, they feel, the label 'developer' invites scepticism and mistrust from planners and the community, without good reason.

certainty. The need for greater certainty about the costs of planning permission (including any planning gain requirements) remains crucial for the developer when deciding how much to pay for land. The more these costs are known in advance of purchasing land or taking out an option, the less confrontational the planning process is likely to be. Equally, if developers have an awareness of the social costs of their developments, they are likely to be more willing to factor these costs into their calculations early on. Education in this sense is a two-way process.

#### v) Negotiation based on trust L H R

While the clarity of policy statements and guidance is a key element in bringing about greater certainty, there is also a need to balance consistency with flexibility. By these means it is possible to ensure that developments are appropriate to context, and that partners can tailor schemes and requirements to changing physical and economic settings. This is likely to mean, for example, being prepared to amend briefs following pre-application discussions with developers. However, flexibility within an agreed framework should not be mistaken for, or substituted with, inconsistency. The operation of Midas Homes in Torbay shows the importance of pre-application discussions, and negotiation on the basis of frankness and equity (see **Inset 21**). Without flexibility (willingness to compromise or accept modification) on both sides, such discussions become meaningless. The negotiation of affordable housing targets, phasing and location between RSLs, housebuilders and LPAs offers a case in point, where open negotiation based on trust can help to resolve tensions. Prerequisites for successful affordable housing (or S106) negotiations include:

- ▶ up-to-date, rigorous and publicly available baseline data on local housing needs;
- ▶ realistic aspirations based on commercial realities about what a site can sustain;
- ▶ a willingness to balance affordable housing requirements with other planning gain objectives of the LPA;
- ▶ realistic phasing requirements, matching agreed market provision with the staged delivery of affordable housing requirements;
- ▶ willingness from all stakeholders to build integrated and mixed communities, rather than separated and segregated estates; *and*
- ▶ an agreed timetable covering pre-construction, construction and post-construction stages.

To aid the process, it may be worthwhile considering employing an impartial facilitator to work with all parties in the role of 'honest broker'. To avoid conflicts of interest, all negotiating stakeholders should share in financing such a position. In the long term, the investment may actually save resources by reducing acrimonious and expensive appeals. Partnering approaches, as dealt with in **Chapter 5**, offer similar benefits (see also **Insets 12 to 15**).

#### vi) Other possible approaches

- ▶ **Planning committee knowledge building** L  
planning committee knowledge-building exercises can be valuable on key areas of ambiguity and interest – legal responsibilities, design objectives, regional and national responsibilities, etc.

- ▶ **Planning committee tours** L  
increasingly, authorities arrange bus tours for members to recently completed developments as a means to evaluate the success or otherwise of planning decisions. This may form an additional element to ongoing member training. Ideally, other stakeholders could benefit from this type of post-development evaluation.
- ▶ **Planning committee representations** L H R  
making time for applicants, agents and community representatives to address the planning committee directly, to present their proposals and field questions.
- ▶ **Evaluating outline permissions** L H R  
the use of outline permissions can both increase certainty by establishing the principle of development early on, but can also create uncertainty about the eventual form a development is likely to take. Carefully considering where outline permissions are and are not acceptable (perhaps in published guidance) can help to strike the right balance.
- ▶ **Investing in rigorous enforcement** L  
despite the intentions of this guide and the good intentions of most housing providers, developments are not always implemented in the way envisaged in the planning application. Enforcement is too often the neglected sector of the planning process, but is fundamental if the certainty enshrined by a credible planning system is to be realised.
- ▶ **Mediation** L H R  
which aims to resolve objections to development plan policy is being piloted by the London Borough of Barnet. Barnet is seeking to deal with specific objections to proposals in the emerging UDP. The aim is to resolve disputes quickly and amicably before the public inquiry. This strategy is being promoted by the Planning Inspectorate who have also recommended mediation – and therefore more constructive appeals – as a means of resolving disputes at the other end of the planning process.

## Watch points

- ▶ An adopted plan is essential to the working of the whole planning process, but plans will never be completely up to date or represent outcomes in themselves. It is better to have a plan adopted (even if partly out of date) and be working on its revision rather than never having an adopted plan in the first place.
- ▶ Transparent strategies need to be inclusive – RSLs, developers and other interested parties should have early involvement in a strategy's preparation.
- ▶ There is no point in always reinventing the wheel. Sample agreements or drafted policies should be shared between LPAs, although they will always need to be adapted to fit the context. Websites might be useful for this purpose.
- ▶ Flexibility is often viewed as particularly important in relation to issues of design and development density, but that should not discount the need for comprehensive policy in these areas.
- ▶ Consistent interpretation of national frameworks (for example PPG3) is necessary to avoid general and cross-party confusion. This might involve consultation between LPAs and their partners, including the government regional offices, over the implications of government policy.
- ▶ Transparency and inclusiveness in the policy-making process is increased when the different interest groups have easier access to the decision takers (the chief officers and members). This cannot happen all the time, but should occur at various key stages in the process.
- ▶ The active involvement of communities (and public consultation) should be viewed as an integral part of the development process rather than as an afterthought.

## Why is certainty and transparency a route?

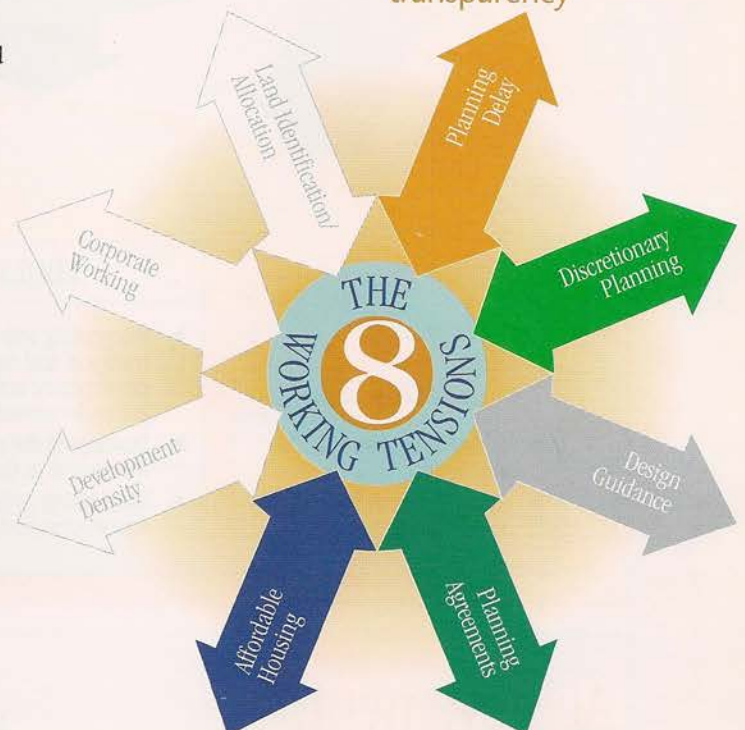
Britain has a unique planning system in which certainty is balanced with flexibility in the form of a plan-led, yet 'discretionary', planning process. Decisions are not based on fixed zoning, but on officer and councillor interpretation of a plan against a host of other 'material' considerations. At its best, the system can offer housing providers the certainty they require to make informed and dependable financial and development decisions. It also offers other stakeholders – including the community – the certainty of a stable planning framework. At its worst, it can degenerate into an ad hoc and unpredictable system in which decisions are based on who shouts the loudest, on political dogma or on deals done behind closed doors. The objective of a certain and transparent decision-making process is to overcome such possibilities and by sharing knowledge, develop clear and inclusive policy frameworks. Open decision-making processes also aim to enhance inter-stakeholder communication and trust.

Unfortunately, public-private sector frictions are common, as are clashes of personality, which all too often act to destroy trust, heighten suspicion and undermine transparency. In particular, some housing providers pointed to the idiosyncrasies of individual local authority officers as a cause of inconsistency and subsequent lack of certainty in the planning process. Of course, personal communication is always going to be the unknown factor in any form of democratic system. In the majority of cases, we hope this contributes to a positive outcome. In other cases, shared leadership, consistent policy, and strategies for building better relationships can counteract its negative effects and help build trust.

Transparency and equity in reaching decisions are often seen as an issue for the public sector. But openness and integrity among developers are also important; for example, their willingness to make clear the overall costs of development schemes or to negotiate openly with local authorities. Local authorities are required to be transparent in their preparation of development plans and making decisions, but political and commercial openness and integrity by all parties can lead to a more efficient and effective system, with better outcomes for all concerned.

Increasing certainty and transparency most clearly affects the tensions associated with a discretionary planning process. It also helps to resolve tensions around planning delay, design guidance, planning agreements and the provision of affordable housing.

**Figure 7:**  
Tensions addressed  
through certainty and  
transparency



**Route Map 5:**  
Positive and proactive process



## 7

## Positive and Proactive Planning

## What is required?

Fundamentally, a number of key qualities seem to characterise a positive and proactive planning (and development) process:

- ▶ **Thinking ahead**  
the need to think ahead and pre-empt development by putting in place a coherent policy framework. The very act of plan making is, by its nature, a positive activity. However, the tendency for plans to be out of date before they are adopted and to focus on a protective rather than future-oriented view of plan areas, has tended to give even this process a negative image. Updating development plans is critical, though plans should offer certainty over the long term – a fundamental goal of the planning system.
- ▶ **Doing the ground work**  
this might encompass the need to adequately prepare the ground for future development activity. For example, making policy frameworks based on thorough analysis of the existing situation (local and strategic) available for house providers to use, backed up by supplementary guidance, development briefs, design frameworks or masterplans, and building on policy already articulated in the plan.
- ▶ **Being creative and visionary**  
much of the discussion up to now in this guide has focused on the processes inherent in building better relationships, but positive and proactive planning is also about defining a future vision for a sustainable environment. This should inevitably encompass a physical vision for environments from strategic to site-specific scales, and should also encompass a social and economic vision, not least as regards how new housing (private and social) fits into future plans. Planning is, in significant part, a 'design' discipline and this part of its remit needs to be rediscovered.
- ▶ **Selling the vision**  
because once devised, any vision will need to be sold both to those who have to implement it internally and to those on whom it will most directly impact – the community and development interests. Without these constituents signing-up to the vision, its implementation is never likely to move beyond a paper dream.
- ▶ **Balancing certainty with flexibility**  
by all the above means, offering greater certainty by clearly setting the agenda, preferably well in advance of development interest, but avoiding the over-rigid implementation of some planning schemes in the past. So, as with all the routes to better practice, regularly monitoring implementation processes – including any future vision – is fundamental, to ensure they are still relevant and valued.

**A planning process that drives change rather than follows it; through vision, proactive interventions when required, and through establishing a positive policy framework well before development.**

Much of the responsibility for creating and managing a positive and proactive planning process falls on planning authorities. But housing providers also have an important role, and the key qualities above can apply equally to the development process. Their role requires engagement in policy generation and review, and being prepared to respect local priorities and aspirations once they are formally adopted.

## How?

### i) Appraisal

The need to adequately prepare the ground for developing policy, and for making decisions on various development options as they arise, has always been a fundamental part of the planning process. Indeed, appraisal represents both the start and the end of the planning process, appraising the existing situation as a basis for making decisions, and evaluating the effect of decisions once implemented in order to monitor the broader effect of policies. Ensuring that authorities are fully aware of the various development scenarios and the strengths and weaknesses of each, is therefore an important part of a positive approach to planning. However, this process needs to be thorough, up to date, and publicly available if it is to make a positive and timely impact on the decision making of authority and development interests. The proactive gathering of relevant data is therefore an ongoing – if unfortunately resource-intensive – process, which, if properly undertaken, can help to identify development options that might otherwise have been overlooked. In both Brent and Cambridge (see **Inset 22**) this was the case, although in Brent, ways were found to help spread the cost between authority and producers, offering distinct benefits for each in the process.

### ii) Creative plan and policy-making approaches

The plan carries the greatest statutory weight, so it potentially offers the greatest certainty to housing providers and communities. It is important, however, that the plan offers more than bland generalities and presents instead a broad vision of the future development directions in local authority areas. This can be done through the design of plan areas at a strategic scale, as well as by thinking creatively about policy objectives and the opportunities and constraints affecting particular areas. The case studies provided several examples of authorities thinking creatively about how to solve particular policy problems. Although not necessarily transferable, Hammersmith's change-of-use policy has enabled the authority to address the acute shortage of affordable housing in the area (see **Inset 23**). Alternatively, Newcastle's equally unique joint venture agreement has allowed the authority to address the perceived need for a particular form of market housing in the city, while still maintaining its successful regeneration of brownfield sites (see **Inset 24**). The examples show that planning should not be seen as a rigid activity imposing unbending standards on places, but instead as a creative and flexible problem-solving process in which housing providers are partners.



**Inset 22:**  
**Brent and Cambridge:**  
 land capacity studies

**Brent** instigated a Housing Land Capacity Study, in view of an impending UDP review and a request for information on land capacity from LPAC (and for the wider NLUD study). Brent also knew that land for housing in the Borough was limited and at a premium. The authority wanted to be more proactive and, instead of identifying the short-term supply of land for housing, wished to identify the likely medium- and long-term supply. Building on already established partnership arrangements with the local RSLs, Brent financed an initial survey of possible sites using planning graduates. The RSLs then took the assessment forward by looking at the development potential of the identified sites, including possibilities for remediation and consolidation using CPO powers.

The process offered a 'win-win' scenario for both parties: the authority getting a list of sites immediately available for development and a second list of sites with constraints to be overcome; and the RSLs getting to know sites that they had not previously identified and which they were able to bring forward for development ahead of the game. The process has been a success, with a number of underused sites being identified which would not normally have been identified, whilst other sites for affordable and mixed-tenure housing are already coming forward for planning permission. The initiative has sped up the process of land identification and development, and it should reduce the £6 million spent every year in the Borough on temporary accommodation.

In **Cambridge**, where demand for new land for housing (market and affordable) is perhaps even more intense, the housing department have been more proactive in examining the capacity of all the authority's own land (including allotments) to examine its suitability for development. The process has brought forward several key sites for which the planning department has prepared briefs.



Newfield Rise, Brent



Newfield Rise, Brent

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**iii) Supplementary planning guidance (SPG) ⓘ**

Birmingham's design-led approach to planning and regeneration has been recently and explicitly extended to residential development, through the preparation of a new residential design guide – an approach that Stratford-on-Avon is now pursuing (see **Inset 25**). Both authorities see their design guides as ways to move away from the standards-based approaches to housing pursued in the past, towards more creative, higher quality development solutions. Such approaches also reflect the higher quality, higher density solutions being required by government in PPG1 and PPG3; and they provide a ready means to clarify more comprehensive design agendas than has been the case in the past. Like development briefs (see (iv)), they ensure the design requirements of authorities can be fully factored into the projected development costs of projects before housing providers bid for sites. Research has shown that design guides work most effectively as part of a hierarchy of design guidance elucidating generic policy in the development plan above and outlining the key principles to be reflected in development briefs, design frameworks and codes below. However, positive approaches to supplementary guidance extend beyond design guidance, as the South Lakeland's SPG on affordable housing shows (see **Inset 18**). In this instance, clear supplementary guidance that is applied

consistently, and that sits comfortably within the primary framework provided by the development plan, can ensure that the vision set out in that plan remains flexible and therefore relevant. But SPG should never be viewed as a means to bypass the provisions in the development plan.

#### iv) Development briefs

Of greatest importance to the successful implementation of proactive planning approaches is the need to clearly articulate policy and development aspirations at the earliest possible opportunity. This avoids – as far as possible – being reactive and increasing the level of certainty within which housing providers operate. Development briefs provide an important means to lay out development-specific requirements and to clarify how more generic policy approaches outlined in the development plan and other SPG relate to particular sites. They also provide a means for authorities to outline more visionary approaches through presenting two- and three-dimensional indicative design solutions. In this latter role, research has consistently shown how effective briefs are as a means of presenting design aspirations. However, guidance on such matters should be realistic and flexible if it is not to create more tensions than it solves. Briefs can be prepared whether interest has been expressed in a site or not – indeed, they are useful promotional tools – and they can be prepared by housing providers and authorities alike. However prepared, they form a valuable basis from which to negotiate, particularly if made the subject of public consultation and formally adopted as supplementary guidance. Both Cambridge and Birmingham valued the role of design briefs (see **Inset 26**), the latter as part of a sophisticated design-led approach to planning and regeneration.

#### v) Urban design skills

Unfortunately, the equal failure of both planning and housing providers (as well as other professional groups concerned with the built environment) to adequately value the importance of ‘place making’ in their activities has undermined the image of both in the public’s eyes. The realisation of the importance of urban design is now fully reflected in government guidance,

#### Inset 23:

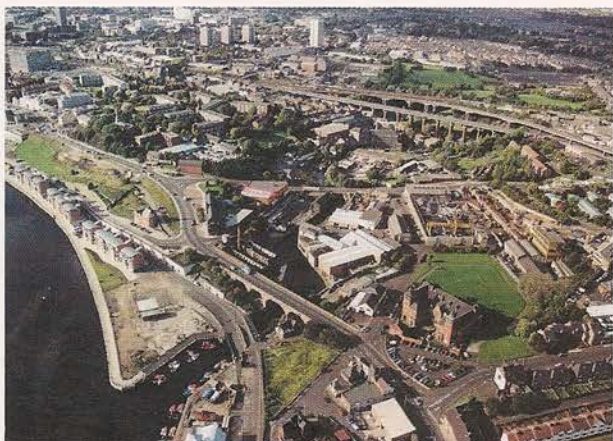
### Hammersmith: change of use

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In **Hammersmith**, land values prohibit social housing providers competing on the open market for new development land. Nevertheless, the demand for affordable housing in the borough has led the authority to develop, from first principles, a unique policy approach to resolve the problem. Employment land is protected in the borough, although outside the main employment areas some sites have been empty for a long time. The policy – based on a rural exception policy – allows housing providers to buy up this land and use it for housing, as long as the resulting development is either 100% affordable housing or community uses, or a mix of the two with employment uses. Other employment land is normally refused a change of use.

The policy is unique to Hammersmith and not necessarily transferable to other contexts. But it is a proactive attempt to solve a seemingly intractable problem in a high land-value area. Indeed, for 10 years this approach has delivered 65% of the affordable housing in the Borough, despite recessions and booms. The policy shows how even the more prosaic aspects of policy in the development plan can be viewed creatively as opportunities to fulfil a broader vision.



Newcastle's East End

credit: Newcastle City Council

The desire of Newcastle's planning authority to bring forward a large mixed-use greenfield site (known as Newcastle Great Park) on the edge of the city – to remedy the identified city-wide shortage of larger-unit family accommodation – left local planners concerned about how they could guarantee to meet (and continue to meet or improve on) the national 60:40 brownfield to greenfield target. Another concern was how to ensure the allocation would not stifle the city's urban-regeneration objectives. To tackle the problem, an innovative joint venture agreement was struck with the developers.

The UDP (in housing policy H3) contains a provision to delay future phases of the Great Park if it threatens to undermine regeneration. The joint venture agreement was designed to anticipate such an eventuality, and to take preventative action. Thus, if building rates in the defined inner areas threaten to fall below a predetermined level (reaching at least a city-wide brownfield target of 66%) the developers must act. They have to undertake feasibility studies on brownfield sites within the city, and subject to financial appraisals, are required to develop the sites themselves as long as they at least break even. If possible, the aim is to maintain the 2:1 brownfield to greenfield development objective that has been adopted as an interim target for the City as a whole. Under the S106 agreement, the release of greenfield land in the Great Park is also limited to 250 units a year, to further minimise the effect of the development on the housing market in the city.

#### Inset 24: Newcastle:

#### joint venture agreement

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such as *'By Design'*, (published by the DETR and CABE), and in *'The Urban Design Compendium'*, (published jointly by English Partnerships and the Housing Corporation). Both make the case that standards of design are unlikely to improve without an increased awareness by non-designers engaged in the production of new housing environments, and by staff with dedicated urban design skills. Of the housing providers interviewed, Countryside Properties showed the greatest commitment to urban design, with in-house expertise to call on and an ability and willingness to depart from more mundane development solutions. Of the planning authorities, both Birmingham and Stratford-on-Avon have dedicated urban design officers within their planning departments. These officers have been able to bring forward design guidance; run knowledge-building CPD exercises for other staff; provide design advice on specific applications; help to bridge the gap between development interests and planners and councillors; and generally act as development enablers. Both Birmingham and Countryside Properties also bring in outside expertise as and when required.

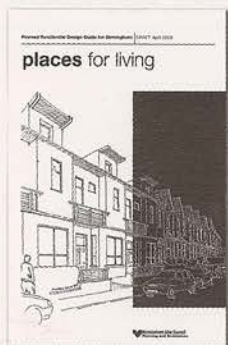
## Inset 25:

### Stratford-on-Avon and Birmingham: design guides and skills



credit: Stratford-on-Avon District Council

Long Compton VDS



credit: Birmingham City Council

Residential Design Guide for Birmingham, Draft 2000

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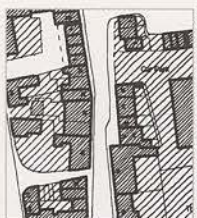
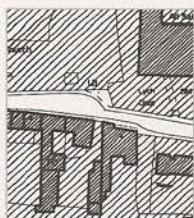
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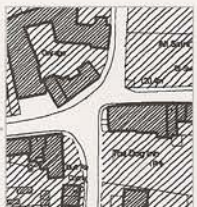
Birmingham's approach to development briefing represents only a small part of a sophisticated hierarchy of development guidance, which in recent years has been extended to cover residential development. A residential design guide – 'Places for Living' – is currently adopted in draft form and has been subject to a consultation process. The guide is now a material consideration on all residential schemes, giving the urban design team an agreed set of principles against which to assess new proposals (moving away from their former standards-dominated approaches).

To drive home the messages in the new guide, the urban design section arranged a series of knowledge-building exercises to present the guide to the development control and local planning sections, and argued that the guide saves time over the long term by establishing clear principles from which to negotiate. In the context of the new design-led approaches to development advocated in PPG3, the guide is breaking new ground, although the housing and planning departments have yet to resolve the potential conflicts it may create between their requirements. It nevertheless represents an example of positively putting the national guidance into practice.

Like Birmingham, Stratford-on-Avon have been fostering an active and integrated approach to design guidance. The numerous Village Design Statements complement the District Design Guide and a poster format Countryside Design Summary, all of which have been adopted as SPG. A principal aim of the guidance is to encourage learning from existing settlements. The effort to improve design includes both internal and external sessions to actively raise the knowledge base of council members and development control staff and to bring developers on board. At the level of individual settlements and parish councils, the VDS process has helped to build knowledge and increase local capacity for positive contributions to the development control process. The authority believes that the guidance plays a potentially significant role in facilitating the development control process by laying out its expectations and highlighting cost implications to developers. The authority also acknowledges the need to constantly refer to the guide in discussions with applicants. The availability of a full-time urban design officer has been fundamental in securing more creative solutions to development proposals, not least in helping to educate members and other officers. One such creative solution, resting on a design-led approach, resulted in the approval of a prominent development where the number of homes rose from 100 to 160.

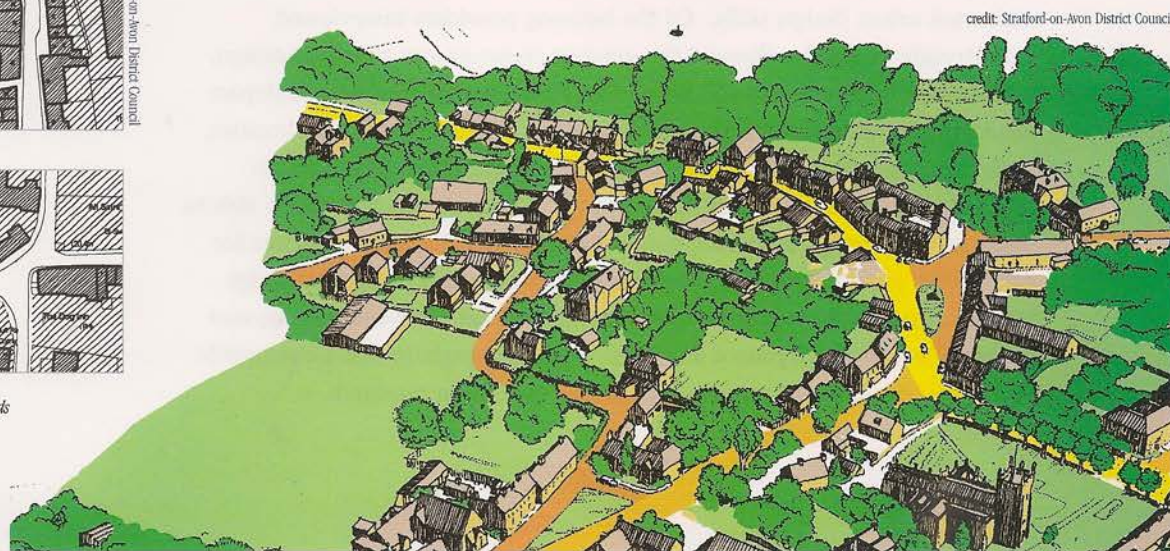


credit: Stratford-on-Avon District Council



Stratford-on-Avon District Design Guide:  
Pinch points, offset junctions and turning heads

based on Ordnance Survey mapping by permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office, © Crown Copyright  
MC 100035095



credit: Stratford-on-Avon District Council

Kineton: Skyline, views and edge character

## Inset 26:

## Cambridge and Birmingham: development briefs

In **Cambridge**, the local plan explicitly identifies sites for which a brief will be prepared. To avoid abortive work, the actual preparation of the brief is usually waits postponed until the landowner expresses an interest. Development briefs are then used to bring parties together, including the community and developers. Briefs contain a list of the planning obligations a developer will be expected to meet, though involvement of developers helps to ensure that the brief does not become an unrealistic wish list.

As part of their design-led proactive approach to planning, **Birmingham** undertake development briefs on key sites, whether or not development interest has been expressed. In this they benefit from a well-resourced urban design section, and they also use consultants to undertake briefs they lack the capacity to manage in-house. Developers are also encouraged to undertake briefs. Once drafted, these go through a consultation process with the local community (including residents' associations) and outline details of expected planning-gain requirements that developers will need to provide. Once finalised, briefs are formally adopted as supplementary planning guidance, after which they form the basis for more meaningful negotiation with interested parties.

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### vi) Other possible approaches

- ▶ **Design frameworks and codes, and masterplans** L H R  
which are increasingly being used by proactive planning authorities, regeneration agencies and developers to offer a more coherent design framework into which individual developments fit. The Urban Task Force, for example, stressed the value of three-dimensional masterplans. The various Millennium Village proposals have combined design frameworks and codes to deliver superior quality environments and to better integrate social and market housing.
- ▶ **Housebuilder design guidance** H R  
which has been prepared by a few private housebuilders such as Barratt, and large RSLs such as The Guinness Trust, to try to ensure greater consistency between their constituent companies and regional sections. The aim is to increase quality overall by defining generic characteristics of good design, and in so doing to encourage the smoother passage of their schemes through the planning process.
- ▶ **Urban regeneration** L H R  
which, to a greater or lesser extent, all the case study authorities and many housing providers were engaged in, and which the planning process should be leading as the ideal vehicle to co-ordinate regeneration with other development activity.
- ▶ **Exemplar projects** L H R  
which authorities can help to promote on small and larger scales, by adequately publicising the development successes in their area (for example, through award schemes) and by encouraging innovative new developments in the first place, including through competition.
- ▶ **Integrated plan-making** L  
writing development plans provides an important opportunity to co-ordinate new infrastructure projects with development opportunities. In the pursuit of sustainable development objectives, the co-ordination of local transport plans and economic development strategies with development plans seems an ideal place to start. The integration of development plans with housing strategies is also critical (see **Inset 14**).

## Why is positive, proactive planning a route?

To some extent, the last route to better working practice is an overarching one that includes and brings together the other four. Indeed, moves to create more streamlined, inclusive, co-ordinated, realistic, certain and transparent processes will all be positive moves aimed at tackling frequent and reoccurring shortcomings in the relationships between planners and housing providers. Nevertheless, a reoccurring comment in the survey of practitioners (including planners) was the need for a more positive (less negative) and more proactive (less reactive) planning process.

A concern for positive and proactive planning is not new. In calling for a more positive planning process, former RTPI president, Brian Raggett, observed that more than 60 years ago Thomas Sharp wrote: *“Any future planning must be positive planning: not merely planning that restricts and controls, but planning that performs”*. Sharp's comments in turn echoed sentiments inherent in the evolution of the UK's planning system as a forward-looking, visionary process. More recently, concerns that planning has become a largely reactive and negative, even reactionary and excessively technocratic, force has dominated much debate; despite practitioners' protestations that such sentiments are unfounded.

These perceptions partly come back to sentiments already discussed and inherent in the need for planning to demonstrate the 'added value' in its activities. But a squeeze on resources in recent years has left much planning practice retrenching to its core statutory responsibilities, and unable to exert a positive influence on the environment and populations that it seeks to

### Watch points

- ▶ The pursuit of more positive and proactive planning approaches does not suggest that the very necessary 'reactive' development control activities of authorities are not valuable. Authorities are often to be congratulated on what is not seen on the ground as much as on what is.
- ▶ Design guidance needs to be the subject of the broadest possible consultation to ensure it has political, community and housing provider support. For example, that it is recommending design solutions that are likely to have a market; that it is sensitive to context (including cultural differences in areas with significant minority populations); that in the case of social housing it complies with RSL funding guidelines; and that it is realistic and viable in all other respects.
- ▶ Once prepared, authorities have a duty to ensure that all policy and guidance is signed-up to and interpreted consistently by officers and councillors. But, authorities also have a duty to ensure that adequate flexibility is built into the guidance, to allow interpretation in the light of local circumstances.
- ▶ Authorities – like housing providers – also need to be prepared to take on their responsibility for higher quality; for example, being prepared to adopt new public spaces.
- ▶ If the cost of in-house urban design expertise is prohibitive in the short term, it may be worth considering a shared post between authorities, or combining the post with other statutory responsibilities.
- ▶ Bringing the Government Regional Office on board early can help to avoid delays later in the process.

serve. The danger is the spread of the perception – not least among housing providers – that planners simply say ‘no’ or remain uncommitted, without positively setting the agenda or thinking creatively about development solutions.

More recently, the criticisms have driven the housing and planning group ROOM to try and define a new (positive) planning agenda, explicitly linking the role to the successful promotion of urban renewal and regeneration. In setting the agenda for positive planning, ROOM suggests that principles should include clear objectives and a reasonable measure of consensus; the intended outcome should represent an improvement on what existed before; and the planning process should drive, or significantly influence, outcomes. Of course, being positive is not just important amongst planners; it also relies on providers being positive, in turn, in their reactions to any proactive frameworks advanced through the planning process. Providers can themselves be accused of being negative and reactionary if they are not able to adapt their own approaches to particular contexts.

To some degree, a positive and proactive planning agenda is likely to address most of the identified tensions between planners and housing providers. In particular, it will address those concerned with clarifying planning objectives (on design, density and affordable housing provision); those concerned with land allocation; and those concerned with the discretionary nature of planning.



**Figure 8:**  
Tensions addressed  
through positive and  
proactive planning

**Figure 9:**  
**Summary:**  
**Tensions, routes and initiatives**

TENSIONS		ROUTES		MAIN INITIATIVE	INSETS	OTHER INITIATIVES
Planning Delay	Discretionary Planning	Design Guidance	Discretionary Planning	Fast-Tracking Processes: <i>One off (for particular scheme) or fixed arrangements</i> Securing Adequate Resources: <i>Initial investment reduces delay later on</i> Positive Planning pre application discussions: <i>Engage early, clarify objectives</i> Protocols and Timetables: <i>Written down processes, for all to see.</i>	3, 4 & 5 see text 4 & 6 see text	Increased delegation of decisions to officers Clear guidance to councillors/committees Streamlining planning obligations Use pre-application consultations & community involvement Avoid planning appeals Avoid enforcement Selective updating Streamline the statutory consultee process
Planning Delay	Discretionary Planning	Design Guidance	Discretionary Planning	Consultation Exercises (Housing and Planning): <i>at the policy-based level</i> Consortia Input: <i>Enables more consolidated housing provider response</i> User Forums and Working Groups: <i>Establish ongoing point of feedback</i> 'Planning for Real' and Public Workshops: <i>Embrace community aspirations</i> Development Control Forums: <i>Open up process, mediate and seek compromise</i>	8 9 & 10 see text 11 see text	Public examinations, web-sites and the local media End-user workshops Knowledge-building Neighbourhood forums Knowledge sharing Enquiry by design
Planning Delay	Discretionary Planning	Design Guidance	Discretionary Planning	Strategic Partnerships: <i>Formalised associations between LPA and RSLs</i> 'Liaison' and 'Enabling' Roles: <i>Smooth external and internal processes</i> Corporate Working - Integrated and Joint Strategies, Policies and Guidance: <i>At variety of levels</i> Sharing Knowledge and Information: <i>Local intelligence and raising awareness</i> Development Partnerships: <i>Formal or informal interfaces, smoother development</i> Integrated Project Management and Negotiation: <i>Formal or informal association</i> Integrated Development Proposals: <i>Understand issues of 'place' (via design)</i>	12 13 11, 14 & 18 9, 15 & 16 12 17 see text	Acceptance of national targets and policy Locally set performance indicators Address cross-disciplinary skills and expertise shortage Corporate strategies Matrix management structures
Planning Delay	Discretionary Planning	Design Guidance	Discretionary Planning	Establishing a Policy Framework: <i>Clear, stable and broadly acceptable.</i> Consistent Implementation and Interpretation: <i>Enhances certainty/consistency</i> Open-Book Accounting: <i>Balance private with public sector openness</i> A Shared Appreciation: <i>of development economics and social costs</i> Negotiation based on Trust: <i>Flexibility and a willingness to compromise</i>	18 19 20 19 21	Planning committee tours Planning committee knowledge-building Planning committee representations Evaluating outline permissions Investing in rigorous enforcement Mediation
Planning Delay	Discretionary Planning	Design Guidance	Discretionary Planning	Appraisal: <i>Adequately prepare the ground for policy and for making decisions</i> Creative Plan and Policy-Making Approaches: <i>Visionary rather than bland</i> Supplementary Planning Guidance: <i>Factoring requirements into project costs</i> Development Briefs: <i>Lay out policy and clarify generic approaches</i> Urban Design Skills: <i>A real concern for 'place-making'</i>	22 23 & 24 25 26 see text	Design frameworks/codes and masterplans Housebuilder design guidance Urban regeneration Exemplar projects Integrated plan-making see text



# 8

## Conclusions

### Overview

As the research began, it quickly became apparent that the interface between planning and housing providers was an extensive topic for a good practice guide. While grappling with the scale of the task, it also became apparent that several recurring tensions dogged the key relationships at the centre of this interface. Eight key tensions were identified; the common solutions to which became the focus of the project.

Taking the research forward into the case studies, five routes to better practice presented themselves early on:

- 1 Strive to streamline implementation processes
- 2 Adopt inclusive planning and decision-making processes
- 3 Adopt integrated and realistic working practices
- 4 Strive for certainty and transparency
- 5 Adopt a positive and proactive approach to planning and development.

These routes are simple and perhaps common sense as headline messages. But practitioners routinely fail to adopt them in day-to-day practice, perhaps because the disparity between the objectives of stakeholders quickly leads to combative rather than constructive relationships between them. Once this happens, the resulting mistrust and dogmatism create a downward spiral from which it is difficult to recover. This is why much of the research focused on identifying practical means to deliver the five routes to better practice.

The guide therefore presents the five routes to better working relationships, and a series of initiatives and approaches revealed by the research. These are summarised in **Figure 9**, which also shows the relationship between the initiatives and the identified tensions. There is no claim that this range of initiatives is comprehensive, and space only permits the briefest explanation of each. Nevertheless it is hoped that by bringing them together in one place, this guide will at least encourage readers to question their own practice and, in time, add their own initiatives to the list.

## Local circumstances and attitudes

Research never provides perfect solutions to the nuances of every different problem. Market contexts, for example, vary significantly, and local practice inevitably centres on local conditions and circumstances. For that reason, the routes to better working practice deal with broad principles rather than local detail. In reality, this means that the guide does not present the case studies as stand-alone examples of how things should be done. Rather, the guide takes elements from each case and tries to build more general 'route-maps' that incorporate principles of more widespread relevance. Good practice, therefore, is not about transferring or trying to emulate the detail; it is about separating out the important lessons and principles.

Whether stakeholders follow the routes will depend on local attitudes, and their willingness to think and act positively. Attitudes are therefore critical. Unwillingness to change, or an inability to see and understand other perspectives, will severely limit any process. It is hoped that more senior professionals, in particular, will take a lead in encouraging their colleagues to think more laterally about the development process, and will actively forge working relationships with other stakeholders based on trust and transparency rather than on suspicion and misunderstanding. Planners have a pivotal role in achieving real advances in the way houses are built, but the other stakeholders – particularly RSLs and developers – need to subscribe to the same principles, encouraged by a planning process that takes their concerns and aspirations to heart. Working together is, to a large extent, about understanding and, sometimes, about compromise.

Many authorities and housing providers will already be doing much to address the issues discussed in this guide. It is nevertheless hoped that the guide will inspire them to take a more fundamental look at their policies, processes and attitudes. The key messages bear frequent repetition by the bodies who fund this work, as well as by practitioners. This – it is hoped – is just the start of that process.

## Overarching themes

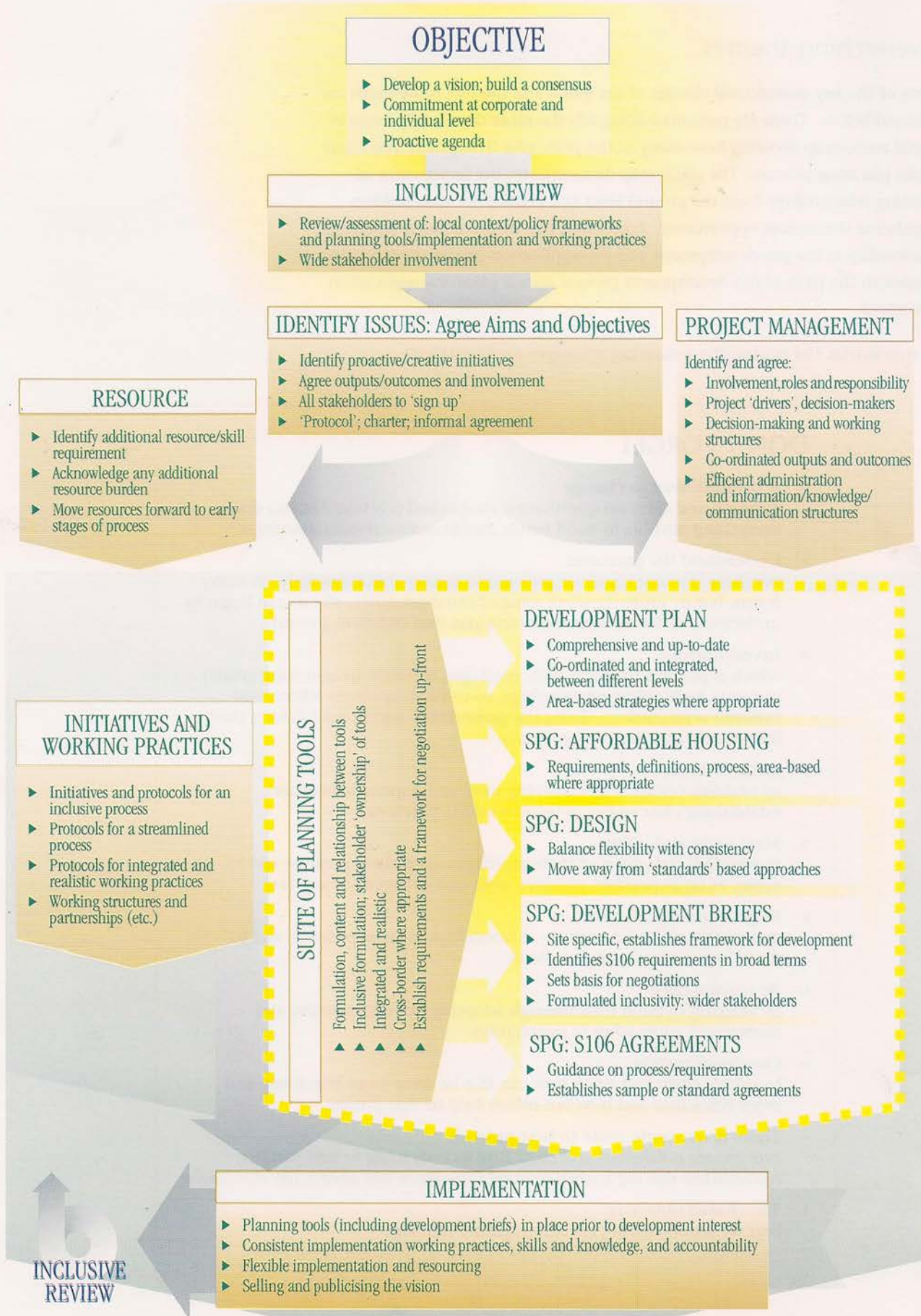
Some of the key overarching themes of the guide and the five route-maps are outlined below. These are presented alongside the more detailed findings in a final route-map showing how many of the principles fit together and relate to the planning process. The route map demonstrates the importance of building relationships from the ground level and getting the stakeholders together at the earliest opportunity. Practically, this means a closer working relationship at the pre-development and pre-application phases, which helps to smooth the path of the development process once a planning application is received.

To summarise the routes, the following messages are identified:

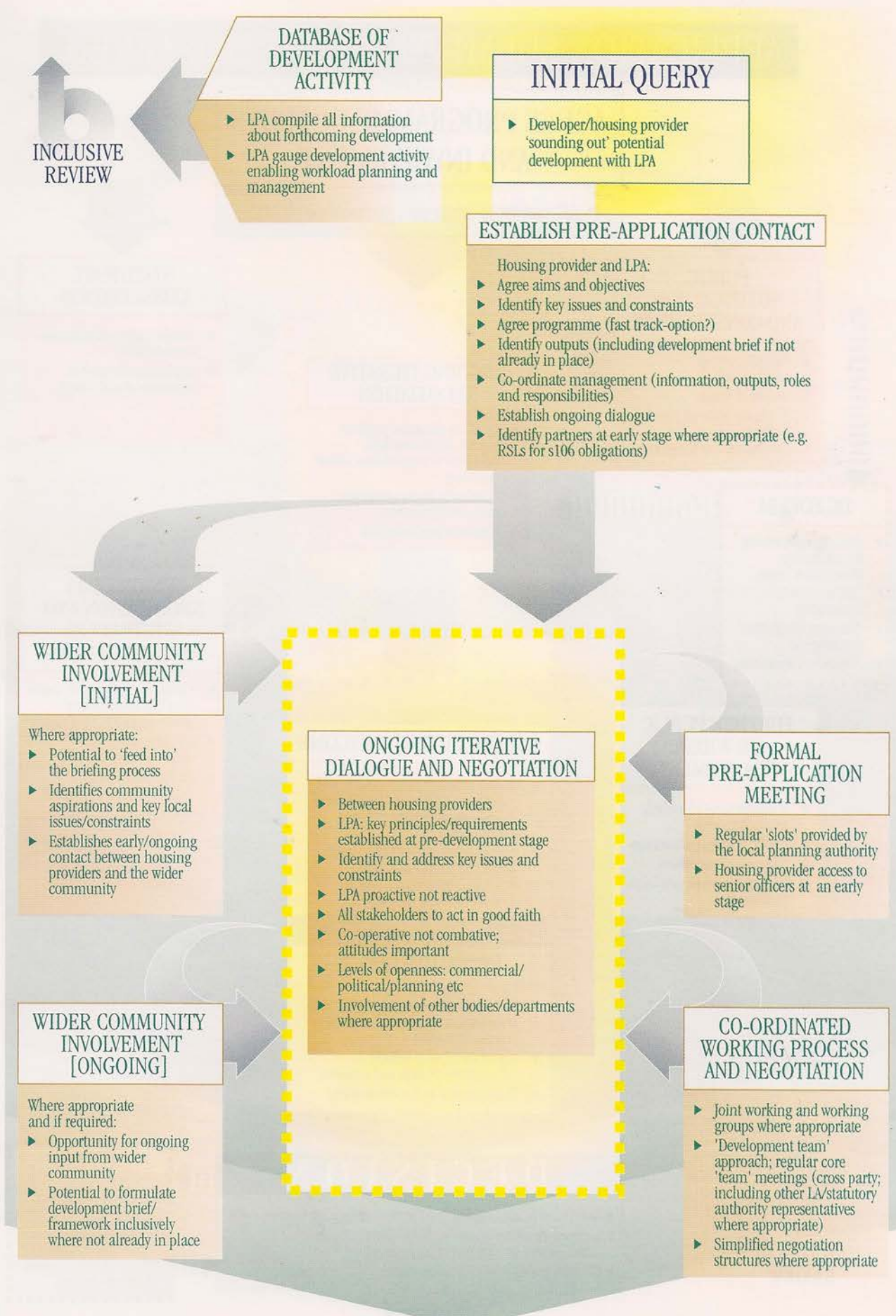
### DON'T FORGET

- ▶ **A commitment to change**  
question and carry on questioning established practice: Are you doing everything possible to build better, more constructive relationships?
- ▶ **Understand the pressures**  
everyone is under immense pressure to deliver simultaneously on many fronts, but by understanding some of those pressures, all can begin to understand differing aspirations and also find common ground.
- ▶ **Invest upfront**  
which is perhaps the most basic messages, inherent in achieving greater certainty by building relationships, co-ordinating efforts within and between organisations, doing the groundwork and in establishing clear frameworks of policy and guidance.
- ▶ **Write it down**  
to establish certainty by clarifying roles and responsibilities and establishing clear routes to better working practices.
- ▶ **Meet early and often**  
to establish dialogue and share aspirations as early as possible and to avoid, as far as possible, abortive work and divergent objectives.
- ▶ **Be proactive (both sides)**  
to avoid reactive and negative relationships as far as possible, and to move beyond formulaic solutions.
- ▶ **Be constructive**  
by working to build trust through adopting honest, inclusive and transparent approaches to negotiation.
- ▶ **Continual review**  
by asking again and again how can this be done more effectively and more efficiently and how can others help in that process.
- ▶ **There is no single route to best practice**  
everywhere is different and must find its own route to best practice, nevertheless sharing knowledge and experience will always pay dividends.
- ▶ **The shared objective**  
that we are all striving for better-quality housing.

## Route Map 6: STAGE 1 PRE-DEVELOPMENT



**Route Map 6:  
STAGE 2 PRE-APPLICATION**



## Route Map 6: STAGE 3 POST-APPLICATION

### APPLICATION SUBMITTED AND REGISTERED

#### AGREE PROGRAMME OUTPUTS AND INVOLVEMENT

- ▶ All parties to 'sign up': protocol or charter

#### PUBLIC NOTIFICATION AND CONSULTATION

- ▶ Neighbourhood notifications
- ▶ Variety of media
- ▶ Publicize opportunities for wider community involvement in the process

#### STATUTORY CONSULTATION

- ▶ Involvement and responses co-ordinated
- ▶ Applicant informed of outcomes at early stage

#### ONGOING ITERATIVE NEGOTIATION

- ▶ Ongoing dialogue: progress reports; applicants kept informed of major issues where necessary
- ▶ Continuity in personnel pre and post application
- ▶ Members kept informed

#### DC FORUM

- ▶ Formal environment for addressing contentious issues
- ▶ LPA/applicant/community
- ▶ Planning committee involvement
- ▶ Forum for negotiation

#### SENIOR LEVEL NEGOTIATION AND ARBITRATION: DECISION-MAKING

- ▶ Concise negotiation at senior level (for development details and s106 agreements)
- ▶ Identify experienced decision-makers
- ▶ Transparency and accountability of decisions

#### FURTHER PUBLIC OR WIDER INVOLVEMENT

- ▶ If requirement identified through process
- ▶ Public workshops/meetings
- ▶ Forum for negotiation
- ▶ Potential to shape proposals inclusively

#### AGREED OUTPUT/OUTCOME

- ▶ Output to reflect close working and collaborative processes (and hence aspirations of all players and stakeholders)
- ▶ Output integrated within context (local and policy) and well structured; compliance tests or statements where necessary

#### RECOMMENDATION

- ▶ Planning officer recommendation to planning committee; full council or delegated decision
- ▶ Recommendation reflects collaborative process and outcome
- ▶ Transparency and accountability

### DECISION

- ▶ Reflects early and ongoing involvement of decision making body
- ▶ Inclusive processes ensure understanding of issues (development specific and wider policy based issues)
- ▶ Decision transparent and accountable

#### APPEAL

- ▶ Necessity to appeal reduced
- ▶ Early ongoing dialogue ensures major issues resolved early in process

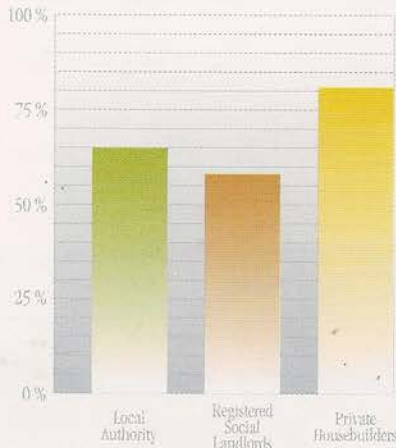
INCLUSIVE REVIEW

## Annex The Key Tensions



## Land identification and allocation

Figure A1:  
views on significance:  
LAND IDENTIFICATION AND ALLOCATION



### Background

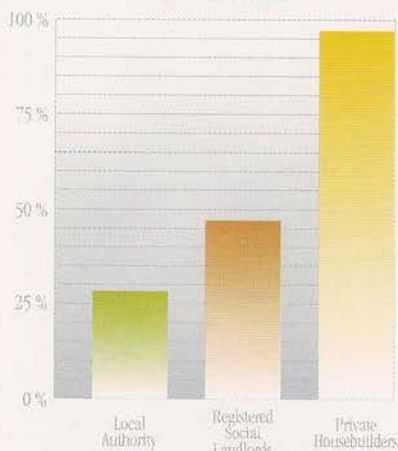
The way land for housing is allocated can, in some instances, become a cause for tension between the different stakeholders. This can result from the way allocations are made: essentially 'top down'. One view suggests that planners wrongly assume that constraint policies will cause housing demand to shift elsewhere. This view is frequently challenged and it is often argued that land constraint merely results in under-supply, and exacerbates a lack of co-ordination between housing and other policy areas.

### Findings

- ▶ **Attitudes.** There is sometimes a belief that 'short-term views' tend to compete with 'long-term thinking' at the regional, local provider and LPA levels. This can mean that strategic aspirations hit the 'barrier' of immediate (and parochial) concerns.
- ▶ **Conflict.** Some LPAs felt that the 'messages within PPG3' cannot be universally applied. Guidance on allocation, for example, deals in generalities, when specific practical detail is actually needed. A stronger view was that "...PPG3 has made current allocations obsolete". New allocations need new intelligence and this requires further resourcing (to LPAs).
- ▶ **Realism.** There is an LPA view that 'commercial realism' (on the part of developers) needs to be grounded in the LPAs' assessments of housing requirements and land capacity. Realism also involves ensuring that provision deals with both market demand and local social needs, particularly in the local plan and UDP. The view of developers (and RSLs) is that allocations must be 'generally realistic', given market conditions.
- ▶ **Co-ordination.** There is a general belief that allocation policies at the strategic and local level must be co-ordinated in order to address the negative 'top-down' derivation issues. Strategies must be 'city-wide' or 'cross-border', with a clear link between housing and the need for economic development.
- ▶ **Constraints.** All stakeholders wanted a full debate on the 60% target, to tackle the issue of low land values and demand. There is a general view that allocation policies should not be prescribed from above; but should be based around local assessments of cost, remediation, regeneration potential, conversion potential, conservation and employment impact.

## Planning delay

Figure A2:  
views on significance:  
PLANNING DELAY



### Background

The frustration many developers feel is summed up in the following comment: "...surely it cannot be beyond the wit of man, or even the Secretary of State, to do something to reduce these delays". Delay is often seen as the root of risk and uncertainty. It is a cause of tension in itself, and also the product of other tensions between the different stakeholders in the development process.

### Findings

Respondents, particularly those from LPAs, emphasised the constraints that lie at the heart of planning delay. These fell into three categories:

- ▶ **Resource constraints.** Delays can increase in line with the arrival of new pressures facing the LPAs; these include development brief requirements, capacity studies, and the widening of 'planning's role' (such as a stronger focus on design).
- ▶ **Policy constraints.** These can include out-of-date plans or policy contradictions (mentioned by developers); the uncertainty surrounding pre-PPG3 allocations; and the rapidity of policy context change in an age of 'modernisation'.
- ▶ **Process constraints.** Shortcomings in critical relationships are also a source of delay. Between the LPA and developers, this can be a result of protracted or badly handled negotiations. The relationship that local planning shares with the region (eg, the government regional offices) can lead to policy uncertainty. But there are also the 'standard' procedural problems: delays in plan adoption, inefficient or over-elaborate working procedures; and the need to demonstrate accountability.

### Other key events are also blamed for planning delay:

- ▶ **Agreements.** The time taken in their drafting and their nature (difficult to implement or enforce) can result in further delay.
- ▶ **Decision-making.** Developers often believe that officers appear incapable of making decisions. This can be a result of 'corporate caution' or a lack of corporate or individual understanding. LPAs believe that if developers (or RSLs) are aware of the policy context (ie, the need for affordable housing) then much delay will be avoided.
- ▶ **Local conflict.** The politics centring on local community groups – and hence local members – is often a source of delay.



## Background

The nature of the planning system itself, resting on administrative discretion and political decision making, can itself be a cause of tension. Discretion, it is argued, results in the uncertainty behind a complex and costly negotiation and appeals process. The divide between 'law' and 'policy' in the UK is also sometimes seen by developers as a source of ambiguity. Some past studies have even suggested that discretion in the planning system has contributed to the volatility of Britain's housing market.

## Findings

**Discretion** – as a focus of tension – can stand alone (if it is viewed as the essential element leading to ambiguity and uncertainty), or it can be viewed as part of many of the other tensions (eg, planning delay or the negotiation of affordable housing). The research suggested that discretion is a tension in itself exemplified through particular planning approaches and inconsistencies.

- ▶ **Approaches.** A lack of understanding that discretion is a part of the system is, in itself, a cause of tension. Nevertheless the system appears to be able to create frustration: as discretion (wielded by individuals) can lead to decisions that may be interpreted as 'strange', 'ambiguous' or removed from local reality. The system can be viewed as being reactive rather than proactive; with planners accused of reaction to demand or need in an ad hoc way rather than having a proactive strategy. For instance, planners often react to local opposition and are swayed away from any 'strategic' vision that puts the bigger picture first.
- ▶ **Inconsistencies.** Discretion can cause diversion away from policy, or deviation between regional, county and local planning. Discretion allows movement outside the plan-led system. Some developers believe that the housing market and patterns of provision are being driven by the whims and idiosyncratic approaches of individual planning officers; this perception, however well-grounded, is problematic.

## Background

Two issues are at stake here: what are the views of different stakeholders in relation to design issues (What are these issues? How significant are they?), and what should the role of planning be? Much of the recent debate has also focused on how well qualified planners are to play a leading role in design matters. It has also been suggested that developers are confused: design guidance is frequently weak and there are gaping inconsistencies between LPAs.

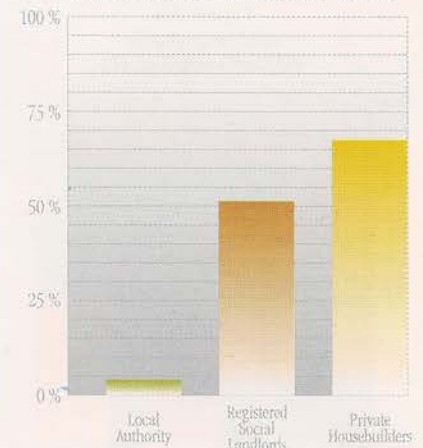
## Findings

Design tensions focus around a number of core areas:

- ▶ **Economic concerns.** There is a suggestion that design guidance places new burdens on a developer by increasing uncertainty when requirements are not explicit, and sometimes directly increasing costs. But there is also a contrary view: that good design increases marketability and also addresses the problem of 'standardization'.
- ▶ **Skills and understanding:** Planners are sometimes criticised as the 'weak link' in the push for greater design awareness and implementation. But each of the key stakeholders seem to think that the other core groups lack the know-how to take forward the design agenda. There is an acknowledgement that there must be a locally-available skills base to ensure 'contextually responsive' development and consistent advice.
- ▶ **Commitment to quality and standards.** All the stakeholders were ready to admit that good design is central to good housing, and they were willing to address it. But these acknowledgements were quickly qualified with references to the 'conflicts and constraints' which push stakeholders away from the ideal situation.
- ▶ **Conflicts and constraints.** Parking standards are a big part of the current design debate and all the key stakeholders indicated that what they feel is achievable is constrained by perceptions of what customers want. But design, from the point of view of developers, is constrained by a planning system that 'restricts innovation' and adopts 'inflexible standards' (planning and highways). Here, though, lies a contradiction. Planning is lambasted for its discretionary nature and lack of any strategic vision, but also for its lack of local flexibility. Furthermore, housing providers point to the need for planning innovation, but sometimes argue that design innovation may be controversial, leading to local objection and delay.

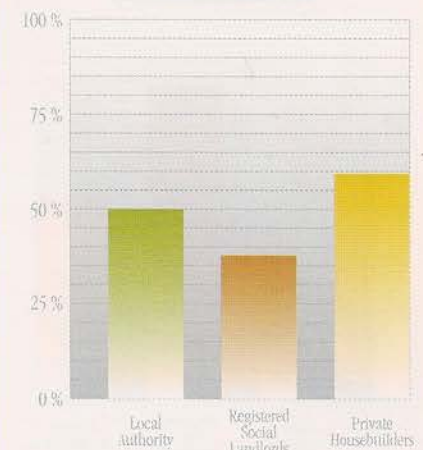
## Discretionary nature of planning

Figure A3:  
views on significance:  
DISCRETIONARY NATURE OF PLANNING



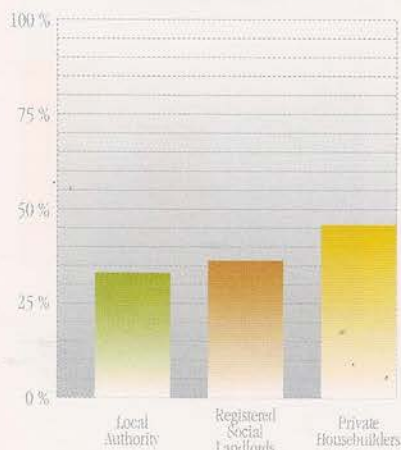
## Design guidance

Figure A4:  
views on significance:  
DESIGN GUIDANCE



## Planning agreements

Figure A5:  
views on significance:  
PLANNING AGREEMENTS



### Background

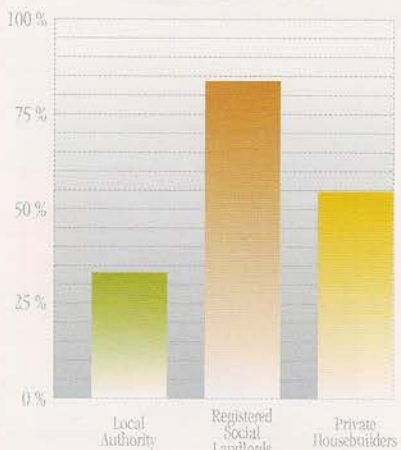
A number of recent studies have suggested that there is a growing concern that the 'gain' that LPAs are trying to extract from developments is exceeding what government originally intended. Another issue is the way that planning agreements are structured, sometimes as 'wish lists' rather than as reasoned and transparent accounts of local needs.

### Findings

- ▶ Planning agreements are at the heart of a number of tensions.
  - ▶ **Conflicts and constraints.** Conflicts over agreements can begin within an LPA when the aspirations of forward planning and policy sit uneasily with what development control believe is attainable. Outside the LPA, agreements are sometimes viewed as a barrier to development viability, increasing costs and reducing the feasibility of developing certain 'difficult' (e.g., brownfield) sites. The fact that LPAs have different requirements is another cause of tension: developers often feel that planners are not open and 'upfront' about the likely content of agreements. They are also suspicious that the LPA will move the goal posts.
  - ▶ **Level of gain.** Sometimes the lack of clarity results in negative and confrontational attitudes. What is reasonable and what is excessive? This question is central to the tension between different stakeholders, and to a belief that gain ignores the inherently positive impacts of development, revealing the lack of commercial realism on the part of LPAs.
  - ▶ **The economics of gain.** Planners may lack realism in their gain requests because housing providers are not 'open' about financial matters. The deal struck with a landowner on a particular site might, for instance, mean that gain is effectively priced out of the equation. Without open accounting, such factors remain unknown.
  - ▶ **Uncertainty.** Time-consuming, case-by-case negotiations prolong the development process; developers are often reluctant to provide concessions; and planners fail to provide clear signals about what will be required. The negotiation of planning agreements is often viewed "...as an ad hoc and uncertain process". But if developers knew before they purchased land how much they were likely to pay in planning gain, this could be factored into their calculations and so reduce tensions.

## Affordable housing

Figure A6:  
views on significance:  
AFFORDABLE HOUSING



### Background

Affordable housing creates its own brand of tensions and difficulties. RSLs often feel that the planning system – and those operating it – could do more to maximise the contribution of this strategy. Some developers, however, maintain that neither they nor landowners should be bearing the cost of providing affordable housing.

### Findings

- ▶ **Attitudes and perceptions.** LPAs tend to be unsure about developers' willingness to provide affordable homes. This stems in part from how the inclusion of affordable units affects the marketability of adjacent homes for sale. This 'tenure mixing' question is critical, as is – from the point of view of the RSLs – the low awareness that planners display of the consequences of delay for RSL funding.
- ▶ **Inclusive approaches.** There is a perception that affordable housing strategies are not corporately planned or managed within local authorities.
- ▶ **Legitimacy and rationale.** A number of respondents (from each of the stakeholder groups) questioned the rationale of using S106 agreements to deliver affordable housing, arguing that planning is generally an inappropriate tool for this purpose.
- ▶ **Consistency, transparency and fairness.** RSLs and developers make the following comments: authorities are inconsistent; they frame agreements unclearly; and they fail to adequately define what they mean by 'affordable' or to substantiate requirements. But this lack of clarity was also attributed to government policy which, it was suggested, fails to provide certainty and is generally ambiguous. All the stakeholders agreed that needs should be well substantiated and that the level of gain should correlate clearly with the level of need.
- ▶ **Economic constraints.** From the point of view of the RSLs, inflexible Housing Corporation funding rules mean that planning delay often results in a loss of funding opportunities. Furthermore, the conditions attached to schemes sometimes make it difficult to secure private funding, given the resale constraints
- ▶ **Local concerns.** Guidance is often viewed as unworkable; either lacking detail or (paradoxically) being too prescriptive. The inclusion of affordable housing (mixing tenures) is also a more sensitive political issue in certain areas, and this affects the willingness of the stakeholders to embark on such schemes.

## Background

Although the key stakeholders recognise the various benefits of well-designed, high-quality and high-density development, it is also recognised that density is a thorny political issue. The public has been conditioned to appreciate the merits of spacious, low-density development and hence perceives attempts to increase units per plot as 'town cramming'. Perceptions of public attitude affect both LPA member and provider attitudes to building at higher density.

## Findings

This background translated into the following key findings.

- ▶ **Attitudes.** With higher densities, it is feared that design will become a greater sticking point, and given that it will be less easy to segregate sale and affordable housing, a question mark can hang over the marketability of such schemes. Providers and LPAs also believe that there are 'negative misconceptions of high densities' and opposition emanating from local residents and their political representatives.
- ▶ **Interpretation of policy.** Whilst guidance in PPG3 is sometimes described as 'too prescriptive', there is also a suggestion that it is being interpreted in different ways. With regard to density, there is a perception that planning committees fail to understand exactly what PPG3 is attempting to achieve.
- ▶ **Context.** Tensions revolving around density are as much to do with local contexts as anything else. There is a belief that the issue is not being debated in the context of local market conditions, or regional physical and economic differences. Density can also conflict with local character and with the need to provide adequate car parking space in rural areas. In short, developers are wary of a zealous promotion of higher-density development in areas where they believe that it simply will not work.

## Background

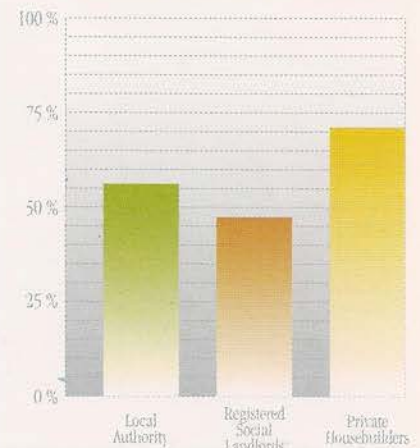
The term 'corporate working' is normally applied to the way in which different groups or departments within the same local authority co-ordinate their various roles. But this definition can be extended to include the way in which public-private partnerships operate, or the degree of liaison between neighbouring authorities or different tiers of government. The research began with the narrower definition, but quickly respondents turned to focus on these broader concerns. All are seen to impact on the way stakeholders are able to work together, and the nature and depth of the tensions that can arise.

## Findings

- ▶ **Co-ordination and integration.** The degree to which different activities are co-ordinated and integrated can be a cause of frustration if different departments, sectors, or adjacent authorities fail to 'pull in the same direction'. Providers complain that confusion often arises out of the publication of contradictory development plans, housing strategies, community plans and local need assessments. The problems can also infiltrate the consultation process, with highways, fire and safety, and legal departments approached too late in the day.
- ▶ **The impact of non-co-ordination.** A failure to pull in the same direction has several effects: inconsistency lengthens the negotiation process, as does unco-ordinated internal consultation; confusion results in a lack of direction, ad hoc responses and therefore ad hoc policies; a lack of co-ordination means that plans quickly become out of date; a lack of integration can lead to bad planning decisions; and this particular way of working accentuates all the other tensions, particularly those centring on design, density, planning agreements, affordable housing etc.
- ▶ **Commitment.** Many respondents regarded the capacity to work corporately as a personal trait. Some people can work as part of a team and recognise that they are cogs in a much larger machine. Others can not and do not. Corporate working can be less about policy and mechanics, and more to do with people.
- ▶ **Resource constraints.** LPAs, in particular, were keen to point out that setting up the systems, sharing information, and allocating sufficient time to such activities, all placed added burdens on the dwindling resources of local government.

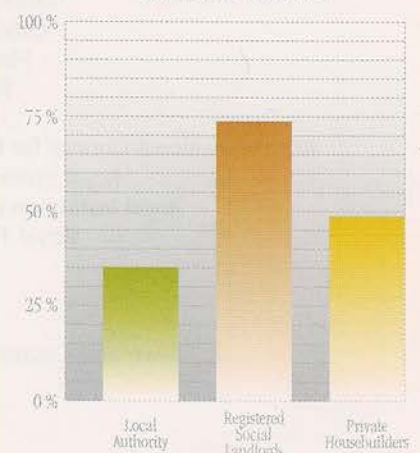
## Density of proposed development

Figure A7:  
views on significance:  
DENSITY OF PROPOSED DEVELOPMENT



## Corporate strategy

Figure A8:  
views on significance:  
CORPORATE STRATEGY



## ABBREVIATIONS USED IN THE GUIDE

<b>6/98</b>	<i>Circular 6/98: Planning and Affordable Housing</i>
<b>CPD</b>	<i>Continuing Professional Development</i>
<b>CPO</b>	<i>Compulsory Purchase Order</i>
<b>DC</b>	<i>Development Control</i>
<b>DTLR</b>	<i>Department for Transport, Local Government and the Regions</i>
<b>GO</b>	<i>Government Office</i>
<b>HA</b>	<i>Housing Association</i>
<b>HBF</b>	<i>House Builders Federation</i>
<b>HC</b>	<i>Housing Corporation</i>
<b>LA</b>	<i>Local Authority</i>
<b>LGA</b>	<i>Local Government Association</i>
<b>LPA</b>	<i>Local Planning Authority</i>
<b>LPAC</b>	<i>London Planning Advisory Committee (no longer in existence)</i>
<b>NLUD</b>	<i>National Land Use Database</i>
<b>NHF</b>	<i>National Housing Federation</i>
<b>PPG1</b>	<i>Planning Policy Guidance Note 1: General Policy and Principles</i>
<b>PPG3</b>	<i>Planning Policy Guidance Note 3: Housing</i>
<b>RPG</b>	<i>Regional Planning Guidance</i>
<b>RSL</b>	<i>Registered Social Landlord</i>
<b>RTPI</b>	<i>Royal Town Planning Institute</i>
<b>Section 106</b>	<i>Section 106, Town and Country Planning Act 1990</i>
<b>SHG</b>	<i>Social Housing Grant</i>
<b>SPG</b>	<i>Supplementary Planning Guidance</i>
<b>UDATs</b>	<i>Urban Design Action Teams</i>
<b>UDP</b>	<i>Unitary Development Plan</i>
<b>VDS</b>	<i>Village Design Statement</i>

## KEY CONTACTS (WEBSITES)

Bartlett School of Planning, UCL	<a href="http://www.bartlett.ucl.ac.uk/planning/">www.bartlett.ucl.ac.uk/planning/</a>
Commission for Architecture and the Built Environment	<a href="http://www.cabe.org.uk">www.cabe.org.uk</a>
Chartered Institute of Housing	<a href="http://www.cih.org">www.cih.org</a>
Civic Trust	<a href="http://www.civitrust.org.uk">www.civitrust.org.uk</a>
Council of Mortgage Lenders	<a href="http://www.cml.org.uk">www.cml.org.uk</a>
Countryside Agency	<a href="http://www.countryside.gov.uk">www.countryside.gov.uk</a>
Department for Transport, Local Government and the Regions	<a href="http://www.dtlr.gov.uk">www.dtlr.gov.uk</a>
Design for Homes	<a href="http://www.designforhomes.org">www.designforhomes.org</a>
Eurohousing	<a href="http://www.eurohousing.org.uk">www.eurohousing.org.uk</a>
Foundation for the Built Environment	<a href="http://www.fbe.co.uk">www.fbe.co.uk</a>
House Builders Federation	<a href="http://www.hbf.co.uk">www.hbf.co.uk</a>
Housing Corporation	<a href="http://www.housingcorp.gov.uk">www.housingcorp.gov.uk</a>
Housing Forum	<a href="http://www.thehousingforum.org.uk">www.thehousingforum.org.uk</a>
Housingnet	<a href="http://www.housingnet.co.uk">www.housingnet.co.uk</a>
Joseph Rowntree Foundation	<a href="http://www.jrf.org.uk">www.jrf.org.uk</a>
Local Government Association	<a href="http://www.lga.gov.uk">www.lga.gov.uk</a>
London Housing Unit	<a href="http://www.lhu.org.uk">www.lhu.org.uk</a>
National Federation of Builders	<a href="http://www.builders.org.uk">www.builders.org.uk</a>
National House Building Council	<a href="http://www.nhbc.co.uk">www.nhbc.co.uk</a>
National Housing Federation	<a href="http://www.housing.org.uk">www.housing.org.uk</a>
Office of National Statistics	<a href="http://www.statistics.gov.uk">www.statistics.gov.uk</a>
Planning Officers' Society	<a href="http://www.barnsley.gov.uk/planning/">www.barnsley.gov.uk/planning/</a>
Popular Housing Forum	<a href="http://www.popularhousingforum.org.uk">www.popularhousingforum.org.uk</a>
Regen.Net	<a href="http://www.regen.net">www.regen.net</a>
ROOM (National Council for Housing and Planning)	<a href="http://www.room.org.uk">www.room.org.uk</a>
Royal Institute of British Architects	<a href="http://www.architecture.com">www.architecture.com</a>
Royal Institution of Chartered Surveyors	<a href="http://www.rics.org.uk">www.rics.org.uk</a>
Royal Town Planning Institute	<a href="http://www.rtpi.org.uk">www.rtpi.org.uk</a>
Rural Housing Trust	<a href="http://www.ruralhousing.org.uk">www.ruralhousing.org.uk</a>
Shelter	<a href="http://www.shelter.org.uk">www.shelter.org.uk</a>
Sustainable Homes	<a href="http://www.sustainablehomes.co.uk">www.sustainablehomes.co.uk</a>
Town and Country Planning Association	<a href="http://www.tcpa.org.uk">www.tcpa.org.uk</a>
Urban Design Alliance	<a href="http://www.udal.org.uk">www.udal.org.uk</a>
Urban Design Group	<a href="http://www.udg.org.uk">www.udg.org.uk</a>

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**The Royal Town Planning Institute**

is chartered to advance the science and art of national, regional and local town planning for the benefit of the public



**The Bartlett School of Planning**

specialises in sustainable development, transport, urban design, regeneration and European planning



**The Housing Corporation**

is a non departmental public body whose role is to fund and regulate Registered Social Landlords in England



**The National Housing Federation**

is the body that represents the independent social housing sector



**The Department for Transport, Local Government and the Regions**

is the government department with responsibility for national planning and housing issues



**The House Builders Federation**

is the trade federation for private house builders in England and Wales

Working Together examines the relationship between housing providers and planners. It aims to identify and explain the motivations and constraints of the different groups, and through the assembly of good practice examples and five routes to better practice, demonstrate how the tensions inherent in house building can be overcome within a range of local settings and circumstances.

