

The RTPI and the Localism Act

Background

1. This paper sets out the main steps that the RTPI took to improve the Act during its course through Parliament. While we would have preferred many more changes, we have secured important alterations and will continue to seek to influence how the Act is implemented.
2. Major planning reform - localism and a determination to end regional bodies - is a key political aim of the Government. The Coalition Agreement stated that the government intended to bring forward legislation based on the principles in the Conservatives' paper *Open Source Planning*, and to abolish the Regional Spatial Strategies in line with the Conservative Party's manifesto.
3. The Localism Bill was published on 13th December 2010 and received Royal Assent on 15th November 2011.
4. The RTPI has a well established programme of stakeholder engagement to ensure that it maintains strong and effective links with sister organisations, think tanks, and key political influencers and decision-makers. The programme of engagement includes attendance at party conferences, maintaining regular contact with Parliamentarians with an interest in planning through the provision of high quality accessible briefings, an annual Parliamentary Reception and running the Politicians in Planning Association. We enjoy relatively good access to Ministers and very good access to key DCLG officials. Additionally, a small dedicated media team ensures that the voice of planners is heard in the media.
5. The combination of a stakeholder engagement programme and the input from networks and members' expertise ensures that, when needed, the Institute is able to provide a critique of proposed planning legislation and make constructive suggestions. This contributes to the Institute fulfilling the objects of its Charter, to advance the science and art of town planning for the benefit of the public.
6. The Institute - working with a number of other likeminded organisations – led and launched the "Larger than Local" (the Group of 30) initiative in Summer 2010, stressing the need for strategic planning to deal with the issues that were larger than local, even within a framework of localism. The campaign featured in editorials in the FT and Guardian, and laid the ground for the RTPI's suggestions to improve the Duty to Cooperate in the Localism Bill, which resulting in a government amendment in the Commons.

How we handled the Bill

7. Our strategy was to concentrate our resources on clearly defined areas and to support others who were carrying out work where we felt able to support them.
8. The Institute proved key to shaping debate within, and discourse outside, Parliament on important elements of the Localism Bill such as Local Financial Considerations, Transitional Arrangements, the Duty to Cooperate, and the purpose of Neighbourhood Forums.
9. During the course of the Bill's passage through Parliament, the Institute:

- Met with Government Ministers, Opposition frontbenchers, and Peers to ensure that they fully understood the RTPI's key points – the elements of the Bill that we fully supported, and the elements that we were concerned with. As a result, the RTPI, our concerns, and our proposals were specifically mentioned in debates by Government Ministers, backbench Conservative MPs, frontbench and backbench MPs, as well as Peers in the House of Lords during the passage of the Bill. Our views were also picked up and covered in influential House of Commons Library notes on key aspects of the Bill.
- Trudi Elliott, Chief Executive of the RTPI, gave evidence before the Localism Bill Committee,
- Produced extensive briefings for Parliamentarians dealing with specific aspects of the Bill such as Neighbourhood Forums, and Enforcement as well as briefing pertaining to every key stages of the Bill such as Second Reading, Report and Committee Stage in both Houses.

Key Successes

The Duty to Co-operate [Clause 110]

10. Clause 110 places a duty on local planning authorities (and county councils that are not local planning authorities) to cooperate in relation to planning sustainable development. This duty ensures that serious consideration will be given to working together on joint plans where there is a need for it. The duty may not go as far as would have wanted, but it was a major government concession on which we believe we can build upon.

The purpose of Neighbourhood Forums

11. The RTPI is extremely pleased that the Government have changed the purposes of Neighbourhood Forums - in Schedule 9, Part 1, 61F(5)(a) - following the laying of an amendment promoted by Civic Voice and the RTPI. This has the effect of requiring that all Neighbourhood Forums, including those led by business, to take a wide view of the social, economic and environmental well-being of their area.

A Duty to Consult for Neighbourhood Forums

12. The RTPI argued for a duty to consult being placed on those undertaking neighbourhood planning and is extremely pleased that the Government has specified that the regulations to be issued relating to Neighbourhood Planning must specify arrangements for consultation before a neighbourhood development plan or order is submitted [Schedule 10, Schedule 4B 4(3)].

Financial considerations as a material consideration [Clause 142]

13. The RTPI joined with others to press strongly for this Clause to be withdrawn or very significantly amended. First introduced after the Commons Committee Stage, opposition to the clause was such that the Government was forced to amend it in the Lords, seeking to clarify that financial considerations should not have any weight over other considerations when applications are being decided. However, we still believe that, despite the assurances given in both Houses, the Clause as worded will lead to uncertainty and to legal challenge.

Transitional Arrangements

14. The RTPI has been at the forefront of identifying the need for transition arrangements to be put in place and promoted two amendments in the House of Lords to set out the nature of these. The changes to the planning system introduced both in the Localism Bill and through other means, notably, the publication of the draft National Planning Policy Framework, are far reaching and will significantly affect the operation

of the planning system. The RTPI recognises that these changes form a part of the Government's core reforms to the planning system and we have worked positively with Government to strengthen other provision in the Bill to provide a strategic planning function and to improve the NPPF. The RTPI is very pleased that the Government has now accepted the need for transitional arrangements but urges the Government to make a statement at the earliest possible opportunity outlining the nature of those arrangements.

Unfinished Business

The need for Guidance

15. It should be noted that the key test of the Localism Act lies in its implementation and the many issues that will need to be dealt with through guidance. The RTPI recognises the need both to rationalise Government guidance on planning and to engage the planning sector to a far greater degree in preparing some of that guidance. Key aspects, such as the status of the NPPF, transition arrangements and the operation of Clause 142 on local financial considerations that require statutory guidance. Such guidance may well be prepared by the sector and unless the Government takes responsibility for contributing to, and formally endorsing, such guidance there will be significant confusion leading. The RTPI is already working with a range of partners on this issue. The RTPI urges the Secretary of State to make a statement on the areas of policy and practice arising out of the Localism Bill and other reforms on which it will be issuing statutory guidance.

The Next Steps

16. Royal Assent is the Monarch's agreement to make a Bill and Act, i.e. law. However, it does not mean that the legislation immediately takes effect; the practical implementation of an Act is the responsibility of DCLG. The RTPI will be involved in scrutinizing the regulations that arise from the Act, leading on the issue of what guidance is needed and who is best placed to prepare it, through Planning Aid England ensuring that the most deprived communities are able to participate fully in Neighbourhood Planning, and ensuring that the new planning system effectively balances the needs of communities, business, and the environment.

Contact the RTPI

17. If you require more detailed information or if you want to work with the RTPI on promoting the benefits of, and continuing improvement to, planning policies, practices and processes, please contact the RTPI:

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