

The RTPI and the Localism Bill

1. The Royal Town Planning Institute (RTPI) has over 23,000 members who work in the public, private, voluntary and education sectors. It is a charity with the purpose to develop the art and science of town planning for the benefit of the public as a whole. As well as promoting the importance of planning, the RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, practice advice, training and development.
2. We run Planning Aid a locally based advice and support service for communities and individuals based on a network of 1,200 RTPI members who give their time and expertise free of charge – a service that is at the heart of localism.
3. **The Royal Town Planning Institute (RTPI) welcomes the recognition by the Coalition Government of the importance of good planning and that planning is a key part of its localism agenda.** The RTPI has advocated the principle that decisions should be made democratically at the most appropriate level, and the need for planning policies and decisions to be based on meaningful involvement with the communities that they affect. Planning has led practice in this respect.
4. The RTPI has a history of supporting the need for transparent, informed spatial planning frameworks at the local, sub-national and national levels in England and all parts of the UK. The nature of spatial planning means that these frameworks should act as a catalyst for change and a means for identifying those assets which are in most need of protection and improvement. Crucially, frameworks should link policy to the allocation of the resources needed to implement that policy – in terms of infrastructure, skills, support or funding – to ensure that communities get the services that they need.
5. The Localism Bill takes the concept of neighbourhood planning and decision taking further. We welcome the fact that it still retains the primacy of democratically elected district and unitary councils in the planning of their areas. We are concerned that the complexity of the Bill as drafted, the scarcity of resources available both to local authorities and to neighbourhoods; and the potential lack of democratic accountability for the preparation of neighbourhood plans will combine to make it more difficult and bureaucratic to achieve the full potential of the neighbourhood and local planning system. We need to help to ensure that no area is disadvantaged through lack of resources, knowledge or capacity from engaging in neighbourhood planning.
6. Expectations have arisen that neighbourhood planning would help communities stop the development they do not want as well as encourage that which they do want. It is now clear that neighbourhood plans are most suitable for situations where the community's desire for development equals or outstrips that of the local planning authority. The RTPI will be working

with its own members and other bodies to demonstrate the potential for positive neighbourhood planning and to encourage the engagement of communities in local and strategic planning.

7. The potential offered by new legislation to create a coherent, open and dynamic system of strategic spatial policy making and resource allocation is not fully realised and the RTPI will be working with the Government and others to develop ideas to improve this level of planning. The only direct proposal that the Bill makes to replace a system of regional planning is a duty to co-operate. Whilst we welcome proposals for a National Planning Policy Framework and recognise the introduction of Local Enterprise Partnerships, these do not form part of the Bill and will not, therefore, form part of the statutory framework for planning.
8. The RTPI is very keen to work with the Government and with others on this important Bill to help to remove those barriers in its drafting that deaden its effectiveness and hinder the ability of Government to achieve its own objectives and international obligations.
9. It is crucially important to ensure that such complex legislation is clear, unequivocal and not open to constant challenge. **In the Bill as drafted, the lack of a coherent strategic planning system combined with the complexity of the neighbourhood planning system may hinder the achievement of the Government's key objectives** of economic recovery, re-balancing the economy between areas and addressing climate change and enhancing the environment – including the achievement of its international obligations. The Bill depends heavily on future Regulation and statements of policy and it relies on amendments to seven other Statutes. **There is a real danger that the full impacts of this piece of legislation will not be known until the plethora of proposed Regulations and statements is published** and we urge the Government to allow a holistic consideration of the Bill and the key Regulations it relies on.
10. The RTPI acknowledges the challenges for all concerned of the introduction of resource intensive changes at a time of fiscal constraints and will work with Government and others to try to ensure both that the system is adequately resourced and that the system itself is not resource hungry. This is needed both in financial terms and in terms of the skills and the evidence base available within neighbourhoods. **The RTPI will continue to work towards the retention and reshaping of Planning Aid as an invaluable support for neighbourhoods.**

The RTPI's Proposals

11. The RTPI will be promoting amendments to the Bill. The proposals below are not exclusive but show RTPI thinking on some key issues. We will also be examining other provisions – notably those relating to: the General Power of Competence; Pre-determination; Standards; EU Fines; Local Referendums; Community Right to Challenge; Land of Community Value; Enforcement; and Nationally Significant Infrastructure Projects.
12. In the two sections below, we put forward initial proposals for amendments in **bold**, followed by a brief *description* of the issue that they address.

Neighbourhood and Local Planning

13. **The RTPI believes that the primacy of the local plan must be clearly explicit in the Act and will work with its members, Government and other bodies to secure a swift and full coverage of local plans in England.**
The Bill gives local plans a strong role in acting as the framework for neighbourhood plans but not all authorities yet have these plans in place.
14. **The RTPI considers that Neighbourhood Development Orders and the Community Right to Build could only be brought forward through a Neighbourhood Plan.**
This proposal seeks to reduce the complexity of the neighbourhood planning system, ensure that NDOs are considered within a wider neighbourhood context and do away with overlapping plans which will be difficult to navigate both for communities and for the development industry and infrastructure providers.
15. **The RTPI considers that those undertaking a neighbourhood plan could be properly constituted bodies as recognised by, for example, charitable status and could have a duty to consult within the neighbourhood area at a formative stage in the plan.**
This proposal is designed to increase clarity and accountability in neighbourhood planning. The majority of the population of England live in areas not covered by Parish or Town Councils and the Bill allows for the setting up of neighbourhood forums in these areas. The criteria for these are minimal and they are not required to have democratic legitimacy.
16. **The RTPI considers that the criteria for establishing a neighbourhood forum could be extended to include businesses operating through a Business Improvement District.**
The system in the Bill is geared towards the needs of residents but does not provide a clear focus on the needs of local enterprises and others who may also want to join together to plan their area. Business Improvement Districts (BIDs) are already embodied in legislation.
17. **The RTPI considers that neighbourhood plans, and the referendums on them, could be used to express the community's priorities for investment in their area.** These would still have to accord with the strategic priorities set out in the local plan but could, for example, express the community's own priorities for the neighbourhood element of the CIL.
This proposal will help to ensure that neighbourhood planning is clearly linked with sources of investment in neighbourhoods such as the Community Infrastructure Levy (CIL), the proposals for a New Homes Bonus and Community Budgeting and thinking on community assets and would make neighbourhood plans more positive and meaningful.

Larger-than-local and National Planning

18. **The RTPI is considering what other measures might be required to make planning effective at a larger than local level.** These may include a duty to consider joint plans, the strengthening of the role of national guidance (see below) and the roles of Local Enterprise Partnerships (LEPs) in spatial planning and, if they have such a role, whether they should be statutory bodies with their objectives and duties, including a duty to consult, spelt out.
Apart from area specific proposals, such as those for London, the Bill relies on only one proposal relating to planning at a larger-than-local level: the 'duty to co-operate'. Whilst (LEPs) were heralded as playing an important strategic planning role, they are not in the Bill.

19. **The RTPI proposes that the Bill defines the duty to co-operate in much clearer terms, without the use of limiting examples, in a form that allows for monitoring and, if necessary, challenge.**

No indication is given as to how reluctant local authorities, public bodies and communities will be encouraged to co-operate, nor what sanctions will be taken – and by whom - if they fail to do so. The duty to co-operate appears, as drafted, to be a duty to respond to consultation.

20. **The RTPI is considering whether a National Spatial Policy Framework should be a statutory document with the Bill spelling out its status for all decision-takers and placing a duty on Government to consult on it and to regularly review it.** This proposal is based on the understanding that the presumption in favour of sustainable development and, crucially, the definition of sustainable development will be in the national framework.

The RTPI has long recognised the need for, and campaigned for, a National Spatial Framework but is concerned that neither the proposed National Planning Policy Framework nor the ‘presumption in favour of sustainable development’ is given a statutory role in the Bill. The RTPI considers that the national policy framework must be spatial and needs to have a clear status in terms of, for example, the Major Infrastructure Planning Unit.

Contact the RTPI

21. In its work on the Localism Bill, the RTPI can call upon the expertise of its membership, notably through its Networks which specialise in issues ranging from enforcement to planning for housing and from environmental planning to development management.
22. A fuller version of this Briefing will be available on the RTPI’s website (www.rtpi.org.uk) and further Briefings will be available as the Bill progresses.
23. If you require more detailed information or want to work with the RTPI on promoting improvements to the Bill, please contact the RTPI.

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