

Introduction

This RTPI Briefing Note sets out the key planning related content from the Localism Bill published on 13th December 2010¹ and the RTPI’s emerging reaction to it².

This paper first sets out the RTPI’s initial thinking on the key points on which it will wish to lobby during the passage of the Bill. These are informed by the *12 Tests for the Localism Bill* which the RTPI published in advance of the Bill and which are included as an appendix to this paper.

The paper is structured in a hierarchical way from national planning to development management. It deals both with issues that are not covered in the Bill and some which the RTPI considers should be in legislation and those issues that are in the Bill.

While this draft of the paper only deals with issues directly related to the planning system. The RTPI will be scrutinising the Bill to ensure that it understands the implications of all the other Clauses in it for spatial planning as a whole. These include, in particular:

- Governance (Part 1; Chapter 3)
- Standards (Part 1; Chapter 5)
- Provisions on local government finance, including business rates (Part 3)
- The powers of elected Mayors outside London (Volume II, Chapter2)
- Local referenda (Part 4 Chapter 1)
- The Community Right to Challenge (Part 4 Chapter 3) and
- Assets of Community Value (Part 4 Chapter 4)

footnotes

¹ <http://services.parliament.uk/bills/2010-11/localism/documents.html>

² The RTPI stance quoted in this paper is drawn from *RTPI Bill Briefing #1: Great Expectations*, posted on the RTPI’s website in advance of the publication of the Bill and discussed by the Regions and Nations Panel and the Planning Policy and Practice Committee on 1st December 2010. This, in turn, was drawn from the *Manifesto for Planning* (<http://www.rtpi.org.uk/download/9076/RTPI-Manifesto-for-Planning-2010-full.pdf>), from published RTPI statements and from a paper presented to, and endorsed by, the RTPI’s Executive Board in September 2010.

National

National Planning Policy Framework

Bill Clause - none

It is now clear that the Coalition Agreement commitment to produce a National Planning Policy Framework will not be embodied in statute and, thus, the proposed NPPF will not be a statutory document. Planning legislation already allows the Secretary of State to issue guidance to which local planning authorities must have regard.

RTPI Position

The Royal Town Planning Institute has long advocated – and campaigned for - some form of English national spatial framework. In October 2000 the RTPI published *The United Kingdom Spatial Planning Framework: A Discussion*³, which was designed to promote discussion on – and exert pressure for – a national spatial framework. In 2006 it published a report – *Uniting Britain*⁴ – which looked at available data sets to start mapping spatial aspects of national policy. The RTPI Manifesto has ‘Supporting national spatial planning frameworks’ as one of its 14 campaigning points. The RTPI, therefore, welcomes the Coalition’s thinking on this level of planning and has been working with the Government on developing all these initiatives.

Possible RTPI Bill Lobbying points

- Can the planning aspects of the Localism Bill be properly assessed in the absence of a NPPF and the ‘presumption in favour of sustainable development’ that is expected to be enshrined in it?
- Will the NPPF be spatial?
- Because the National Planning Policy Framework is not in the Bill, the RTPI will need to decide whether there is any advantage in seeking to make it a statutory document and for the bill to deal with such issues as the NPPF being defined as part of the Development Plan?
- How will the National Planning Policy Framework relate to the National Infrastructure Plan and Nationally Policy Statements – and should this relationship be defined in statute?
- How does the Marine Policy Statement align with the NPF and with NPSs given their implications for energy, coastal management, ports and fishing etc?

Infrastructure Planning Commission

Bill content Clause 107 -109

The Coalition Agreement commitment to abolish the IPC is embodied in this Bill.. Legislation includes:

- Repeal of that part of the 2008 Planning Act establishing the IPC and transfer of powers back to the Secretary of State;
- The requirement of Parliament to approve NPSs.

footnotes

³ Wong, Cecilia et al (2000) <http://www.rtpi.org.uk/download/747/The-United-Kingdom-Spatial-Planning-Framework-A-Discussion.pdf>

⁴ Wong, Cecilia, et al (2007) <http://www.rtpi.org.uk/download/241/spatial2.pdf>

The RTPI Position

The RTPI has already stated that:

*We welcome the Government’s clarification that the function of the IPC is to be retained even if the body itself is not. It is critical that there is a specialist body with the skills and expertise to consider proposals for essential major infrastructure projects to allow decisions to be made in the national interest. We believe that people’s confidence in the system will be strengthened by the commitment that final decisions on major infrastructure projects will be taken by the Secretary of State within a defined timeframe.*⁵

Possible RTPI Bill lobbying points

- Should the IPC and the Secretary of State have duty to have regard to the NPPF?
- Which SoS makes the decision (possible conflicts of interest if e.g. the DECC SoS makes the decision on nuclear power stations)?
- Should there be an even more integrated consents regime?
- Is a hybrid Bill the best way to deal with certain types of infrastructure?

Presumption in favour of sustainable development

Bill content - none

The Coalition Agreement commitment to have a presumption in favour of sustainable development is not embodied in statute but is likely to be stated in the proposed National Planning Policy Framework (see above).

Background

The 2004 Planning and Compulsory Purchase Act⁶ already requires that *the person or body must exercise the function [of local planning] with the objective of contributing to the achievement of sustainable development* and the 2008 Planning Act added to the 2004 Act the requirement that: *Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority’s area contributes to the mitigation of, and adaptation to, climate change.*

Equally importantly, Sec. 38(6) of the 2004 Act already contains a broad requirement that any relevant determination is in accordance with the development plan.

RTPI position

In general the RTPI would be in favour of a presumption that strengthened the primacy of the development plan with reference to sustainable development, although it is not generally considered that this is what is being proposed – see below.

Possible RTPI/joint lobbying points

Important issues are raised by this. The first is what is meant by “sustainable development”. One of the 14 campaigning points in the Manifesto is *Going beyond simply ‘sustainable development’* and the Manifesto sets out the implications of climate change for this concept (page 7). The Bill will,

footnotes

⁵ http://www.rtpi.org.uk/item/3839/pg_dtl_art_news/242/pg_ftr_art

⁶ http://www.legislation.gov.uk/ukpga/2004/5/pdfs/ukpga_20040005_en.pdf

therefore, be deficient if it includes this presumption without defining the term in statute in a way that embraces the implications of climate change – at least as embodied in current legislation - and the RTPI will seeking to ensure that this happens.

The second and allied point is that this presumption comes into play in particular where a local planning authority has no adopted local plan where *Open Source Planning* states that: *the presumption will be that individuals and businesses have the right to build homes and other local buildings provided that they conform to national environmental, architectural, economic and social standards, conform with the local plan, and pay a tariff* This does require that such national standards are set out in a clear and transparent way and have been the subject of consultation.

Third, this should be used to stress the value of quality and good design in the planning process.

Fourth, the RTPI would wish to ensure that the presumption in favour of sustainable development does not overrule the presumption in favour of the development plan.

Finally, the two existing duties quoted in the 'Background' note above only refer to local plans and development plans – should this duty be extended to all the statutory activities of planning?

Strategic Planning

Abolition of Regional Spatial Strategies

Bill Clause 89

(1) *The following provisions are repealed—*

(a) *sections 82(1) and 83 of the Local Democracy, Economic Development and Construction Act 2009 (effect of regional strategies), and*

(b) *the remaining provisions of Part 5 of that Act (regional strategy).*

(3) *The regional strategies under Part 5 of that Act are revoked.*

Commentary

Part 1 of this clause has the effect of putting into statute the abolition of regional spatial strategies (RSS) which was a Coalition Agreement commitment. Part 3 effects the revocation of current RSS which the Government attempted to do in a letter from the SoS in July 2010 but which was found to be unlawful following a challenge by CALA Homes.

RTPI Position

The RTPI has made it clear that it is not campaigning for the *status quo* pre the Election as it had already expressed its concern in the Manifesto that: *We need plans above the local level to deliver development and infrastructure that crosses administrative boundaries, but there is a lack of faith in the current system of regional planning.* However, the Government's position on the existing RSSs focuses solely on the imposition of top-down targets, especially for housing, and fails to acknowledge that many RSS policies were developed with broad community support. The summary deletion of such policies would be detrimental to communities and could have unwanted environmental implications (as acknowledged by the Cala Homes judgment under ground 2).

Possible RTPI Lobbying Points on Strategic Planning

The Government is putting into place a range of structures and initiatives to enable a degree of strategic planning at this level. These include:

- LEPs
- Strengthening provisions for joint core strategies
- A duty to co-operate
- A general duty of competence
- More emphasis on city regions

The RTPI will evaluate all these proposals as they are expressed in draft legislation against the following questions:

- Are areas or communities adversely affected if they are not covered by one or more of the new initiatives?
- Do structures and policy vehicles have statutory definition where this is required?
- Have the proposals made necessary linkages to the existing planning system and to proposals at both national and neighbourhood levels?
- Are new bodies and structures enabled and encouraged (and, if necessary, required) to adopt a spatial planning approach as part of their responsibilities?

- Are the suggested structures and policy vehicles enabled and encouraged (and, if necessary, required) to engage with and be influenced by local and other communities in exercising their functions?
- Given that the new system is community-led, will the suggested structures and policy vehicles form a comprehensive, transparent and inter-related whole if all communities opt to adopt these proposals?
- Do the suggested structures and policy vehicles explicitly link planning with investment?
- Will relevant clauses of legislation give equal weight to the economic, environmental and social remit of spatial planning?
- Will the suggested structures and policy vehicles provide a framework of certainty within which development beneficial to local communities can take place?
- Given that RSS hits not only housing figures but other policy areas e.g. renewable energy targets, minerals quotas etc. will the new arrangements for strategic planning be sufficient especially given the huge gaps in LEP coverage?
- Will they serve to retain and develop the expertise, skills, data, analysis and information that exists to undertake this type of planning?

The RTPi will also have to scrutinise the Bill very carefully to ensure that the consequences (intended or otherwise) of the abolition of RSSs and of the regional structures that supported them are highlighted. One such example⁷ has been raised by an RTPi member.

It will be essential that the proposed dismantling of regional policy structures is achieved through a transitional process that allows local authorities (individually or through groups such as LEPs) to rationally review and replace the RSS policies according to their wishes, rather than the Secretary of State's. The RTPi will therefore lobby for an appropriate transitional process.

Local Enterprise Partnerships

Possible Bill content

LEPs are not to have a statutory purpose and, therefore, are not on the face of the Bill. Greg Clark had told the Commons that:

The Government do not intend to define local enterprise partnerships in legislation. Governance structures will need to be sufficiently robust and clear to ensure proper accountability for delivery. Partnerships will differ across the country in both form and functions in order to best meet local circumstances and opportunities. A partnership may need legal personality or a specified accountable body in some circumstances, such as if it wished to own assets or contract to deliver certain functions. The constitution and legal status of each partnership will be a matter for the partners, informed by the activities that they wish to pursue.

footnotes

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On certain applications Councils are required to consult different bodies. A list of statutory consultees can be found in Schedule 5 of the GPDO: <http://www.legislation.gov.uk/ukSI/2010/2184/contents/made>. If the Local Planning Authority chooses to approve the application without taking note of a statutory consultee's objection, then the application may currently be referred to the Government Office to consider whether or not to call-in the application on behalf of the Secretary of state (see Circular 02/09). However, the Government has already signalled the closure of the Government Offices and there are clear implications for the ability of consultees to seek a 'call-in'.

Possible RTPI Bill lobbying points

The RTPI will need to consider whether there are any advantages in making LEPs statutory bodies. This may not be valuable if LEPs are not to have complete coverage of England but the RTPI may want to lobby for them to take on certain functions – including Design Review Panels.

Local and Neighbourhood Planning

The Local and Neighbourhood Planning System

The new local planning system (there has been some talk of doing away with the term LDF and replacing it with 'local plan') will be enhanced with neighbourhood plans.

- There will be statutory local plans and within that context, Neighbourhood Plans.
- The stated intention is that Neighbourhood Plans will be a part of the development plan, but will not be “Development Plan Documents” (this is confusing)
- Designated bodies such as Town and Parish Councils and neighbourhood forums will be allowed to prepare Neighbourhood Plans.
- Where there are no parish or town councils, the local authority will adjudicate on the boundary of the plan that a neighbourhood forum wants to prepare.
- Where there are no parish or town councils, the local authority will be responsible for designating the formation of a Neighbourhood Forum (Schedule 9). The basic criteria for these are that they should have at least three residents as members, be open to all residents and have a constitution.
- It is recognised that not all areas will want to do a Neighbourhood Plan and, therefore, there will not be a statutory duty to prepare one – but there will be a right to do so (a ‘right to plan’).
- A local planning authority will have a duty to provide support to neighbourhoods undertaking planning, including technical support and the arranging, and holding, of the independent examination and the referendum.
- It is not clear whether those preparing a plan – or the local planning authority - will be required to consult on it.
- Neighbourhood Plans will undergo an independent examination, checking whether the Neighbourhood Plan is in conformity, or aligns, with:
 - The strategic content of the local plan
 - The National Planning Framework or other national guidance;
 - The presumption in favour of sustainable development;
 - European Directives;
 - National and international designations (e.g. Ramsar sites);
 - Neighbouring neighbourhood plans.

- Subject to passing the independent examination, the plan will be put to a local referendum and will be 'approved' if more than 50 per cent of those voting do vote for it.
- If the referendum is positive, then the local authority will have to adopt the Neighbourhood Plan.
- The local plan will take on a strategic role and will contain e.g. housing numbers, strategic infrastructure etc. The Neighbourhood Plan will have to accommodate these strategic proposals – and can accommodate more if they want to (but not less e.g. housing than is specified in the local plan).

Neighbourhood Forums (potentially very small groups of people) may designate areas where 'Neighbourhood Development Orders' will apply – areas where certain types of development will no longer require planning permission or where different planning rules will apply, including the granting of outline permission subject to conditions to be approved by the local planning authority, This is dealt with, below. Where a scheme is brought forward by a community group itself, the group may seek an NDO giving it a community right to build. This too will be subject to a referendum but a local authority can refuse to accept it if it is contrary to, for example, national or international environmental designations.

Resources for Neighbourhood Planning

Clause 97

(1) The Secretary of State may with the consent of the Treasury make regulations providing for the imposition of charges for the purpose of meeting expenses incurred (or expected to be incurred) by local planning authorities in, or in connection with, the exercise of their neighbourhood planning functions.

Clause 100

(1) The Secretary of State may provide financial assistance, or make arrangements for the provision of financial assistance, to any body or other person—

(a) for the purpose of publicising or promoting the making of neighbourhood development orders or neighbourhood development plans and the benefits expected to arise from their making, or

(b) for the purpose of assisting anyone to make proposals for such orders or plans or to do anything else for the purposes of, or in connection with, such proposals or such orders or plans.

Commentary

The Bill makes it clear that the funding for neighbourhood planning mentioned in Clause 97 will come from those developments that gain permission through being part of a Neighbourhood Development Order. Clause 100 relates to the possible financial assistance by the Secretary of State.

RTPI position

The system described above appears very complex and there are a number of questions which remain unanswered, such as the status of Neighbourhood plans. RTPI will need to formulate its position and its lobbying points on this. The system described, if this is correct, does seem to be a step back from the 'free-for-all' in *Open Source Planning* and a recognition of the need to establish some strategic view – an issue on which RTPI has been campaigning.

The RTPI will also be scrutinising the draft Bill to determine the implications of different parts of it, including references to Neighbourhood Development Orders (NDOs) and the Use Classes Order (UCO), in terms of a shift to a 'zoning' approach rather than the current policy led approach.

The RTPI will also have to look at the resource implications of these provisions – particularly in respect of technical assistance to communities.

Possible RTPI Bill lobbying points

- Maintaining the primacy of the plan;
- The relationship between the NPF and local plans;
- How will the marine plans align with the Local Plans for coastal LPAs. RTPI has been arguing for a coordinated (or even integrated) marine/terrestrial planning framework or scheme;
- Identifying the resource implications;
- Examining how the system as a whole is interrelated.

Neighbourhood Development Orders

Volume II, Schedule 9

The Bill proposes that any body that is entitled to initiate a neighbourhood plan may also make a neighbourhood development order (NDO). An NDO grants planning permission in relation to a particular neighbourhood area for specific classes of development. It requires support from more than 50% of voters in a referendum. There are excluded development categories from designation under a NDO which include county matters, waste development, Annex 1 environmental assessment applications, NSIPs, and other development that is prescribed.

The body which makes such an order is either a Parish Council or a neighbourhood forum (a body designated by the local planning authority, subject to meeting criteria of purpose, open membership, containing at least 3 residents and with a written constitution). There must be only one such body for any neighbourhood area, as designated by the LPA. After 5 years the designation of the forum ceases.

RTPI position

The Institute is concerned that the designation of a NDO is complex and difficult to administer. Qualifying bodies are unlikely to have access to the expertise and resources to see through the process of designation and properly administer applications in such an area.

Possible RTPI lobbying points

The RTPI will seek to;

- Rationalise the unnecessary added complexity of introducing NDOs when the LDO mechanism is already available
- Ensure that NDOs are only designated in the context of approved Neighbourhood and Local Plans.
- Ensure that sufficient resources and expertise are available to all communities to participate in neighbourhood planning and the designation of Development Orders.

- Challenge the minimum level of three residents for establishing a neighbourhood forum and advocate that a more representative body should be awarded these powers, including exploring whether business improvement districts (BIDs) could represent neighbourhoods predominantly in business uses.
- Seek to ensure that standards of probity that apply to elected members apply equally to the representatives of Community Forums.
- Place a duty to consult on those preparing Neighbourhood Plans and Development Orders.

A Duty to Co-operate

Clause 90

(2) In particular, the duty imposed on a person by subsection (1) requires the person to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken.

(3) The activities within this subsection are—

(a) the preparation of development plan documents,

(b) the preparation of other local development documents, and

(c) other activities that support the planning of development, so far as relating to sustainable development and use of land including, in particular, sustainable development and use of land for or in connection with strategic infrastructure.

Commentary

The Clause does not appear to apply the Duty to Co-operate to the need to reach agreement on policy, on joint-working or on, for example, joint funding but focuses on a duty to respond when consulted and to provide information when requested.

It is not clear from the Bill to whom this duty will apply but states that persons will be prescribed.

There are already numerous examples of joint working in spatial planning including the preparation of joint Local Development Framework core strategies; Sub-regional working and sub-regional strategies.⁸ There must be some doubt as to whether the Duty as defined in the Bill will have the effect of encouraging local authorities to work together to help deliver priorities that cannot be delivered within a single authority's area, nor of resolving conflicts when they are unable to be resolved by the councils themselves.

The Bill does not define a failure to co-operate nor does it specify any sanctions for failure to co-operate or define bodies which may be responsible for encouraging, monitoring and taking action on co-operation.

footnotes

⁸ The RTPI's Briefing Note on Strategic Planning provides links to a range of examples of these.

RTPI position

In general, the RTPI welcomes this provision but considers that if it is to have any effect other than encouraging bodies to respond to each other's consultations, then it would need to be strengthened.

Possible RTPI Bill lobbying points

The RTPI would prefer to see a structure of strategic planning that ensures there is a forum such as an independent examination in public that enables local authorities to work together to resolve cross-border issues, but has the power to determine solutions where conflicts cannot be resolved by consensus.

Since the government is set on avoiding imposing statutory structures for strategic planning, any proposals for a statutory model similar to the RSS process (albeit at LEP or joint authority level) is unlikely to be successful, but the duty to co-operate could include a clause to the effect that cross-boundary conflicts within the local planning system that cannot be resolved by consensus between the relevant authorities will be resolved by independent public examination. There would need to be a presumption within this that a local plan could not subsequently be found to be sound if it failed to recognise the outcome of such a process, and that the outcome would be a material consideration in advance of local plans being reviewed.

A General Power of Competence

Possible Bill content

The Coalition Agreements states that: *We will give councils a general power of competence*

The RTPI position

The RTPI generally welcomes this power.

Development Management

Development Management

Bill content

- A duty on developers to consult Clause 102
- Modifying the pre-determination rule Clause 13

The changes to the development management system covered below should be considered within the context of the possibility of fundamental changes to the relationship between local planning and development decision-making covered above.

A duty on developers to consult

Clause 102

The Bill shifts the duty to consult on to the applicant for applications for planning consent and those made in the context of a development order.

The RTPI position

The RTPI *Manifesto* and the fact that it runs Planning Aid both show full support for local involvement in planning. The duty on developers as opposed to local planning authorities may be based in part on the approach being adopted by the IPC in relation to nationally significant infrastructure projects.

Possible RTPI Bill lobbying points

It may be welcomed in resource terms but raises a number of questions:

- How, and by whom, will it be judged as to whether the duty has been fulfilled satisfactorily?
- Will it be accompanied by a power to refuse to accept applications on which consultation is deemed inadequate;
- Will it replace or run in parallel with existing regulations/practice on notification?

Pre-determination

Clause 13

(2) A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because—

(a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and

(b) the matter was relevant to the decision.

This Clause needs to be read in conjunction with a statement issued by DCLG

(<http://www.communities.gov.uk/news/corporate/1768609>) which says that:

These proposed legislative changes will mean councillors can be very clear and discuss freely their view and voting intention and publicise their views as they see fit. However, councillors must be prepared to listen to arguments and evidence before making their decision. These changes will reduce the threat of challenge

The RTPI Position

The RTPI is concerned that this clause will fail without greater clarity being given as to what actions on the part of an elected representative would constitute evidence of having a closed mind. Until that is established, this offers no further assistance to guide councils as to the appropriate early involvement of elected representatives in planning discussions. The RTPI would also like to see safeguards that ensure that early involvement of representatives does not interfere with the essential duty of planning professionals to give their unbiased, professional view in reports making recommendations on planning decisions.

Community Infrastructure Levy

Clauses

The Bill contains Clauses that deal with the evidence base for the setting of CIL and the powers of the independent inspector. Importantly, they also allow for regulations to specify the transfer of CIL receipts.

(4) After section 216 insert—

“216A Duty to pass receipts to other persons

(1) CIL regulations may require that CIL received in respect of development of land in an area is to be passed by the charging authority that charged the CIL to a person other than that authority.

This Clause is explained in a DCLG statement⁹ on CIL which says that:

Some changes to the levy will require amendments to legislation and regulations. The Government will include provisions in the Localism Bill to limit the binding nature of examiners' reports, and amend the Community Infrastructure Levy Regulations 2010 to give local communities more control over the levy, and make it more responsive to local needs. The Government will require charging authorities to allocate a meaningful proportion of their levy revenues raised in each neighbourhood back to that neighbourhood ...

The RTPI position

The RTPI supports the principles of tariff systems or the Community Infrastructure Levy, in conjunction with site specific planning agreements, to deliver local infrastructure¹⁰. There is a danger that, if a 'meaningful proportion' of the sum raised is directly to communities then this may mean that a proportion of CIL will not be spent on strategic infrastructure. Further, Neighbourhood Plans could provide a clear means by which a community's priorities for spending CIL are established.

Possible RTPI Bill lobbying points

RTPI lobbying will best be done at the draft Regulations stage but the Bill will be examined to see whether there opportunities for linking statutory spatial planning with CIL allocation.

footnotes

⁹ <http://www.communities.gov.uk/news/corporate/176860911Incentives/CIL/Tariff>

¹⁰ RTPI Manifesto for Planning 2010.

Enforcement

Bill content

Clause 103: gives local planning authorities powers to decline to deal with the “twin-tracking” of retrospective planning applications and appeals against enforcement notices.

Clause 104: allows enforcement action to be taken where the normal time limits for taking action have expired, but where the breach of control was concealed.

Clause 105: raises the maximum penalties for certain offences.

Clause 106: gives certain additional powers for LPAs to take direct action against unauthorised advertisements and the defacement of buildings.

The RTPI position

These clauses introduce some elements that are clearly intended to strengthen LPAs’ enforcement powers. However, there are areas of these clauses that need further clarification, and there are additional elements that were mooted ahead of the Bill’s publication that have not been included.

NAPE (the National Association for Planning Enforcement) is already undertaking a consultation on the Bill among its own members, and the response to this will have significant impact on RTPI’s overall response.

The RTPI is a charity registered in England (262865) and Scotland (SC 037841)

The Twelve Tests for the Localism Bill

The RTPI fully supports the principles of localism. Democratic accountability has been at the heart of planning for over 60 years, and direct public engagement for over 40. Planning and planners have a duty to all those involved in, and affected by, planning to meet their needs and aspirations, balanced with meeting social and economic objectives while protecting our built and natural heritage.

Based on these principles, the RTPI will be examining the Localism Bill to ensure that certain tests are met including that:

1. It allows for a clearly stated and democratically agreed vision of **national spatial priorities**, including meeting needs for housing and infrastructure, and addressing the challenges of climate change;
2. It takes a broad view of **sustainable development** that requires all those exercising a presumption in favour of it to place economic, social and environmental sustainability on an equal footing;
3. It does not assume that the **Government's agendas** for economic growth, for meeting targets for reducing emissions and increasing renewable energy, for social inclusion and housing delivery will be achieved simply because there is the freedom of choice to do so;
4. Any **duties** placed on local government and others – including a duty to co-operate – are clearly defined, are resourced and are enforceable where necessary;
5. Any **rights** given to communities, such as the right to plan or to build, are not token rights unsupported by resources, expertise or democratic challenge;
6. The understandable desire among communities for immediate **investment** in local facilities does not prejudice longer term investments to meet larger-scale needs such as hospitals, waste facilities and transport infrastructure;
7. The systems of **incentives**, funds, levies and agreements work together to fund a rigorously analysed and democratically agreed list of infrastructure priorities, and that such incentives are open and transparent and are not perceived as, or act as, development bribes;
8. **Neighbourhood planning** not only serves to provide what local communities desire, but also allows for what wider communities need;
9. In exercising **powers** over the future of their areas, communities accept and fulfil the **responsibilities** attached to doing so;
10. It makes it clear that it is equally important for a neighbourhood group to **consult as to be consulted**;
11. It gives an **equal opportunity** for all communities to be involved in shaping their own futures, including those communities and groups whose engagement has often been neglected and have been served by Planning Aid in the past and we hope will continue to do so in the future;
12. It does not hamper the ability of RTPI members to continue to provide a **professional, independent, unbiased, evidence-based** service to all those involved in, and affected by, planning.