

Item 1

Planning reform

For discussion and direction

Summary

This report sets the background for the seminar style discussion at the meeting on the opportunities and challenges councils will be facing on planning and physical development, and the role of the Local Government Group in responding to them. Trudi Elliott (RTPI) Tony Burton (Civic Voice), plus Liz Peace (British Property Federation) will be attending the meeting to offer their views briefly, and participate in the discussion.

Recommendations

1. Members discuss recent reforms to planning system.
2. Members discuss the planning support offer to the sector and consider how the board will steer this going forward.

Action

As directed by Members

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Item 1

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Background

1. Planning has been a key plank of the government's reform programme in its first eight months in office. The large number of policy changes, proposals and initiatives both within the localism bill and outside will have a significant impact on the role of local planning authorities both at the community planning level and strategic level.
2. The key changes affecting councils can be summarised as follows:
 - 2.1 A change to the nature of **strategic planning** with the abolition of Regional Spatial Strategies and a new duty to cooperate through the localism bill.
 - 2.2 A new system of **neighbourhood planning** including measures to allow parish and town councils and new neighbourhood forums in un-parished areas to develop new neighbourhood plans and orders subject to independent examination and acceptance at referendum.
 - 2.3 A requirement on developers to undertake **pre application discussions**. The government is currently consulting on the scope of this provision.
 - 2.4 Proposals to cut back on the approximately 2,500 pages of planning guidance through the creation of a streamlined **National Planning Policy Framework**.
 - 2.5 A **local standards framework** for new homes.
 - 2.6 Powers to allow local planning authorities to charge **planning fees** to full economic cost.
 - 2.7 **Abolition of Infrastructure Planning Commission** and transfer of responsibility for decisions on major infrastructure to the Secretary of State.
 - 2.8 **A focus on incentives**; principally the New Homes Bonus and Community Infrastructure Levy (CIL).

Response to the planning reforms

Sector and professional bodies

3. The **Local Government Group** (LG Group) has supported the thrust of government's approach to planning. However we have highlighted an obvious disconnect between Ministers' ambitions and the detailed prescription and duties - evident particularly in the Localism Bill. We are working with the government on specific issues including work to ensure that the neighbourhood planning measures genuinely promote local choice and flexibility.

16 March 2011

Item 1

4. The **Planning Officers Society** (POS) has worked closely with the LG Group on planning reforms including joint submissions on issues of planning fees and planning for schools. POS have noted that the neighbourhood planning proposals in the localism bill are too demanding, protracted and expensive to encourage much take up.¹.
5. The **Royal Town Planning Institute** (RTPI) have called for the duty to cooperate to include a much firmer requirement to work together and have proposed an additional duty to consider cooperation. The RTPI welcome the NPPF and would like to see it on the face of the localism bill².
6. The **Town and Country Planning Association** (TCPA) welcome the duty to cooperate but would like to see this strengthened. They highlight that there is a need to monitor cooperation and mechanisms for mediation between partners should also be made available³.

Voluntary and Community Sector

7. **Action with Communities in Rural England** (ACRE) welcome neighbourhood planning measures and wish to ensure that it is workable at local level and achieves the right balance between empowering communities and maintaining the integrity of strategic local planning policies⁴.
8. **Civic Voice** welcome the proposed changes to CIL and are interested in safeguards that will be put in place to ensure communities gain access to the funds they require⁵.

Business and Development Sector

9. The **Home Builders Federation** (HBF) would like to see the presumption in favour of sustainable development included within primary legislation. They would also like to see the duty to cooperate strengthened. The HBF support a streamlining of the burden on housing development and believe there are very few legitimate 'local standards', as distinct from national standards⁶.

¹http://www.planningofficers.org.uk/downloads/pdf/Localism%20Bill_Key%20Lines%20of%20Enquiry_conference%20version_FINAL_20jan11.pdf

²<http://www.rtpi.org.uk/item/4393/23/5/3>

³http://www.tcpa.org.uk/data/files/final_mpw_bp3.pdf

⁴<http://www.acre.org.uk/Resources/ACRE/Parliamentary%20Debates%20-%20Localism%20Bill.pdf>

⁵http://www.civicvoice.org.uk/uploads/files/Second_Reading_Commons_briefing_-_January_2011.pdf

⁶

http://www.hbf.co.uk/fileadmin/documents/news/Parliamentary_Briefings/HBF_Government_briefing-Localism_Bill_-_14_Jan_2011.pdf

16 March 2011

Item 1

10. The **British Property Federation** (BPF) support the strong 'pro growth' message in the localism bill and are happy that issues such as third party right of appeal did not make it into the bill. The BPF accept a rise in planning fees to cover costs is appropriate although would not support local authorities being able to do this in an unregulated fashion⁷.

Reaction in the media to planning reforms.

11. '**Menston campaigners use referendum to protect green fields from bid**'. The Bradford and District Advertiser reports that campaigners are planning to call a parish referendum to help block the development of former greenfield sites that were re-designated for housing by a Government planning inspector, contrary to recommendations from Bradford Council.⁸

12. '**Localism Betrayed**'. Responding to Greg Clark's promises that local people will be able to shape the planned environment of their communities 24 Dash Blog writes that 'It is designed to deliver centralised housing targets and to ensure that bigger than local planning is imposed on local communities. The old order is back. Centralised planning from big government is the real meaning of localism in the Big Society.'⁹

13. '**Home Truths: localism and Development**'. Building.co.uk cites the fears of the development industry as 'that by relinquishing central control, the coalition is handing the future of the industry to the people who have spent the past three decades fighting development at every turn'.¹⁰

14. '**Wish list for the National Planning Policy Framework**'. Property Week describes the document as the 'one of the most eagerly-awaited documents for many a year'. The framework must have 'a strong presumption in favour of development and checks and balances for the new system of neighbourhood plans'¹¹.

7

http://www.bpf.org.uk/en/files/bpf_documents/planning/BPF_response_to_planning_app_fees_final.pdf/

[http://www.bpf.org.uk/en/files/bpf_documents/planning/Localism_Bill_Second_Reading_brief.p
df](http://www.bpf.org.uk/en/files/bpf_documents/planning/Localism_Bill_Second_Reading_brief.pdf)

8

http://www.advertiserseries.co.uk/news/news_guiseley/8888804.Votes_plan_to_stop_300_new_homes/ , 3rd March 2011

⁹ <http://www.24dash.com/blogs/andybodders/2011/02/11/Localism-Betrayed/> , 11th February 2011

¹⁰ <http://www.building.co.uk/sectors/housing/home-truths-localism-and-development/5012928.article>, 18th February 2011

¹¹ <http://www.propertyweek.com/professional/planning/comment-heres-my-wishlist-for-the-national-planning-framework-says-ian-tant/5014321.article>, 3rd March 2011

16 March 2011

Item 1

15. **‘Ludicrous planning rules banning councillors with mobile phones from voting on masts to be ripped up’**. The Daily Mail writes that ‘the new [pre determination] rules would still prevent someone voting on a planning scheme in which, for example, they have a financial interest. But they would not stop councillors voting on an issue if they had stood for election against that development¹²’.
16. **‘Spice up the suburbs with the help of the Localism Bill’**. The Guardian writes that the planning measures in the localism bill could be ‘one sensible way of getting people together to work through local initiatives’. The concerns is “less that local communities lack the will to compromise over building matters, but that we lack the expertise to do so. We need to learn a lot more, collectively, about architecture, design, planning and conservation before we can be sure that we are talking sensibly, generously and imaginatively.”¹³

Local Government Group support offer on planning

17. The Local Government Group has received confirmation that funding for the Planning Advisory Service will be continued over the spending review period. This will consist of £3 million 2011/12, funding in future years will be subject to agreement but CLG have indicated that this will decline to £2 million by the end of the spending review period in 2014/15. The confirmation letter is available at Annex A.
18. Targeting this funding to ensure maximum value for money for the sector will be crucial. **Members are asked for their views on the key components of a support offer to the sector.** Members may wish to consider the following issues:
- 18.1 Supporting councils to respond to key national policy changes outlined in paragraph 2.
 - 18.2 Ensuring coherence with the wider Local Government Group support offer¹⁴.

¹²

<http://www.dailymail.co.uk/news/article-1343815/Localism-Bill-planning-rules-torn-up.html#ixzz1Fvb8rtrt>, 4th January 2011

¹³ <http://www.guardian.co.uk/commentisfree/2010/dec/07/localism-bill-planning-permission-suburbs>

¹⁴ The Local Government Group RSG prospectus proposed £7m to identify the key productivity gains for local government and make sure councils deliver these savings quickly, £7m to radically transform the way services are organised through local budgets delivering the services people want in a joined-up way, £2.5m to support councils in working closely with businesses and local people to create strong local economies, £6m to improve the skills of councillors so they play a full role in helping local people build a stronger civil society, £3m to ensure an affordable and flexible pay, reward and conditions system for

Item 1

18.3 Providing a balance between generic tools and support for the sector as a whole and targeted support to specific councils.

19. The LG Group support programme must be responsive and flexible to the needs of member councils. Central to this is ensuring a strong member oversight of the support programme via the establishment of strong links to the LG Group Environment and Housing Programme Board. **Members are asked to consider how they can most effectively steer and provide oversight to the LG Group support programme on planning.**

Financial Implications

20. The Planning Advisory Service will be funded by a specific grant from Communities and Local Government.