

Minutes of the Roundtable between parliamentarians, housing and regeneration leaders & Christopher Katkowski QC

Tuesday 8th February 2022 (online meeting)

Members

Ben Everitt MP (BE) - Chair

In attendance

APPG Secretariat

Build-ID

LPDF

Aster

Settle

Sanctuary Group

Stonewater

Devonshires

Trent and Dove

Barratt

Get Living

Skanska

Wates

PPR Estates

RPS

Guests

Christopher Katkowski QC (CK)

Meeting Started at 9:30

1. Introduction - Christopher Katkowski

- My work is primarily focused on planning inquiries and judicial reviews. I have also participated in planning reforms for successive governments. I have a particular interest in what this group does, as much of my work is centred around housing and regeneration. Additionally, another area I am passionate about is affordable housing delivery.
- Today, I would particularly like to talk to you about the Interplay of housing and politics.
- There are three main aspects.
 - First, local plans. Planning law enshrines local plans in a way that means that the planning system should not diverge from local plans unless there is a very real reason to do so. Local plans tell us what to build where, and which areas are protected. We have tried to streamline the plan making system so that plans can be put in place quickly, so that we can focus on what matters most. Much of the decisions in this field are political ones. I do understand that the problem with local plans at the moment is that they are expensive and time consuming. By the time they are finished, it is basically time to make a new local plan. Therefore, we

need to incentivise local authorities to make local plans, by convincing them that a plan, once put in place, is the law of the land for a prolonged period of time, and that the bar for going against the plan is very high.

- Secondly, the issue of housing numbers and how many houses need to be built in a planning period. The government has set a standard method of determining how many houses need to be built in each local authority. We do need political leadership on this matter: either we have a system where the numbers coming from this methodology are mandatory and fixed, with penalties for local authorities that don't meet them; or we have a system that is more flexible to local needs and desires. During my time working with Robert Jenrick, I was in a meeting with all the Conservative council leaders and opposition leaders on planning reform. This meeting was dominated by the issue of housing numbers. It is clear that it is on the forefront of many local authorities' minds.
- Finally, affordable housing. Our market is currently unable to deliver enough affordable housing on the system that we have. The current system requires that a certain number of houses on sites have to be affordable. As you know, the infrastructure levy was discussed in the whitepaper. If there is going to be a new tax on development, I believe that the priority use of that money should be for affordable housing.

2. Questions and discussion

Q: How can we improve engagement with young people in terms of local plans, so that their concerns on environmental and social integration issues can be heard? How do we improve engagement between councils so that they can share their learnings with each other?

CK: There was a huge push in the whitepaper for digitalisation and finding better ways to engage with communities than the traditional ways we've been using thus far. On sustainability and environmental issues, we seem to have good standards and policies on a national level filtering down to local level. Social integration is super important, and with the right politics should be easy to achieve. Incentivising the use of brownfield sites has been running debate. Brownfields tend to have existing communities around them who don't want change, so they are often even more controversial than greenfield sites.

Q: Do you believe that the current planning system is more focused on preventing bad developments, instead of encouraging good developments?

CK: You are right that there is a legacy in planning system which focuses on standing in the way of bad developments instead of incentivising good developments. There have been positive changes on this in recent years. The concept of building beautiful is one incentive to achieve better quality. There is a silent minority of people who want to support what is being proposed: lots of people tend to be in favour of a proposal but don't speak out. The system is very biased towards people who want to object versus who want to support proposals, because those who oppose them tend to come to meetings and shout the loudest. Meanwhile those who support the proposals tend to stay at home. Digital engagement is probably a good solution to this.

Q: What is your view on the resourcing issue for local authorities and how do you think we could resolve this? What is your view on planning permissions now requiring what appears to be 'information for the sake of information'?

CK: The resource issues are 100% a big problem. Fees for promoters who want to promote sites in the planning system could help with this. The industry seems to be okay with this idea. On the subject of information for the sake of information, we did put forward some ideas on how to streamline the application process to focus on outcomes and not padding.

Q: Is the current system encouraging cooperation between local authorities? How do we ensure the deliverability of developments on the permitted sites?

CK: The idea that we need local authorities to cooperate, and not necessarily agree is a ridiculous system and needs to be replaced with a strategic regional overview of what needs to be done, where, and how. There needs to be an obligation to seek agreement. In terms of ensuring deliverability, the compulsory purchase system could be made easier. We might need an independent inspector who will determine if a site is viable, but this will need to be a political decision. Central government needs to intervene where local authorities aren't making plans.

Q: How do we align all the relevant people in the planning system so that it is fit for purpose?

CK: Most decisions go in the way that the planning officer recommends. Some reports are written by officers knowing that they won't go through. We did discuss this quite a bit. It is a fundamentally political issue. There is no way to get away from the fact that in a democratic system, elected councillors will end up making the final decision. But we do need a system where principles are clearly set out. At least more clearly than now. Some do not believe that these decisions should be made by councillors, and should instead be made by experts and professionals. I disagree with this.

Q: What else came out of your work on how politics is going to help solve the problems discussed in this meeting?

CK: Down to someone getting hold of the political final decision. Something needs to be done, but that relies on the central government making the decision. It takes time for legislation to be drafted, get through parliament, get the statutory instruments and then processes for delivery in place. We just need to get on with it.

Q: There is a huge issue with the interaction with Natural England because so many applications are being held up due to the phosphates and nitrates issue. How do we get through this?

CK: Lets not forget water abstraction is also causing embargos on development. Another working group which is looking at habitat regulations assessments. I am a member of that group. There is a greening paper on the way to try and solve these problems by improving the processes by which we make decisions while ensuring that we maintain the habitat. The DEFRA Secretary of State George Eustice is on the case and is making good progress on this.

BE thanks CK for his time.

Meeting ends 11:00