

## **The RTPI and the Localism Bill**

1. The Royal Town Planning Institute (RTPI) supports the objectives that underlie the Localism Bill and has been working with the Government, with politicians across all parties and with other non-governmental organisations to make the Bill more effective. The RTPI very much welcomes the Bill placing planning at the heart of the localism agenda. Planning is central to enabling communities to develop their vision for the future of their area, to provide the means for areas and the nation to decide on priorities for investment and to tackle the challenges of climate change, sustainable economic growth and social inequity. We congratulate Ministers for working to improve parts of the Bill but strongly believe other parts remain fundamentally flawed.

## **RTPI Key Issues**

2. The RTPI feels that there remain three key issues that need to be addressed in the Bill's passage through the House of Lords. **More detailed briefings on all of the following issues can be accessed through [www.rtpi.org.uk](http://www.rtpi.org.uk).**

### **Financial considerations as a material consideration** [Clause 124]

3. The RTPI will continue to press strongly for this clause to be withdrawn or very significantly amended.

### **Neighbourhood Planning**

4. The RTPI considers that Neighbourhood Development Orders should only be brought forward through a Neighbourhood Plan [Schedule 1, part 1]
5. The RTPI considers that those undertaking a neighbourhood plan should have a duty to consult within the neighbourhood area at a formative stage in the plan.
6. 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.
7. The RTPI considers that the amended purpose of Neighbourhood Forums [Schd. 9, 61F] needs to be further amended to encourage forums to take a wider view.

### **The Duty to Co-operate** [Clause 95]

8. The RTPI feels that the Government amendment incorporates the thinking behind the RTPI's original amendment. The RTPI will continue the debate on strategic planning, including considering any further improvements to Clause 95 but considers that real progress has been made on this Clause.

## Other RTPI Issues

9. In addition, we consider that additional improvements can be made to other parts of the Bill.

### The National Planning Policy Framework

10. The RTPI firmly believes that the NPPF must be embedded in legislation and needs to be on the face of the Localism Bill. The RTPI recommends the option of having a new stand-alone Clause in the Bill,

### Other Planning Provisions in the Bill

#### Climate Change

11. As a member of the Planning for Climate Change Coalition, the RTPI supports the amendments put forward by that coalition for both a duty to consider climate within the neighbourhood planning process and a more powerful obligation for local councils to consider the implications of mitigation and adaptation, and provisions of the Climate Act in plan making activities.

#### Local development schemes [Clause 96]

12. The RTPI welcomes increased flexibility in preparation and review of schemes, but provisions could go further by replacing requirement to prepare a scheme with a duty to provide up-to-date information on the future preparation of plans, including neighbourhood plans.

#### Adoption & withdrawal of development plan documents [Clause 97]

13. The RTPI generally supports the provisions but shares the Law Society's concerns on the interpretation of "non-material changes", and will be examining the potential consequences of allowing Councils to withdraw plans after public examination.

#### Local development: monitoring reports [Clause 98]

14. The RTPI welcomes increased flexibility, and the emphasis on reports measuring councils' success in delivering their own objectives, but the consequent loss of consistency in comparable data over time and between areas may be harmful.

#### Consultation before applying for planning permission [Clause 107]

15. While the RTPI strongly supports the practice of pre-application consultation, experience shows that legislating for good practice can detract from its benefits, and alternative measures to encourage consultation should be explored.

#### Design

16. The RTPI supports the two linked amendments proposed by the RIBA to set out a requirement for good design to be considered at all levels of the planning system, including the neighbourhood planning process

### Non-Planning Provisions in the Bill

#### Pre-determination [Clause 14]

17. The RTPI considers that this needs re-drafting as the current wording could lead to legal challenge and continuing confusion.

### **EU Fines** [Clauses 31-37]

18. The RTPI supports the LGA in calling for this to be withdrawn from the Bill pending discussion with the sector.

### **Local Referendums** [Clauses 42-58]

19. The RTPI supports the British Property Federation in seeking an amendment to make planning decisions one of the proscribed issues on which referendums cannot be held.

### **Community Right to Challenge** [Clauses 68-73]

20. The RTPI seeks clarification from the Government that the right to challenge cannot be exercised in respect of drafting statutory policy, as well as deciding on planning applications.

### **Assets of Community Value** [Clauses 74-93]

21. The RTPI is concerned that these provisions may be used to stymie beneficial development.

### **Community Right of Appeal** [former New Clause 4]

22. The RTPI would not support this, if it is put down as an amendment.

## **Enforcement**

### **Retrospective planning permission** [Clause 108]

23. The RTPI suggests that any developer who has carried out unauthorised development should have to submit a retrospective planning application.

### **Time limits for enforcing concealed breaches of planning control** [Cl. 109]

24. A local planning authority should be able to take enforcement action within the normal periods with the period calculated from the time when the authority was aware of the breach.

### **Planning offences: time limits and penalties** [Clause 110]

25. Whilst the raising of the penalty level for failing to comply with a Breach of Condition Notice is welcomed by the RTPI, it should be higher.

### **Proposed new Clause: Notification of initiation of development**

26. The RTPI considers there is a need to introduce a notice informing the local planning authority of the start of a development. Checks can then be made that development is proceeding in accordance with approved plans and conditions.

## **Contact the RTPI**

25. 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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