

### Mayoral powers and strategic planning

June 2011

#### The RTPI and the Localism Bill

1. The RTPI has over 23,000 members who work in the public, private, voluntary and education sectors. It is a charity whose purpose is to develop the art and science of town planning for the benefit of the public. 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. We run Planning Aid in England – supporting communities and individuals through a locally-based network of 1,200 RTPI members who give their time and expertise free of charge – a service at the heart of localism.

2. The RTPI supports the objectives that underlie the Localism Bill and is keen to continue working with the Government and others to make the Bill effective. 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.

3. This briefing is the second in a series looking at issues that could impact on the successful implementation of the Bill when enacted.

#### Overview

4. This briefing sets out the RTPI's position on the proposals within the Localism Bill for:

- Changes to the planning powers of the Mayor of London (Part 7), including Mayoral Development Corporations (Part 7, Chapter 2); and
- proposals to introduce elected mayors for certain local authorities (Part 1, Chapter 3), including, in particular, whether these proposals could be extended to enable elected mayors for city-regions on the model of the London Mayor.

5. The RTPI recognises the potential of Mayoral Development Corporations. The RTPI also agrees in principle with having Mayors for other cities within England.

6. Our members within RTPI London and RTPI Young Planners have led on the preparation of this briefing, which has also had input from other RTPI networks and regions.

#### The proposed additional planning powers of the Mayor of London

7. Part 7 of the Bill contains a number of provisions for London that provide the Mayor of London with additional housing and regeneration powers following the abolition of the London Development Agency (LDA) and the excision of the Homes and Communities Agency (HCA) from within London (Chapter 1), including the power to create Mayoral Development

Corporations (MDCs) (Chapter 2), and also makes changes to the governance of the Greater London Authority (GLA).

8. MDCs may be given the functions of a local planning authority “for the purposes, separately or collectively, of plan-making, development control and neighbourhood planning”<sup>1</sup>, but may delegate (some or all) development management functions back to the local authority, or work jointly with the local authority. The Mayor may subsequently remove or restrict an MDC’s planning functions.

9. However, it is not clear how Neighbourhood Plans, Community Right to Buy and the division of the Community Infrastructure Levy - part of which could go to neighbourhood projects - will tie in with the Mayor and MDC area proposals. It is assumed that the Mayor will set cross boundary issues and enable boroughs and their neighbourhoods to get on with things at a local level. If that is the case, there may be doubt as to how much leeway the Mayor might be willing to give boroughs if there are conflicts with a MDC masterplan / strategy. The RTPPI feels this should be further clarified within the Bill.

### Mayoral Development Corporations

10. The RTPPI welcomes in principle the creation of MDCs. It is our understanding that the first MDC will cover the Olympic site and fringe areas in London. The RTPPI considers this to be a positive step in securing a legacy for that part of London. However, we believe that the following amendments within the Bill would improve upon current proposals for MDCs, to ensure that they are effective vehicles for delivering regeneration.

#### Consultation:

11. Clause 173 (4) (formally Clause 168 (4)) of the Localism Bill states consultees the Mayor must engage with before designating an MDC area. Within this list there is no mention of residents or community representatives of the area defined. We believe that this conflicts with the Government’s overarching ‘Localism’ objectives and may lead to communities becoming excluded from regeneration initiatives that should be benefiting them. The Bill should be altered to include the local community as statutory consultees in designating an MDC area. In the spirit of Localism, engagement should continue once an MDC has been established.

12. Clause 173 (4) (d) sets out mechanisms for London Boroughs containing parts of the MDC area. The RTPPI feels that this does not adequately involve elected members within the MDC defined area, who will be knowledgeable of and in touch with the needs of their local area. We believe that there needs to be a clear mechanism for democratic involvement for elected ward members, provisions should be made in the Bill for ward members to sit on MDC boards or equivalent to give the MDC democratic accountability and credibility.

13. The RTPPI considers that Clause 175 (2) (b) (formerly Clause 170(2) (b)) should be further defined to include the above mentioned groups, with an emphasis upon engagement rather than

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<sup>1</sup> Localism Bill “Explanatory Notes” (<http://www.publications.parliament.uk/pa/cm201011/cmbills/126/en/2011126en.htm>), para 432.

consultation. Alternations to the boundaries of a Mayoral Development area should be discussed with bodies beyond that of the London Assembly.

**Property:**

14. The RTPI believes that further clarification could be given within Clause 176 (formerly Clause 171) of the Bill, as to whether the Mayor will be paying for transfer of property.

**Planning functions:**

15. Clauses 178 and 179 (formally 173 and 174) of the Bill relate to the Mayor's planning functions within an MDC. The RTPI is in principle supportive of subsections (2) to (4) of Clause 178, that the Mayor should decide the level of planning functions for the MDC, depending on the needs of the MDC area.

16. However, it is essential that where MDCs are provided, they form part of a wider planning framework, integrating national planning policy guidance, local plans and neighbourhood / community plans. This should be detailed within the Bill.

17. The Bill should also clarify the differences between MDCs and Enterprise Zones, as they run the risk of becoming too similar. Where appropriate, Enterprise Zones could be a part of the toolkit available to the MDC in delivering the high quality and joined-up regeneration of its area.

**Infrastructure functions:**

18. The RTPI agrees in principle with Clause 181 (formerly Clause 176). However, where an MDC is required to provide infrastructure, they should produce an overarching and strategic infrastructure delivery plan for their area. Infrastructure provision should be considered in the context of the London Plan and adjoining local authority's infrastructure delivery plans to ensure that delivery is coordinated. This above could be detailed within the Bill.

**Business rates:**

19. The RTPI believes that any business rates reduction within an MDC area should be time limited to ensure balance with other parts of London particularly areas adjoining the MDC.

**Sustainable development:**

20. Where an MDC is established, the RTPI believes it must be firmly set within a clearly defined and coherent definition of sustainable development, in accordance with the Government's standard definition currently proposed for inclusion in the National Planning Policy Framework.

**Elected Mayors in other local authorities in England**

21. Proposed section 9N to the Local Government Act 2000 set out in Schedule 2 includes the power of the Secretary of State to direct specified local authorities to implement the change to

mayor and cabinet executive. It is understood that this measure is intended to facilitate the Government's proposal in this regard in 12 major UK cities.

22. The RTPI supports the principle of elected mayors in towns and cities outside of London, but questions whether this should be a matter for central direction, or local discretion through referendum.

23. The RTPI considers that the GLA and the London Assembly under the Mayor of London provide a good model to form a basis for other city-region governance structures. We believe that there is a case for exploring the extent to which, should a group of local authorities so wish, supported by the positive outcome of a referendum, a directly-elected Mayor for a city-region could offer significant economic, social and environmental benefits for area. In appropriate cases, supported by referendums for example, such Mayors could also be given similar statutory planning powers to the London Mayor, including where appropriate MDCs.

24. We believe that any transfer of powers from the HCA, or other agency to regionally elected Mayors, Clause 163 (6) (formerly Clause 158 (6)) as proposed in London, would need to be decided case by case in the spirit of Localism and based on the agencies performance within the area to deliver regeneration and housing.

Royal Town Planning Institute

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