

Greenest Planning Ever Coalition

Localism Bill Briefing House of Commons, Report Stage

Report Stage

17-18 May 2011

Summary

The Localism Bill must:

- **state that sustainable development is the purpose of planning, including neighbourhood planning, with a statutory definition of sustainable development and clearer duties for those exercising planning functions;**
- **include a measurable and enforceable duty to cooperate that encourages and enables positive action and joint working to deliver effective strategic planning and achieve sustainable development;**
- **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 public (third party) right of appeal.**

The Localism Bill is only one part of the Government's planning reforms. In addition, **Government should publish a draft of its emerging National Planning Policy Framework (NPPF) at the earliest opportunity**, so that parliamentarians and the wider public can debate the Bill in the context of the Government's planning policy intentions.

Introduction

The Localism Bill is a landmark piece of legislation introduced by the coalition government. It is intended to set the foundations for the Big Society by radically transforming the relationships between central government, local government, communities and individuals. The key theme running through the Bill is the devolution of power to provide greater freedoms to local authorities and communities. The Bill also sets out to "*revolutionise the planning system*"¹.

The Greenest Planning Ever coalition² has come together to ensure that the natural environment is at the heart of the proposed planning reforms. 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.

¹ Written statement of the Right Hon Eric Pickles MP, Secretary of State for Communities and Local Government, 13 December 2010

² The Greenest Planning Ever coalition is a campaign of Wildlife and Countryside Link and partners. Our briefings can be downloaded from <http://www.wcl.org.uk/planningreform.asp>. 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.

The recent Budget announcements, including a statement that all bodies responsible for planning should prioritise growth and jobs, raise serious concerns that such short term measures to boost the economy will result in decisions that are unsustainable in the long term. There is no doubt that the UK is facing unprecedented challenges for the 21st Century - economic recovery, climate change and biodiversity loss, increased urbanisation and decreased resources (water and fossil fuels) and the need for greater social equity. However, we are concerned that the wider aims of planning, which enable the integration and implementation of economic, environmental and social policies, priorities and objectives on the ground, may be lost as part of a short term drive for simple economic growth. If we want to successfully face these challenges, we must strive to achieve sustainable development in a consistent, coordinated and participative way.

Planning is an essential element of our modern society. It helps to ensure that our needs can be met in a way which considers the opportunities for, and limits on, land use and resources now and in the future. Effective, strategic spatial planning facilitates the delivery of wider aims including regeneration and economic development, good quality and affordable housing, sustainable transport, community cohesion and participation, social inclusion and protection and enhancement of the environment. Whilst we accept that planning structures may change, good practice and the policies which support it should not be lost and must be valued.

Sustainable Development

We are realistic about the hurdles we face: halting the loss of biodiversity and aiding nature's recovery, adapting to and mitigating climate change, protecting our valued landscapes and making the fundamental shift towards a green, low carbon economy won't be easy. But solutions are increasingly available. Planning in particular can help engage people and their communities so that they understand the planning system and associated issues and are inspired to fully participate in development decisions affecting them.

We believe that sustainable development must be embedded at the very core of the planning system, within its structure, forming part of the overarching framework that influences all functions, objectives and policies. To do this, there is a need for the Government to reaffirm the purpose of planning and the Localism Bill provides the perfect opportunity to do this. This purpose must be to achieve sustainable development, accompanied by a statutory definition of sustainable development. The planning framework must set minimum standards, whilst also empowering and enabling local communities. This will help to provide greater certainty in local decision-making and identify the common goal for everyone concerned with planning.

Defining sustainable development in the Localism Bill would not impose inflexible boundaries on communities, in fact it can encourage the very certainty, innovation and progress required to put sustainable development into practice for the use of land and resources, for business and in the use of solutions by and through local action. The statutory definition and the roles and responsibilities of planning authorities should in turn be supported and expanded through other strategic documents, such as the NPPF and guidance on the duty to cooperate.

In Commons Committee Stage, Greg Clark MP, Decentralisation Minister, said he would consider whether to place a definition of sustainable development on the face of the Bill keeping "*an open mind*", and that he had "*no objection in principle*" to its inclusion.

We recommend:

- **The Localism Bill is amended to incorporate New Clause 6, tabled by Joan Walley MP and Clive Betts MP, which states that the purpose of planning is to achieve**

sustainable development and includes a statutory definition of sustainable development.

Strategic Planning and the Duty to Cooperate

In recent years, planning beyond the local level has allowed for joint local authority policy development and greater involvement of partners in the delivery of positive outcomes. The Localism Bill will abolish regional planning. In its place, the Bill must introduce new and effective mechanisms for strategic planning across local authority boundaries, which deliver for the environment and communities as a whole. The Government has proposed the duty to cooperate between local planning authorities and other prescribed bodies (as yet undefined). But we are concerned that the duty as drafted will not lead to local authorities proactively seeking cooperation and working with others to address matters that are of strategic importance and which impact on more than one authority or administrative area. Voluntary strategic planning risks strategic failure where contentious issues must be resolved across local authority boundaries.

Our recent dialogue with Government on this issue has been constructive and we applaud the Government's intention to amend the Bill to strengthen the duty to cooperate. Some aspects of the Government's amendments are welcome. In particular, we strongly support the inclusion of marine planning within the activities to which the duty applies and changes to the test of soundness for local development documents so that the examination process includes consideration of how local authorities have complied with the duty.

However, whilst these amendments show progress and willingness to improve the duty, there remain elements that should still be strengthened to provide a robust and effective framework for strategic planning. The duty to cooperate needs to positively encourage and enable proactive cooperation and to drive the development and use of innovative and effective tools, mechanisms and solutions. We have some concerns that the amended duty to cooperate indicates a bias towards the use of strategic planning mainly for economic growth and infrastructure development, without recognising that it can also bring many benefits in the delivery of social and environmental objectives. For example, the central and driving role of Local Enterprise Partnerships in strategic planning risks prioritising business needs over the wider needs of the community and the environment and may result in unaccountable and unrepresentative decisions.

We recommend:

- **The overarching objective of the duty to cooperate must be for local authorities and others to cooperate in order to achieve sustainable development. Priority should not be given to economic growth or infrastructure development to the detriment of social and environmental objectives which must also be achieved.**
- **There must be recognition that strategic planning is about more than consulting potentially affected authorities on elements of a development plan, building an evidence base for a local development document or addressing impacts of local objectives on a wider area. The duty to cooperate must allow for the integration of other strategic matters that impact upon the development and use of land into the planning process. Cooperation must extend to other strategic documents or processes that impact upon local planning and development decisions. For example, this could include strategies on biodiversity conservation and ecological networks and areas for restoration, Biodiversity Action Plans, energy assessments and strategies, climate change adaptation, etc.**

- **The duty to cooperate needs to encourage and enable positive action and joint working. It must go beyond mere consideration of joint approaches or joint documents so that it doesn't end up as another ineffective consultation exercise. Authorities must be encouraged to do more than just talk. They must pro-actively work together to assess the strategic needs of their combined areas, determine the best approach for meeting those needs and proactively work together to achieve common objectives. The duty must also be measurable and enforceable. Consideration must be given to other measures that are needed to test if the duty has been complied with in the absence of a development plan document that can be examined.**
- **To strengthen the application of the duty to marine planning and drive better integration with terrestrial planning, marine plan authorities must be included in the list of persons subject to the duty. Like the test of soundness for local development documents, there must also be a mechanism which tests and measures if the duty has been complied with in relation to marine planning.**
- **The duty to cooperate must be supported by sound guidance, effective tools and incentives. The NPPF and any additional guidance needs to be clear about how the duty will apply in practice, identify the drivers for cooperation, what activities will constitute cooperation and what evidence will be needed to show the duty has been complied with. There also needs to be continued monitoring and reporting to enable the public to assess their authority's performance in planning beyond their area and developing joint solutions to address larger than local issues. The duty must be supported in practice by mechanisms that ensure the maintenance and sharing of data at sub-national level.**

National Planning Policy Framework (NPPF)

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.

We recommend the NPPF should:

- **provide further detail on what sustainable development means in a planning context and show how England's economic, social and environmental objectives fit together and what these mean at the local level;**
- **assess the environmental impacts and consider all the reasonable alternatives to damaging policies and proposals;**
- **identify national ambitions, like restoring and creating new habitats at a landscape-scale to secure a coherent ecological network (integration with the Natural Environment White Paper)**
- **lead a revolution towards community owned renewables, and help people to be a part of it;**
- **provide the framework for effective strategic planning, including guidance on what issues need a joint approach and how the duty to cooperate can be implemented in practice.**

Neighbourhood Planning

We welcome, in principle, the concept of neighbourhood planning and seeking to enable local residents to truly engage in the planning and development of their communities. To ensure they are fully inclusive and do not become a “NIMBY’s Charter”, neighbourhood plans must be built on a robust, up-to-date evidence base and enable effective participation and involvement from all interested parties at every stage. Neighbourhood planning must be guided by strategic and national planning. It must enable national needs and international obligations to be properly delivered at the local level, such as sustainable housing and renewable energy.

We recommend:

- 1. Neighbourhood plans must be prepared under and be consistent with the strategic frameworks established in national and local plans and be subject to the requirement to achieve sustainable development. They should not disproportionately represent business interests. The Localism Bill must include sufficient mechanisms to ensure consistency between plans at all levels.**

Community Rights of Appeal

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 public 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 public (third party) right of appeal, and support the addition of New Clause 4, tabled by Stephen Gilbert MP, to the Bill.

This briefing is supported by the following organisations:

- Amphibian and Reptile Conservation
- Butterfly Conservation
- Campaign for Better Transport
- Campaign for National Parks
- Council for British Archaeology
- Campaign to Protect Rural England
- Friends of the Earth England
- Open Spaces Society
- Royal Society for the Protection of Birds
- The Grasslands Trust
- The Wildlife Trusts
- The Woodland Trust
- WWF-UK

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The Greenest Planning Ever (GPE) coalition

The GPE coalition is a campaign of Wildlife and Countryside Link. The coalition is concerned with planning reform in England and is supported by 6.5 million members and thousands of volunteers. Our manifesto, *Our Vision for the Future of Planning*, lays out our vision for the role of the Localism Bill in planning reform.

Our briefings can be downloaded from our website: www.wcl.org.uk/landuseplanning.asp.