

South West Policy & Media Officer Update Report

Planning in limbo in England ?

Am I alone in thinking that, in England at least, we are currently in limbo as far as both the planning system and planning policy are concerned ? An over-prescribed and over-complex LDF system, which fewer and fewer professionals are now prepared to defend, is about to be significantly modified – simpler ‘Local Plans’ and new ‘Neighbourhood Plans’ – in, as yet, untested ways. Statutory strategic spatial policy has been revoked, with little apparent concern on the part of the new Government as to what is to take its place. We have still to see the operation of the 2008 Planning Act system take its full course, including the finalisation of the first new National Policy Statements and their application within the ‘IPC’ / PINS process and we are still awaiting details of both the form and content of the new National Planning Policy Framework .Added to all this are the big questions surrounding the operation and effectiveness of the ‘patchwork quilt’ [with holes !] of the Local Enterprise Partnerships currently being set up. In total, we have uncertainty all round as far as the strategic picture is concerned. In the meantime of course, the diminishing band of planning professionals in local government are soldiering on with the day to day work of policy-making, interpretation, consultation and development management !

Up-dating by numbers

So, to the content of this Up-date, which seems to have taken on the form of a report of ‘numbers’, including 3, 4, 8,11,17,21,& 49. Just three LEP’s so far approved in the South West ; four organisations, including Planning Aid England & London, given a share of the Government’s £3.2m ‘Supporting Communities & Neighbourhoods in Planning’ fund for 2011/12 ; still only eight Core Strategies in place in the South West ; 11 local authorities are to receive £2m or more in the first year payments of the New Homes Bonus [of which just two are in this region] ; 17 ‘trial areas’ selected to pioneer neighbourhood planning, each with a £20,000 Government grant [of which four are in this region] ; 21 new Enterprise Zones in England, announced in the March 2011 Budget [only one in the South West] ; 49 consultation questions in the DfT’s ‘Delivering a sustainable framework for UK aviation : scoping document’ published at the end of March.

This Update then goes on to cover other national consultations on High Speed Rail; local listing of ‘heritage assets’; proposed management arrangements for the new charity organisation responsible for inland waterways in England ;and on planning for traveller sites .There is also a ‘local’ consultation to report – on sites for ‘eco-communities’ in Cornwall. Finally, there is an up-date on the Localism Bill, the Institute’s submissions on the proposed National Planning Policy Framework , news of the proposed arrangements following the closure of the Government Regional Offices, the surprise news that the Government is to ‘voluntarily’ assess the environmental impacts of revoking each of the RSS’s , and the latest news on the work of South West Stakeholders.

LEP’s in the South West

As I reported in my March Update, Local Enterprise Partnership coverage in the region remains distinctly limited as the closing down of SWRDA looms closer. One new player has since arrived on the scene however. ‘Heart of the South West’ or ‘HOTSW’ has now been approved by the Government. Like the others, this is essentially local authority driven and comprises Exeter, Devon, Plymouth, Torbay and certain districts in Somerset. This new body, based on a model provided by the North Devon Local Strategic Partnership, has already submitted two Regional Growth Fund bids. Elsewhere, Gloucestershire has bid for a county-based LEP, even though earlier indications from the Government were that such an arrangement would not be acceptable. A bid by Swindon, on its own, has been rejected.

Although there are prominent manufacturer and business interests involved in the region’s LEP’s, there are serious concerns in some quarters that they are essentially local authority based bodies, with much less business representation than the Government had been envisaging. The powers and precise role of LEP’s nationally remain hazy. How much strategic planning will they be doing, for example ? Their individual democratic accountability credentials have also been questioned. The new Government is abolishing the RDA’s partly

because they are seen as democratically unaccountable, but, given that the bodies 'replacing' them are seen as allowing 'local' areas to do things their own way, cans of [political] worms and tin openers spring to mind !

Meanwhile, extra central government assistance for the fledgling LEP's has been announced by Eric Pickles [is this not BIS and Vince Cable's territory ?] It was announced on 5 April that a new 'National Network' is to be set up, at a cost of £300,000 [one-off ?], to help co-ordinate the activities of the potentially disparate group of 30 or so LEP's. The Network, which will have to be self-financing after the Government's initial input, is to be 'led' by the British Chamber of Commerce [BCC], but is also to include the CBI, the Federation of Small Businesses and the Institute of Directors, amongst others. There was immediate controversy about this, since, apparently, the whole thing was announced without prior notice having been given to the 'supporting' bodies. Concern has also been expressed that the new Network introduces the kind of 'top-down' management control which is the very antithesis of 'localism'. The CBI's surprised response was one of the more positive ones – 'sounds useful !'. Useful or not, some might see this Network as a new form of quango, with the BCC at its head and central government in the background.

The South West's 'Local Plans'

Sadly there is little more to report since my last up-date on this subject. Just one further Core Strategy – the West of England Partnership's 'Joint Waste Core Strategy'- has been signed off as 'sound', as has a handful of other DPD's. So, we now have eight Core Strategies in place :still only 20% coverage, compared to a not much better 22% nationally, quoted recently by DCLG. Just five further Core Strategies in the region have been submitted and are now under consideration. In total, 21 DPD's [more than half of them accounted for by Plymouth and South Hams !] have now been declared 'sound'. The extent to which this situation is acceptable to those local planning authorities which still don't have any LDF documents in place should surely be debated , but we do know that DCLG has warned all such authorities that if they don't have an up to date 'Local Plan' in place very soon, they risk having decisions on applications 'forced upon them based on national planning policies', including the 'presumption in favour of sustainable development' This will of course remain something of a hollow threat until the Government has played its part by putting in place what it considers to be such national policies, within the awaited National Planning Policy Framework presumably.

There are strong opposing arguments being voiced about all this at the moment, two of them, for example, from experienced professionals with South West experience. Graeme Bell, writing in *Planning 8 April 11*, suggests that in this respect, planners may be 'part of the problem' rather than the solution. If some LPA's can get on with the Core Strategy production process, why can't all the others, he asks. A different perspective is provided by David Evans, now Director of Planning & Environment for both West Dorset and Weymouth & Portland, in an interview published on the *RTPI website 6 May 11*. He has little positive to say about the current LDF process, which he feels involves 'too much evidence of dubious quality, and long impenetrable documents which technocrats, developers and articulate objectors spend days working over to no avail'. How can a plan be relevant when it has taken five years to complete, he asks. He feels that 'localism' should be embraced , with quickly produced documents which are accessible and relevant to all, with a new, strategic, spatial local plan, with community ownership, setting the context for the new neighbourhood plans. David has apparently been advising both Oliver Letwin and Greg Clark on the 'barriers, hurdles and opportunities' in neighbourhood planning. [see later item on central government funding for neighbourhood planning in West Dorset]

The evidence base issue

Discussion of what does constitute an 'adequate' evidence base is of course meat and drink to those at PINS involved in assessing Core Strategies and other DPD's and the production of such material has kept many consultancies in business over many years. Many would also support the continuing work of the South West Observatory as a respected source of a wide range of 'evidence', at a time when it would appear to be fighting for its life ! Can we have it both ways ? Simple, quickly produced policy documents might speed up the process, but how are you then going to assess 'soundness' to the satisfaction of all interested parties, not least, those charged with checking compliance with such things as European Environmental Directives !?

New Homes Bonus – first year payments for South West Local Authorities

On 4 April, Housing Minister Grant Shapps announced some positive news for England's local authorities in the shape of the New Homes Bonus allocations for 2011-12 [based on new housing completions in 2010-11] Almost £200 million in total of what the Government sees as a 'powerful, simple and transparent' incentive for authorities to bring forward new homes, has been distributed. The individual payments range from £4.3 million [Tower Hamlets] to £6,000 [Scarborough] , with the large urban authorities gaining the biggest allocations. 11 authorities have been allocated £2 million or more, including, in the South West, Bristol [£2.3 m] and Cornwall [£2 m]. The region's other new unitary authority, Wiltshire has a £1.8 m allocation, whilst Swindon and North Somerset have £1.4 m and £1.1m respectively. Allocations to the region's other authorities range from £883,000 [South Gloucestershire] down to £90,000 [Christchurch], with most in the £600,000 to £300,000 range. Councils have been called upon to 'sit down with residents and decide how to spend these rewards for going for growth' ! It is almost certainly too early to work out what this will all mean for local authority finances or indeed for the scale and pace of new housing development in the South West. Those of a more cynical mind may well suspect however that these central government 'handouts' will be more than cancelled out by cuts in funding elsewhere.

Four 'Neighbourhood Planning Front Runners' in the South West

On 1 April, the Government announced 17 'trial areas' for the new neighbourhood planning system introduced in the Localism Bill. Each is to receive £20,000 towards producing a particular identified plan and, for a change, the South West is well represented, with four of the trial areas. Teignbridge District Council – for neighbourhood planning in Dawlish ; Exmoor National Park Authority – for Lynton ; Bristol City Council – for the Locklease Estate, in conjunction with 'Locklease Voice' [the City has recently set up 14 'neighbourhood partnerships', including one for Horfield and Locklease, in order to encourage community involvement in setting priorities] ; and West Dorset District Council – for work with Cerne Abbas Parish to bring new housing to the area and to consider redeveloping the primary school site to help fund a new school. In all cases, under the terms of the Localism Bill, a local referendum will still be required before any plans can be adopted by the local authority. The individual sums of money are tiny [in comparison, Bristol is spending £6 million this year on its neighbourhood partnerships initiative], but this is at least a start and, in West Dorset, lets hope that the local community in Cerne Abbas gets as excited about the prospect as their famous giant !!

A new Enterprise Zone for the South West

In what Sir Peter Hall has called 'essentially a recycled experiment' *Planning 21 April 11 p.23* , the Government announced the establishment of 21 new Enterprise Zones in the March 2011 Budget. Most of these are in the north of England and have merely been linked to a particular LEP which is then expected to identify an actual location. South of the 'Severn / Wash divide' there are just two – The 125 ha Royal Docks, Newham, within the area of the London LEP, and, in the South West, within the area of the West of England LEP [former County of Avon] The 25 'old' Enterprise Zones [EZ's] designated in the 1980's, followed by a further 13 in the mid-1990's, were a planning initiative [involving reduced planning control to stimulate economic development !] of the then Conservative administrations, which proved more successful in some places than others. There is no direct experience of the earlier [EZ] initiative in the South West, though there is of the Urban Development Corporation experiment, which saw such bodies set up, for a limited period, in the 1990's, in both Plymouth and Bristol. We await an announcement by the West of England LEP about its EZ location, but Filton; Western Riverside, Bath; Templegate in Bristol and Locking Castle, Weston Super Mare as well as Avonmouth / Severnside appear to be front runners.

Delivering a sustainable future for UK aviation

Its over ten years since central government seriously addressed its policy on the development of airports. The Aviation White Paper Review was back in 2006 and since then, the former Labour administration gave the 'green light' to a third runway at London Heathrow, only to have this reversed by the new Coalition Government almost immediately on taking office ! A National Policy Statement [2008 Act system] on Aviation has been promised and the present consultation, by the DfT, is part of the process of preparing this. The 'Scoping document' as it is called, was published on 30 March 11. It is relatively short, at 39 pages, and sets out 49 questions in order to 'initiate a dialogue'. The airport growth of the recent past, is to be replaced by efforts to make airports 'better not bigger' and the Government now wants to strike a new balance between the technical / commercial needs of

aviation and the need to put it on a more sustainable long-term path. The immediate implications for the South West's 'regional' airports, where various expansion plans have already been approved, are probably not that great, but in the longer term the Government has signalled a much harder line being taken on further growth. The RTPI has asked for comments by 26 August this year.

High Speed Rail : Investing in Britain's future – Consultation on the national high speed rail network

This joint consultation by the DfT and HS2 Ltd, was launched in February. The main document of 150 pages is thankfully accompanied by a more digestible 25 page summary. The title implies that a full network is being planned, but it is only a London to Birmingham high speed route with branches northwards from Birmingham to Liverpool / Manchester and to Leeds respectively. The estimated cost of building these new lines is £32 billion and the potential benefits provided by this system are said to be around £44 billion plus revenues of £27 billion over the long term. This is said to be all about 'linking key urban economies' and, on the face of it, there is nothing here of relevance or potential benefit to the South West. However, the proposed system includes links from Old Oak Common, on the Great Western main line, to both Heathrow Airport and round in the other direction to HS 1 and mainland Europe. Thus there could well be something in this for our region to add to the recently announced 'infrastructure bonus' of electrification between Paddington and Bristol and Cardiff. The HS2 proposals have generated significant opposition and media coverage already and a travelling road show [should be 'rail show' surely !] of events is currently running through to the middle of June. The RTPI has asked for comments by 1 July this year.

Other national consultations

English Heritage has consulted on 'Good practice guidance for Local Listing of Heritage Assets' under the new system recently introduced in PPS 15. DEFRA is currently consulting on the proposed management of England's inland waterways by the charity organisation which is to replace British Waterways. Comments to the RTPI by 27 May this year. DCLG is currently consulting on 'Planning for traveller sites', the draft PPS which is to replace Circular 01/06.

Comments to the RTPI by 17 June this year.

Eco-Communities in Cornwall – call for proposals

As part of the Cornwall Core Strategy process, the Council is exploring the opportunities for further 'highly sustainable eco-developments' to add to the St Austell Clay Country scheme already being progressed with small demonstration projects. Interested parties are invited to put forward possible sites elsewhere in Cornwall which they think can satisfy seven specified criteria and are referred to the 'PPS 1 Supplement on Eco-towns' for more detail about what development there should strive to achieve. The process is being run by consultants Roger Tym & Partners, who held a workshop on the subject in April. The deadline for submissions is 20 May 2011 and the planning contact at the Council is malcolm.pinch@cornwall.gov.uk

The Decentralisation & Localism Bill

The Reports Stage of the Bill is scheduled to begin on 17 May, involving further debate by MP's and the introduction of proposed amendments. The Institute nationally continues its intensive work begun when the Bill was first published. Particular concerns, as I have previously reported, are the arrangements for strategic planning following the abolition of the strategic tier of the development plan [Clause 90] ; the 'duty to co-operate'[also Clause 90], which should not be confined to local authorities, local referendums, and the 'right to challenge'. Detailed examination of the planning enforcement provisions in the Bill is being carried out jointly with the National Association of Planning Enforcement [NAPE]. Of particular concern also is the need for a proper link to be made to the forthcoming National Planning Policy Framework [NPPF], which the Institute considers must be referred to – what is being termed 'embedded in the legislation' At the beginning of May, the Institute published a very helpful single page bullet point guide to the Neighbourhood Plans system as it currently stands in the Bill. 'A quick guide to the Localism Bill : Neighbourhood Plans' RTPI Member Bulletin, May 2011.

National Planning Policy Framework

In parallel with work on the Localism Bill, the Institute has also been considering the proposed NPPF. This is planned to replace the huge raft of current PPG's, PPS's and other assorted policy statements and guidance [no mean undertaking !] The consultation on this was launched by Decentralisation Minister, Greg Clark just before Christmas [*see my 21 January 2011 Update*] with the Government's proposals framed around ' five characteristics' or things which the NPPF will set out – the Government's economic and environmental priorities in an integrated way [would be a first surely !?] ; the roles of the planning system in delivering these ; a presumption in favour of sustainable development as a basis for strong economic growth ; the strategic elements of the development plan ; and other policies to provide the framework for local and neighbourhood planning.

Your Policy & Media Officer has contributed to the work of preparing a response to the proposals as a member of the 'virtual sounding board' set up in February. The Institute's now submitted response broadly agrees with what the NPPF should set out , but stresses the importance of proper links to the primary legislation [ie. the Localism Bill] and to the 2008 Act system [NPS's and NSIP's]. Primacy in the legislation should be retained by the LDF , however, by requiring both local planning authorities and the IPC / successor PINS unit to have regard to the NPPF, the framework would be afforded the status that a document of this importance requires. The Institute has now published a useful nine page 'position paper' on the proposed framework incorporating its views. [*see RTPI website May 2011*]

In place of GOSW

As promised by the new Coalition Government as part of its drive to reduce central bureaucracy and cut public expenditure, the Government Regional Offices in England closed at the end of March. So, GOSW, as we have known it since 1994, no longer exists. On 7 March 2011, Bob Kerlake, Permanent Secretary at the DCLG, wrote to all local authority chief executives , the chief executives of the RDA's [which are themselves due to closed down in March next year !] and the executive directors of the HCA , setting out the new arrangements post Regional Offices. .These are set out in an Appendix, the complexity of which serves to illustrate the wide-ranging role which the Offices have taken on since being set up by a previous Conservative Government, together with Single Regeneration Budgets. This also indicates how difficult proper co-ordination is going to be in future ! For what is termed 'planning implementation' there are now three government 'hubs' covering England – North (Leeds), Central (Birmingham) , and South (Bristol) with such staff as have been retained redistributed between these. To what extent these hubs will have the capacity to deal with the planning system and emerging policy as effectively as the former Regional Offices is as yet unknown, but all the signs are that they will not be so effective.

In a related arrangements for closing down the English arm of the European Regional Development Fund [ERDF], the 'closure programme' for the 2000 – 2006 funding is to be managed centrally from London, instead of regionally, to what is termed ' the satisfaction of the European Commission' and with 'minimum DCLG liabilities' !

Environmental Impact Assessment catches up with RSS revocation

Local planning authorities throughout the South West have no doubt been drawing their own conclusions about the impact of the abolition of the RSS level of the statutory development plan, but in something of a surprise move, Planning Minister, Bob Neill, announced in April that strategic environmental assessments are to be carried out into the impact of RSS revocation. This is said to be a purely voluntary gesture on the part of the Government and is to be carried out, in house, by DCLG whilst the Decentralisation & Localism Bill makes its way through Parliament. It is said that the findings, in reports for each region, will be helpful to local planning authorities in progressing their respective development plan policies. Many have concluded however that all this is only being done as a result of pressure from the Commons Communities & Local Government Committee, whose recent report was critical of the haste with which RSS abolition is being pushed through. Many environmental lobbies will no doubt have had an influence as well.

It seems strange – one might even say perverse – that, having spent a great deal of time and money [on consultants] carrying out Sustainability Appraisals and Habitat Regulations Assessments of the RSS's when they were put in place, the Government is now to spend yet more time and money on a similar exercise into the implications of the strategies not being in place ! Although the Government is claiming that ' it would be useful to

assess whether are any significant environmental effects of revoking each RSS', lawyers have suggested that the decision is in response to Mr Justice Sales' finding in the CALA Homes challenge, November 2010, that the Government had acted unlawfully in unilaterally revoking the system of Regional Spatial Strategies . One of the grounds of the challenge was that the environmental effects of doing this should be considered, in line with European law.

The intention is to produce an environmental report for each region and to consult on it. Only after this 'due process', and subject to Royal Assent for the Localism Bill, will each RSS be revoked. We look forward to the publication of the reports for consultation over ' the [coming] summer '

South West Stakeholders continues to press for 'civil society' involvement

Government expenditure cuts and other recent decisions have seen many of the member bodies of South West Stakeholders struggling to maintain a presence with the organisation. The work of the Executive Committee continues however, both as a very useful forum for the exchange of information and for discussing future priorities for action as a follow-up to the ' Lets hear it for the South West' discussion paper and conference. As a member of this Committee, your Policy & Media Officer is able to ensure that the professional planners' perspective ie. the RTPI in the South West, is kept to the fore. The Committee remains convinced that SWS is what the 'big society' is all about. Its diverse expertise and experience is waiting to be mobilised in the interests of effective public policy within the region, but the need now is to convince the politicians, at all levels, of this.

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