

## South West Policy & Media Officer Update Report

### Introduction – into 2011 with trepidation

Another year, yet another ‘new’ planning system in England in prospect, the usual crop of central government consultation documents hard up against the Christmas/New Year break and planning professionals in local, central government and quangos, in the South West, as elsewhere, bracing themselves for the implications of massive public sector expenditure cuts. Still, there are some things to look forward to – the UK Census [Census day Sunday 27 March], the usual full and varied programme of RTPI SW CPD conferences and the prospect, at least, of a National Planning Policy Framework for England.

### The Decentralisation & Localism Bill

Following several weeks of delay and rumour during late November/ early December, the Localism Bill finally emerged on 13 December. There are few surprises within its 431 pages, because in addition to a great deal of ‘leaking’ and informed speculation, CLG issued a press notice on 6 December in which Eric Pickles and Greg Clark outlined the proposals to ‘decentralise and streamline the planning system’, with talk of neighbourhoods becoming the ‘building blocks of the Big Society’ and of the need for ‘more people planning and less politician planning’! Notable omissions from the Bill include third party rights of appeal and reference to the proposed National Planning Policy Framework for England and in many ways the most notable things are what is not prescribed or explained about the new Neighbourhood Planning system for example.

The Bill is in fact designed to do many different things of which ‘making provision about town and country planning’ is but one [Part 5 Planning, divided into seven chapters ]. There are 207 Clauses [Vol 1] and 24 Schedules [Vol 2] in the full document, but the ‘Essential Guide’ issued with the Bill is mercifully just 15 pages long and does a reasonable job, both by way of summary and in setting things within the wider context of the Government’s decentralisation and ‘big society’ agendas. The overall theme is ‘driving decentralisation and reversing generations of centralism’ in both central and local government. ‘Six actions of decentralisation’ are set out as the key to achieving this – lifting the burden of bureaucracy [ said to be currently designed to stop people from doing things] ; empowering communities [ though how these are defined is not stated] ; increasing local control of public finances [ how many administrations in the past have actually done this ?] ; diversifying the supply of public services with a choice of providers [ selection based on the cheapest on offer ?] ; opening up Government to public scrutiny [ is it not already to a very large extent ?] ; and strengthening accountability to local people [ a principle with which few would disagree ]. The assumption running through all of this is that local authorities will benefit from having powers passed down to them, whilst they, in turn, will be passing power down to communities and individuals.

### Parts of the Bill of relevance to planning

#### Part 1 Local Government

Essentially about the ways in which local authorities conduct their business including changes to allow all councillors to be involved in planning application decisions [ ‘predetermination’]

#### Part 4 Community Empowerment

New provisions for local referendums and lists of ‘assets of community value’, identified in order to give local groups the opportunity to bid for such assets should they come up for sale [ local pubs, shops etc]

#### Part 5 Planning

The Bill is less an entirely new piece of planning legislation and more a collection of changes to the existing system. Regional Spatial Strategies are abolished, as is the IPC, but things have been added to an otherwise unchanged development plan/development management system -notably Neighbourhood Plans and Neighbourhood Development Orders; extra duties to consult and co-operate ; and [ unexpectedly ] the CIL, with a wider application than previously proposed. The seven Chapters cover the following

Plans & Strategies Abolition of RSS’s , duty to co-operate in relation to planning for sustainable development; local development schemes; end of binding Inspectors’ reports.

Community Infrastructure Levy Retained with some adjustments, as part of 'incentivising LPA's to accept growth', with funds now allowed to be spent on other than capital projects.

Neighbourhood Planning The most radical new 'Big Society' driven innovation. Parish Councils and other 'grass roots' groups can initiate 'Neighbourhood Plans' [ for subsequent adoption as part of the development plan] and 'Neighbourhood Development Orders' [ additional mechanism for granting planning permission] New [?] Government funding to be available from April 2011 to help support these processes.

Consultation Extra emphasis, with focus on pre-application work

Enforcement Significant changes to powers available to LPA's involving tighter regulation

Nationally Significant Infrastructure Projects The principles of the 2008 Act system retained, but the replacement of the IPC by a new Major Infrastructure Planning Unit as part of PINS and all final decisions to be taken by Ministers.

Other Planning Matters Provisions in Wales and development and The Crown.

### **Part 6 Housing**

New arrangements for social housing – tenancies, financial support etc

### **Part 7 London**

Housing & regeneration functions, Mayoral Dev. Corps , GLA governance.

### **An initial assessment of the Bill**

As ever with new legislation, most of the issues are likely to relate to the detail and operation in practice, with much cross-referencing to other documents. The Institute's initial response is that, despite promises of more clarity and detail about how the new localism would apply in planning, the Bill, as published, raises more questions than it answers in crucial areas of planning reform, especially at the neighbourhood level. For example, exactly how are 'communities' to be supported in order to achieve effective plans and what transition arrangements are to be put in place to move from the present to the new system ? The Institute is now in the process of preparing a detailed response, based in part on comments submitted by Regions, Nations, Networks and individual members.

A draft RTPI South West response is the subject of a separate paper for the 21 January 2011 RMB/RAC meeting

### **A new National Planning Policy Framework**

A consultation seeking 'ideas' for a new NPPF for England was launched by Decentralisation Minister Greg Clark on 21 December. This exercise will address the 1000 + pages of PPS's, draft PPS's, PPG's, MPS's, MPG's and related Circulars, with a view to its 'radical' reduction. In March 2010, shortly before leaving office, the previous Government published a programme for the up-dating/replacement of the PPS's and PPG's, but this is to be a much more comprehensive exercise, the final results of which are not expected until 'April 2012 at the earliest'. To what extent this will constitute the 'national spatial strategy' long requested by the RTPI and others is, as yet, unclear. The emerging National Policy Statements [NPS's] are not included in the exercise and since the new NPPF has not been incorporated in the Localism Bill, the implication is that it will not be a statutory planning document. It could be argued that this would not be necessary since the existing legislation already allows the Secretary of State to issue policy/guidance to which local planning authorities must have regard.

### An RTPI South West response ?

It might seem that CLG is, at this stage, simply casting around for any informed ideas about what to do with this policy mountain. At the moment it seems only to have some very general objectives – to make it shorter, more decentralised [?], less bureaucratic [?] , more user friendly and accessible, and using it to make sure that planning is used as a mechanism for delivering Government objectives only where it is relevant, proportionate and effective to do so. Clearly some kind of rationalisation, better cross-reference between subjects and text that distinguishes between policy and guidance would all seem to be fundamental. In addition, we may wish to add our support to those comments already made by the Institute nationally. These are expressed as a number of questions :

Will the NPPF be spatial [ ie. expressed like the Wales Spatial Plan ] ?

Would there be any advantages in making the NPPF statutory ?

The NPPF is not expected to be in place for some time, so can the planning aspects of the Localism Bill be properly assessed in its absence ?

Will the 'presumption in favour of sustainable development' be enshrined in the NPPF ?

How will the NPPF relate to the National Infrastructure Plan ( October 2010) ?

How will the NPPF relate to the emerging National Policy Statements and should this relationship be defined in statute ?

How will the new Marine Policy Statement 'align' with the NPPF and with NPS's given the latter's implications for such matters as coastal nuclear energy, coastal management, ports and fishing ?

The Institute has asked for comments by 4 February in order to meet the CLG response deadline of 28 February.  
**Comments to me please as soon as possible.**

### **Work Plan on major infrastructure planning reform**

This commendably short document [13 pages], published on 20 December by Greg Clark, for information rather than consultation, deals essentially with the transition arrangements from the 2008 Act IPC procedure to the PINS unit / Ministerial decision system under the Localism Bill. It also includes an updated programme for further Draft NPS's – for Ports, National [transport] Networks, Hazardous Waste and Aviation. A Draft NPS on Waste Water was published by DEFRA for consultation on 16 November [ see below]. Many might hope that, in due course, a similarly helpful guide to transition arrangements from the 2004 Planning Act development plan system to the new 'Localism' one will be forthcoming !

### **Consultation on the Governance arrangements for the National Parks & the Broads**

This 12 page document was published by DEFRA on 9 November and is a follow-up to the Department's 'Draft Structural Reform' proposals which appeared on 16 July. These relate to the Coalition Government's commitment to review the governance arrangements in the National Parks in order to 'increase local accountability'. Whilst this can be seen as the new 'Big Society' / localism agenda applied to the National Park Authorities, no evidence base is put forward pointing specifically at a need to make governance in these areas 'more effective' or 'more responsive to the concerns of their local communities'. Indeed, the context provided by the 'English National Parks and the Broads – UK Government Vision & Circular' [ 52 pages] produced under the previous Labour administration and published in March 2010, has as its main suggested priority, a renewed focus on achieving existing National Park purposes. There is only incidental mention of ' working in partnership to maximise benefits and minimise costs', with a brief reference to 'community engagement'.

The current document is essentially a remit / framework which each NPA has been asked to use as the basis for 'local' consultation on 'changes best suited to its own area'. For the South West this means the Dartmoor NPA and the Exmoor NPA, each of whom will no doubt be feeding back consultation results to DEFRA. [ the contacts are [lbrown@dartmoor-npa.gov.uk](mailto:lbrown@dartmoor-npa.gov.uk) and [JMDunscombe@exmoor-nationalpark.gov.uk](mailto:JMDunscombe@exmoor-nationalpark.gov.uk) ] DEFRA has set out a number of 'key questions' to which consultation should seek responses :

Should the NPA membership be changed in size or composition ?

Can the selection process for all categories of members be improved ?

Should there be a limit on the length of time that local authority and parish members can serve and a reduction in the current maximum term of 10 years for Secretary of State appointed members ?

Can the current membership and structure of national park consultative committees, groups and forums [ such as the Dartmoor Local Access Forum] be 'strengthened' so as to better achieve 'Big Society' benefits ?

What additional measures might NPA's take to strengthen engagement with their local communities on a variety of issues, including planning ?

Are there any other ways in which NPA's can improve their effectiveness and accountability ?

These are all potentially interesting questions, but, reference to the background / context material identified above, suggests that there is nothing fundamentally wrong with the largely standard arrangements for NPA governance that have existed since the Environment Act 1995. The deadline for comments to DEFRA, 1 February 2011, is fast approaching, so **comments to me as soon as possible please.**

## **New Homes Bonus**

This CLG consultation [ 61 pages] launched on 12 November 2010, seeks views on the implementation of the New Homes Bonus [NHB], with a view to getting the 'final scheme' agreed in time to sit alongside the 2011 local government finance settlement and local authority budget- setting in March. The NHB, which applies to England only, will provide extra government funding to local authorities for a period of at least six years, based on the council tax levied on new homes within their area, to be paid under the terms of Section 31 of the Local Government Act 2003 'as an un-ringfenced grant'. It will, according to the Government, 'provide a powerful, simple, transparent and permanent [?] means of incentivising authorities to increase their housing supply'. 13 'consultation questions' are set out to facilitate a response.

According to Minister for Housing & Local Government, Grant Shapps, this is part of the process of 'returning the ownership of the debate [ about new housing need, numbers and location] to a local level'. CLG has been doing a bit of 'pre-incentivising' by means of an on-line NHB calculation facility , which, according to a growing amount of anecdotal evidence, has already produced some 'very promising' figures for local authorities in the region ! Those of a more uncharitable nature might see this as little more than a bribe to accept development – but instead of it coming from the developer [ which is of course not allowed !] it will come from the Government. Others will no doubt point out that something has to be done to make new housing acceptable in those areas where there is greatest need, but traditionally the greatest resistance among local councillors. **Comments to me as soon as possible please.**

## **Draft National Policy Statement for Waste Water**

This consultation, launched on 16 November by DEFRA, with a deadline for responses of 22 February 2011, comprises some 106 pages, of which the Draft NPS itself accounts for 78. [ these Government documents don't seem to be getting any shorter !] It has both a generic policy element, dealing with waste water infrastructure everywhere, and a section dealing with two particular NSIP's – a sewage treatment works scheme at Deephams, north east London and The Thames Tunnel. Interestingly, the Government has decided that, although the latter project is below the scale threshold stated in the 2008 Planning Act for a NSIP, it should nevertheless be considered as such for approval purposes. **Comments to me please.**

## **Reducing the threat, building resilience, empowering communities – Consultation on a National Flood & Coastal Erosion Risk Management Strategy for England**

This consultation, which will be of particular interest to many parts of the South West, both along the coast and inland, was launched on 24 November 2010 by the Environment Agency and DEFRA jointly, with a deadline for responses of 16 February 2011. The context for this strategy, on which the EA has been working for some time, is provided by the findings of the 'Pitt Review – Learning the lessons from the 2007 floods' [ in which the Gloucester area features prominently ] and the EA's own 2008 'National Flood Risk Assessment', which estimated that there are 2.4 million properties in England at risk of flooding from rivers and the sea and a further 2.8 million susceptible to surface water food risk. Input has also been provided by Gloucestershire and Somerset County Councils. It would also seem that the 'Big Society' agenda has been recently added to all this – not only is it a matter of protecting communities, but also now of 'empowering' them as well.

The purpose of the Strategy is to ensure that future roles and responsibilities in flood and coastal erosion risk management and funding are clear. There is also to be related 'guidance' about co-operation and data sharing between responsible bodies and for the carrying out of Strategic Environmental Assessment of risk management measures. All of this is now required under the Flood & Water Management Act [April] 2010. However, the consultation is interested in particular in identifying how local flood authorities [ County Councils, Unitary Authorities, District Councils, Internal Drainage Boards or Highways Authorities] can most effectively contribute to sustainable development. Here, in what appears to be separate 26 page consultation document, the EA sets out to define 'sustainable development' and uses 10 'themes of sustainable development' as they variously apply to flood and coastal erosion risk management, set out in the form of a useful tabulation.

It is interesting to note within this that there is still seen to be a role for Regional Flood & Coastal Committees ! This document also includes a very comprehensive collection of references on many aspects of sustainable development and the environment.

Yet another related part of the consultation [ 26 pages] deals with funding for flood and coastal erosion risk management and it is frankly difficult to 'navigate' the relationship between these various documents.

**Comments to me as soon as possible please.**

### **Consultation on a Microgeneration Strategy [ England] looking forward to 2020**

This DECC consultation document of 59 pages, published on 22 December 2010, as a follow-up to a previous one on the same subject, does not, on the face of it, relate directly to planning. However, this 'vision' for the development of the currently almost insignificant decentralised energy production sector does have spatial planning and local environment implications. The Government wants to see an energy production 'revolution' starting in our homes and communities and this proposed 'Strategy' is intended to provide clarity and long term certainty for investment.

There is scarcely any reference to development management or the planning system in general until the document starts to talk about the 'barriers' to the production of what is now termed 'community energy'. In the list of barriers, after ignorance of what equipment etc is available, comes 'forward planning policy' [!] apparently highlighted as a significant barrier by many communities [in earlier consultations ?]. There is said to be a lack of clarity about how local planning authorities deal with such proposals, as well as inconsistency between different authorities. A variance between local aspiration [ to progress schemes ] and 'official' opportunity to allow such, is said to be making the process of obtaining planning permission long and costly.

A final point of note concerns something that is said in the Foreword to the document. In an apparent justification of the need for an over-arching Government led strategy, it is said that ' there is nothing inconsistent about a bottom-up revolution that needs a clear direction from central government'. Could this not be equally well applied to the current proposals for neighbourhood planning etc in the Localism Bill ?

**The RTPI nationally would not appear to be planning to respond to this consultation, but I would welcome any comments by mid February.** The DECC deadline is 16 March 2011.

### **National Grid undergrounding consultation**

On 15 December National Grid published the 'first new look at its policy [for transmission line] undergrounding since its last review of this option in the early 1990's'. Responses are requested by 16 March and the plan is to publish 'an outcome' in April of this year. Readers in Somerset and North Somerset will be aware of the massive controversy sparked off back at the end of 2009 by the Company's proposed new 400,000 volt overhead line between its Bridgwater and Seabank [ Avonmouth] substations as part of its obligation to connect the proposed new Hinkley Point nuclear power station to the national high voltage transmission network. Debates about undergrounding have featured prominently in the public consultations which cannot be unconnected with National Grid's new look at the subject.

The consultation document is, at just three pages, commendably short and to the point, but many people will be disappointed that it doesn't really say anything new or commit the Company to anything. It talks about 'studies of options' and balancing out different factors etc – all of which is probably done already. The RTPI's response deadline is 16 February, so **comments to me as soon as possible.**

### **Jobs cuts in South West planning authorities**

More information emerged just before Christmas about staff cuts across local authorities in the region generally, many of which will affect planning. For example, Dorset County Council is to make cuts to its planning services for 2011/12, including ending staff support to tourism, restructuring and reducing planning and transport groups, reducing the capacity to support and match fund economic development projects, reducing its capacity to produce and publish research and information data and advice and ending support to District and Borough Councils on affordable housing issues. As part of a £73 million package of cuts, Somerset County Council is to cut 25% of its non-schools workforce, amounting to 1,500 jobs over the next three years [ not all in planning !] : all on top of a recruitment freeze which has been in operation since mid 2009. Gloucestershire County Council is to cut 1,000 jobs , whilst Cornwall Council [ which has only just been re-structured following the move to unitary status] now finds itself having to make £110 million of 'savings' over the next four years, involving potentially, the loss of 2,000 jobs. Finally, North Somerset is to cut 130 jobs in 2011/12, including some in Environmental Health and Building control.[ see the SW TUC/ Southwest Forum 'False Economy' website ]

### **South West Stakeholders – next stage in the 'Let's hear it for the South West' campaign**

Further to the final item in my 3 December 2010 Update, Committee members will now have seen the comprehensive report on the 9 November event in Exeter [ now available on [www.southwestforum.org.uk/southweststakeholders?quicktabs](http://www.southwestforum.org.uk/southweststakeholders?quicktabs) ] which included some very interesting presentations. The intention is now to provide each of the region's MP's with a copy of the working paper, with a covering letter stressing the way in which SWS acts as the voice of civil society and the wide range of support expertise available across its 30 or so member bodies, including the RTPI South West.

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