

2nd December 2011

South West Policy & Media Officer Update Report

Onwards with 'localism' and growth

The recent Royal Assent for the Localism Act has now paved the way for the abolition of strategic spatial planning in England, outside London ; the introduction of a new system of 'neighbourhood planning' at a very local level ; and, amongst other things, elected mayors in our major cities. The imperative of facilitating 'growth' and the 'presumption in favour of sustainable development' are now set to drive both the process and new policies coming forward. At the same time, the new ultra-streamlined central government guidance, in the shape of the National Planning Policy Framework, promises to raise more questions than it answers. All of this means yet another period of transition and uncertainty of the kind all too familiar to planning professionals who've been in practice for more than 10 years ! In the meantime, the process of getting up to date 'Local Plans' in place remains agonisingly slow, not least within the South West, and new housing completions are running at their lowest level since the 1920's. Almost more worrying for our region, the rate of completions of affordable units appears to have stalled.

This Update looks at the immediate responses to the Localism Act, and related to this legislation, the environmental report on the revocation of South West's regional planning policies ; the Draft Neighbourhood Planning Regulations ; responses to the Draft NPPF ; and the proposals for elected mayors. It then goes on to review progress on the South West's LEP's ; and messages from the South West Housing Initiative's recent 'Planning for Housing Summit'.

Localism Bill becomes the Localism Act

Almost exactly 11 months after its publication, the Localism Bill received the Royal Assent on 15 November 2011. This timescale is something of an achievement considering the enormous scale of the document, of which planning, as such, forms only one of several parts. [help is on hand in the form of a 24 page 'Plain English Guide', now up-dated !] It has received a qualified welcome from the RTPI nationally, not least because it has put planning at the heart of the Government's 'localism' agenda, which, in turn, the Institute has, in principle supported.

As readers will be aware, the Institute has been closely involved in responding, lobbying and in providing written and spoken evidence at all kinds of meetings and formal hearings during the Bill's passage through Parliament. The RTPI South West has also been able to feed in comments to the central team at a number of points. [see 'The RTPI and the Localism Act' paper 15 November 11 on the Institute website] The 'key successes' of all this work are seen to be :

The duty to co-operate (Clause 110) which ensures that serious consideration will be given, by local planning authorities and county councils that are not LPA's, to working together on joint plans where there is a need for this. Seen to be a major Government concession !

A change to the purpose of Neighbourhood Forums (Schedule 9 Part 1, 61F

(5)(a)) to include a requirement that all NF's, including any led by business, should take a wide view of the social, economic and environmental well-being of their area.

The inclusion of a duty on such forums to consult, such that, arrangements for consultation have to be specified before a Neighbourhood Plan or Order is submitted (Schedule 10, Schedule 48 , 4(3))

'Limited success' is seen in respect of financial considerations as a material consideration (Clause 142), which was first introduced after the Commons Committee stage of the Bill, but subsequently amended in the Lords following significant opposition from the RTPI and others. The amendment attempts to clarify that financial considerations [such as funds anticipated from the New Homes Bonus] should not carry any more weight than other considerations when applications are being considered. The Institute still believes however, that, despite

assurances given by both Houses, the Clause, as amended, will lead to uncertainty and legal challenge. Also, whilst the Institute is pleased that the Government has accepted, in principle, the need for transitional arrangements, due to the far reaching implications of both the Act and the new NPPF for the operation of the planning system, it will press for an early statement about the nature of these arrangements. A major issue here is the need to 'safeguard' existing, adopted, 'Local Plans' [Core Strategies etc] from the danger of their becoming out of date as soon as the NPPF comes into force.

Finally, under the heading 'unfinished business', the Institute has flagged up the significant matter of the detailed guidance which will now be needed in the implementation of the Act. There are already questions being asked about who will be issuing such guidance, with clarification needed, from the Secretary of State, about those particular areas of policy and practice on which the Government proposes to issue guidance.

Consultation on the environmental report on the revocation of RPG 10, September 2001.

Reference to RPG 10 here is not a mistake ! This DCLG consultation, published on 20 October 2011, is one of a set of similar documents relating to each of the English regions. These are the findings of the Government's magnanimous gesture to 'undertake voluntary environmental assessment' of the likely effects of RSS revocation. Assessments have been made of the 'likely significant environmental effects' of revoking each of these strategies. The deadline for responses is 20 January 2012 in each case, as the Government is in a hurry to ensure that it will not be 'tripped up' by the Environmental Assessment Regulations, at the last minute, in implementing this particular part of the Localism Act.

The publication of these assessments, which have apparently been done 'in house', is seen as part of the process of returning decision-making powers on housing and planning to local communities and, stretching the point even further, as a move to remove pressure to build on Green Belts. It is said that 30 towns found themselves under such pressures as a result of the 'Regional Plans' imposed housing targets', which 'threatened the countryside' ! There are no prizes for guessing what conclusions these regional assessments have reached about the implications of removing the RSS's - nothing significant apparently which is not already 'covered' by existing policies in local plans or in national policies.

In the case of the South West, there is of course no RSS in place to revoke, so the whole exercise has been based on an evaluation of 'Regional Planning Guidance 10', which was adopted more than 10 years ago and based on work by the then SW Regional Planning Conference carried out in the late 1990's ! Use has however also been made of the 'more recent appraisals of the emerging strategy' [ie. the draft RSS] such as the Strategic Sustainability Report on the draft, as submitted, in 2006. The 127 page report, much of which is made up of three lengthy Annexes, begins, thankfully, with a 'non-technical summary' and there is general background and context material common to each of the regional assessments. The method adopted has taken as its starting point the environmental assessment components of the sustainability appraisals carried out when the strategy was being prepared. In the case of RPG 10 however, this has been somewhat complicated by the fact that the current Environmental Assessment Regulations were not even in place when this was being prepared ! The process has also involved an examination of the region's raft of 'saved' Structure Plan policies [which would have been superseded had the RSS been finalised] and 'saved' [old type] Local Plan policies. The new policies in the handful of Core Strategies so far in place have also been examined.

The conclusion to all this is that, since many of the policies contained in RPG 10 have, in the decade since, been incorporated into other documents, required to be in conformity with them, including Local Plans, its revocation would have limited effect. It appears to have been further concluded that subsequent strategic policy work carried out in the process of 'converting' RPG to RSS, including the taking into account of 'saved' Structure Plan policies, has also been reflected in policy at the local level or in national policy. Essentially, the message is that strategic policies at the regional level are no longer needed or indeed relevant to the process of protecting the environment in the South West. This, by any stretch of the imagination, is a big assumption !

Consultation on the Draft Neighbourhood Planning Regulations

On 13 October, DCLG published the 'Draft Neighbourhood Planning Regulations' for consultation with a response deadline of 5 January 2012. The Localism Act leaves various procedural and technical requirements of the new Neighbourhood Planning system to regulations and this consultation seeks views on whether the proposed

regulations are 'fit for purpose'. Since these new plans are a central plank of the 'localism' agenda, the Government is clearly anxious to get the regulations in place, whilst equally, local planning authorities are anxious to find out what will be expected of them.

The 37 page document begins with 'standard' material about the Government's consultation process in general and about this one in particular. It then goes on to briefly explain, in 'plain English', the approach being taken to Neighbourhood Planning [including the important lessons as yet to be learned from the pilot 'front runners' which have already been set on their way!]. Following this is a 'Response form' containing 15 questions on which the Government is particularly seeking comments. Finally comes the 11 pages of the draft regulations themselves, presented in the time honoured Statutory Instrument format.

The broad intentions of this new system have already been given considerable public airing, both within the Localism Bill and at numerous conferences and other events. The question here would seem to be do the draft regulations provide sufficient further clarity about what these plans might look like and how they are going to be prepared. Many will see this as their opportunity, at last, to really affect what does or does not happen in their locality. Many others will be seeking re-assurance that a massive organisational nightmare is not in prospect, particularly for already hard-pressed local planning authorities. Among the contentious areas are how a 'neighbourhood area' is to be defined ; the nature and powers of neighbourhood forums in urban areas without parish councils [many of the latter may well seek to 'convert' existing Parish Plans] ; and how local authorities are going to find the resources to 'service' what could end up as a large collection of diverse forums all seeking technical support and advice at the same time. The Government has so far 'seeded' the experiment with direct funding of £20,000 to each of a growing collection of 'front runners', but little appears to be known of the likely long-term cost implications, or about who might end up funding these. There have even been suggestions that 'developers' might be anxious to offer funding for particular neighbourhood initiatives from less than altruistic motives ! Now that more is emerging about the proposed details of the new system, many councils are setting up protocols about how they intend to interface with their respective communities whilst meeting their statutory obligations in the process.

Responses to the Draft National Planning Policy Framework

The deadline for responses to this draft framework has now passed, with some 13,700 submissions having been made according to DCLG. Among these has been the RTPI's national response, towards which the RTPI South West inputted its particular views early in October. [see my 23 September 11 Update for an outline of what the Draft NPPF contains]

The Institute's response [dated 17 October 11] supported the idea of consolidating national planning policy for England , but considered that more work was needed to ensure that the Framework achieved the Government's aims and effectively balanced economic, social and environmental priorities. In particular it pressed for – clarification of the 'presumption in favour of sustainable development' (eg. by reference to the 'UK Sustainable Development Strategy 2005', which is still supposed to be Government policy) ; a tightening up of language in order to avoid ambiguity and legal challenge ; the inclusion of a spatial aspect, expressing a 'vision' for development for England as a whole (in this sense, the Framework was seen as a missed opportunity) ; the inclusion of the Framework on the face of the Localism Bill in order to secure its status (eg. the same as the emerging NPS's) ; a more holistic rather than reactive document (the draft came over as a basis for determining planning applications rather than for genuine place shaping). Finally, the Institute stressed the need for sensible transition arrangements to ensure a smooth and efficient move to the new system.

The Government has, subsequently, sought to reassure local planning authorities that the NPPF, when published, will not make Local Plans instantly out of date [Baroness Hanham 27 October 11] and also that there will be a need to balance economic, social and environmental aspects of development. Counter voices, on the other hand, such as the House Builders' Association, have argued strongly against any transition period on the basis that English planning authorities have already had seven years to get their Core Strategies etc in place and should not be allowed any more time ! This view could have particular resonance in the South West !

What can a mayor do for your city ?

The idea of having elected mayors in England's major cities, outside London, was flagged up in the Coalition Agreement of May 2010, there was reference to this in the 'Open Public Services White Paper' of July 2011 [see my 23 September Update] and the enabling primary legislation is included in the Localism Act. The 12 city candidates listed include Bristol, but this is the only one south of Coventry. The creation of elected mayors is 'subject to confirmatory referendum [which the Government plans to hold with the May 2012 local elections] and full scrutiny by elected councillors'. The 19 page DCLG consultation document, published on 1 November 2011 [closing date 3 January 2012 !] appears to be based on three tacit assumptions – elected mayors can signify strong, democratic 'localism' in cities ; elected mayors can help to generate economic growth there ; and, elected mayors are popular.

An RTPI South West response is to be finalised at the RMB/RAC Committee meeting on 2 December. This acknowledges that the idea has much wider significance for local governance and service provision than simply those of town and country planning, but questions the logic, in practice, of putting newly empowered elected mayors in place just within city council areas, when these are almost all part of wider, 'city-regions'. It suggests that in order for such 'place-based' power to mean anything, extra local fiscal powers would be necessary, as they are in other countries where elected mayors are successful . Finally, in relation to the City of Bristol in particular, it doubts that political agreement for geographically wider mayoral powers could ever be reached with the three other Unitary Councils making up this particular West of England city region. Having an elected mayor just for Bristol would not appear to confer any particular advantages over the present arrangements.

Local Enterprise Partnerships in the South West

With the establishment of the Gloucestershire LEP in November, all areas of the region have become 'covered' by such bodies. The six South West LEP's are listed below in order of establishment :

West of England - former Avon area and based upon the existing West of England Partnership. Contact : peter.jackson@westofenglandlep.co.uk

Cornwall & Isles of Scilly – The Unitary Cornwall area + the Scilly Isles
Contact : mel.richardson@cornwall.gov.uk

Heart of the South West – Devon & Somerset [one of the largest LEP's geographically in England]. Contact : Jeremy Filmer-Bennet

Swindon & Wiltshire – The two Unitary Council areas. Contact : Steve Richards.

Dorset - The County area + Bournemouth & Poole. Contact: david.walsh@dorset.gov.uk

Gloucestershire – The County area. Contact : david.owen@glosfirst.co.uk

There are no local authority areas in the region within 'overlapping' LEP's as there are in many parts of the Midlands and the North East, but the Government's original intention to not have LEP's based solely on existing local authority areas has certainly not worked in the South West. Over England as a whole there are now 38 LEP's in place, with just seven local authority areas not so far 'covered', so the Government, and especially BIS, is now claiming that the initiative is a success.

According to the 'Local Growth White Paper', the Government has seen the abolition of the Regional Development Agencies and the establishment of LEP's as a means to 'encourage a more responsive approach to the needs of local business and people, by supporting local authorities' existing role in fostering and sustaining growth' The initiative has also been seen as putting local business leadership at the helm of bodies ' that represent real economic geographies'. Only time will tell if the South West's areas really are such 'geographies', but progress so far has been slow. In the meantime, on the national front, a report for the Centre for Cities by Tim Bolton and Ken Couper ['Cause celebre or cause for concern ?' October 2011] has suggested an alarming lack of progress nationally. It has claimed that LEP's are not yet in a position to become effective bodies and whilst accepting that variation is a function of 'localism', it cannot see how 38 separate local bodies, working to different locally agreed priorities [even if such can be established] will deliver the national growth priorities increasingly being seen by the Government as the main role of the LEP's. It also remains to be seen, for us in the South West,

how successful our LEP's will be in securing a share of the £4million capital funding over and above the £5million 'start-up' funding made available initially to be shared between all the bodies in England.

New housing provision in the South West

Within the context of a national housing crisis which has seen new completions overall at their lowest level since the 1920's and, within this, affordable provision sinking way below estimated demand, the South West Housing Initiative's 'Planning for Housing Summit' met in Exeter on 7 October 2011 to discuss the issues. Among the messages to emerge were that the region is now seen as the 'NIMBY capital of England' ; that Government attempts to intervene in the rented housing field have raised grave concerns ; that the Government still thinks that changing the planning system and promoting 'localism' will deliver more new houses ; that the HCA in the region is trying to do its bit in bringing forward housing development, with significant affordable elements ;and, that it is now absolutely imperative that the region's remaining outstanding 'Local Plans' are put in place. On a slightly more encouraging note, the summit delegates learned from Jeremy Christophers, the recently re-elected Conservative leader of Teignbridge District Council, that a call for more new housing, made in the appropriate way can be a vote winner, even in the South West !

PS. A little correction to put the record straight

We have been asked to point out that Paul Barkley, whose letter to Planning was referred to in the item on the future of the high street in the 23 September Update, is not employed by Exeter City Planning Department as was implied.

Geoff Walker

RTPI South West Policy & Media Officer
27.11.11

SWPolicy@rtpi.org.uk