

Greenest Planning Ever Coalition

Localism Bill Briefing

House of Commons, Second Reading

January 2011

The Greenest Planning Ever coalition¹ has come together to ensure that the natural environment is at the heart of planning reform. Our 6.5 million members and thousands of volunteers understand the pivotal role of planning in securing a healthy natural environment and restoring public faith in democratic decision making. The Greenest Planning Ever coalition is a campaign of Wildlife and Countryside Link² and partners.

The Government has initiated further fundamental reforms to the English planning system at the same time as setting a tough agenda to revive the economy and cut public debt. Throughout these changes the planning challenge remains the same: the planning system must continue to protect and enhance the natural environment whilst ensuring its resilience and adaptation to climate change.

This requirement must be reconciled with the expectation that planning should encourage house building and stimulate sustainable economic growth. Planning structures may change, but good practice and the policies which support it should not be lost and must be valued.

Part 5 of the Localism Bill is a significant landmark in the Government's planning reform agenda. In order to be the 'greenest government ever', the Bill must:

- State that sustainable development, delivered within environmental limits, is the purpose of planning, including neighbourhood planning
- Provide a statutory basis for the national planning framework
- Introduce new and effective arrangements for strategic planning across local authority boundaries
- Ensure that neighbourhood plans provide a fair and transparent approach to community participation, allow for full and proper consideration of local and wider impacts and are consistent with relevant national and local plans
- Provide a limited community (third party) right of appeal

Sustainable development

We recommend: The purpose of planning must be to further sustainable development.

This means bringing about genuine improvements in environmental and social wellbeing, as well as the economy. Across the UK we share the principle that we must start respecting and living within environmental limits locally and globally. Planning is an essential tool for managing the use of our natural resources and for either avoiding or minimising the impacts of development on the environment. A high-quality natural environment is as important for

¹ <http://www.wcl.org.uk/planningreform.asp>

² Wildlife and Countryside Link (Link) is a coalition of the UK's major environmental organisations working together for the conservation and protection of wildlife and the countryside.

business and for people as it is in its own right. Present and future generations deserve the best possible standards for their communities and the countryside they care for.

We are realistic about the hurdles we face: halting the loss of biodiversity and aiding its recovery, adapting to and mitigating climate change, and making the fundamental shift towards a green, low carbon economy won't be easy. But solutions are increasingly available and planning in particular can help engage people and their communities so that they understand the issues, the system and are inspired to fully participate in planning decisions affecting them. Properly involved, people can select the best solutions to shape their city, town, village and countryside and understand what this means for wider matters such as national action on restoring nature, curbing climate change and responsible resource use.

It is not clear whether the existing statutory duties related to sustainable development and climate change introduced by the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008 apply to neighbourhood plans.

We recommend: The Localism Bill should state that sustainable development, delivered within environmental limits, is the purpose of planning, including neighbourhood planning. Sustainable development should be defined on the face of the Bill, with further detail on how it can be applied in a planning context in the forthcoming National Planning Policy Framework.

National Planning Policy Framework (NPPF)

The Government has proposed a NPPF for England, which is an essential part of the package of planning reform.

We recommend: A strong national vision is essential to guard against the danger that localism becomes merely parochialism. A spatial, but not site-specific, NPPF would help people to visualise the scale of the challenges ahead and how their local community relates to it. It should:

- (a) show how England's economic, social and environmental objectives fit together and what these mean at the local level;
- (b) assess the environmental impacts and consider all the reasonable alternatives to damaging policies and proposals;
- (c) identify national ambitions, like restoring and creating new habitats at a landscape-scale or leading a revolution towards community owned renewables, and help people to be a part of it.

The Localism Bill does not provide a statutory basis for the NPPF. Instead the Government is relying on a general provision in the 2004 Act which refers to 'national policies and advice contained in guidance by the Secretary of State' (s.19(2) of PCPA 2004). This is inadequate for a document of this importance, which we understand will be subject to widespread public consultation and Parliamentary scrutiny. It also fails to clarify how the NPPF will relate to other Government policy or development plans and promote consistency across all levels of planning.

We recommend: The Localism Bill must provide a statutory basis for the NPPF. Furthermore, the NPPF must provide a framework for embedding sustainable development principles across all levels of planning.

Strategic planning

The natural environment cuts across administrative boundaries. In recent years, planning beyond the local level allowed for joint local authority policy development and greater

involvement of partners in the delivery of positive outcomes. Examples include identifying appropriate sites for wind farm developments, managing coastal realignment, restoring habitats following minerals extraction and so on. A new framework for local authority cooperation is needed to enable strategic planning across local authority boundaries where this is required.

Provisions already exist for local authorities to prepare joint strategies together. In clause 90, the Bill proposes a duty to cooperate between local planning authorities and other prescribed bodies (as yet undefined), but this seems little more than a duty to exchange information and views when preparing plans. Voluntary strategic planning risks strategic failure where contentious issues must be resolved across local authority boundaries.

We recommend: The Localism Bill must introduce new and effective arrangements for strategic planning across local authority boundaries.

Neighbourhood plans

We recommend: Neighbourhood plans should be built on a robust, up-to-date evidence base.

We welcome proposals to engage local people in planning, but there must be adequate checks to ensure that powerful local interests do not hold sway over decisions which benefit wider societal and environmental interests. Planning gains its legitimacy as a decision-making process by being trusted. Local communities and voluntary groups should be involved at all stages in a process which must be as transparent, accountable and accessible as it is speedy and efficient.

The provisions in the Bill for neighbourhood planning are complex, and this may make it difficult for some community groups to get involved. We are also concerned about the representative nature of local forums; the cost, and resources available, for neighbourhood planning, especially the skills available for proper assessment (Strategic Environmental Assessment will be required, and in some cases, Habitats Regulations Assessment may be needed), and the status and expertise of independent assessors. Taken together, the proposals risk a 'two tier' outcome where only well-resourced neighbourhoods can take part.

Rights of appeal

We recommend: The Localism Bill must ensure that neighbourhood plans provide a fair and transparent approach to community participation and local decision-making. There must also be checks to make sure that plans at all levels are consistent and focused on furthering sustainable development.

Developers often have the advantage of a seat at the table and the resources to buy-in the right expertise. When a planning application is refused, a developer has the right to appeal against the decision, but this right is currently denied to third party objectors when planning permission is granted, even if the decision flies in the face of the local authority's own development plan. Involving people at the early stage of planning is important and welcome, but a community right of appeal against decisions not in line with the local or neighbourhood plan is vital to give the Big Society and local planning real teeth.

We recommend: The Localism Bill should change the appeal system. We call on the Government to provide a limited community (third party) right of appeal.

This briefing is supported by the following organisations:

- Amphibian and Reptile Conservation
- Badger Trust
- Bat Conservation Trust
- Butterfly Conservation
- Campaign for Better Transport
- Campaign for National Parks
- Campaign to Protect Rural England
- Council for British Archaeology
- Environmental Law Foundation
- Friends of the Earth England
- The Grasslands Trust
- The Mammal Society
- Open Spaces Society
- Royal Society for the Protection of Birds
- Town and Country Planning Association
- Woodland Trust
- WWF-UK

Contact details

Fiona Llewellyn, Wildlife and Countryside Link (02078208600 or fiona@wcl.org.uk)

