

The Royal Town Planning Institute (RTPI), planning and the Growth and Infrastructure Bill

1. The RTPI is the largest professional institute for planners in Europe, with over 23,000 members who work in the public, private, charitable 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.
2. Planning is far more than a regulatory function. Planning facilitates the coordination of infrastructure provision and the delivery of sustainable economic growth, British planning is an important export to some of the fastest growing economies in world, and RTPI-accredited planning schools are internationally recognised for their expertise. Planning is central to delivering the infrastructure the country needs that will underpin sustained and sustainable economic growth.
3. The RTPI holds the view that the challenging economic climate is largely due to demand-side issues, it supports a number of the measures in the Growth and Infrastructure Bill which address some of the anomalies in the supply-side of the economy. Less positively, the tone of much of the Bill is one of 'muscular localism'¹, with the Bill's 46 pages referencing the Secretary of State 133 times. The RTPI believes that much of what the Bill seeks to achieve could be more elegantly be achieved without legislation, and that (tidying-up aside) the Bill's impact will deliver limited new growth and infrastructure. Within this overall position, the RTPI will work with the Government and others to help improve the Bill.

Measuring success and the importance of certainty

Clause 1: Option to make planning application directly to Secretary of State

4. It is difficult to anticipate the impact of these measures until the criteria have been agreed², and the RTPI wishes to see the response to this consultation before coming to a judgement.
5. The RTPI's view is that success would be that these powers would not be exercised.
6. The RTPI is concerned that there is no clear roadmap for de-designation, and that appropriate and tailored support be given to local planning authorities in their efforts to return planning decisions to the local democratic control. The RTPI also asks whether designation could be used positively: should councils that consistently perform well have additional powers granted to them?

Clause 5: Modification or discharge of affordable housing requirements

7. The provision of affordable Section 106 obligations was and remains an imperfect mechanism to deliver affordable housing in lieu of sufficient mainstream funding for the sector.

footnotes

¹ Secretary of State for Department of Communities and Local Government, Hansard 6 Sept 2012: Column 405

² Nick Boles MP has indicated that the Government is looking at two measures: "timeliness-whether they are dealing with applications within the guide periods for different major and minor applications-and effectively the quality of their decisions" Uncorrected oral evidence to the CLG Select Committee Inquiry into Housing and Planning, 15 October, answer to Question 71.

Nevertheless, it is a route which is now well-established and widespread use of this clause may result in dramatic reductions in the volume of affordable housing that is built.

8. Councils are currently renegotiating with developers on the level of Section 106 agreements where sites are stalled. The RTPI believes that this clause may introduce delay – will developers build now, when they may anticipate reducing their affordable housing obligations in the foreseeable future?
9. The RTPI is concerned that provisions in this clause are not future-proofed in that Section 106 agreements in terms of affordable housing cannot be revised upward if the economy picks up. The RTPI also believes that the provisions do not recognise that development affects other development; it is possible to envisage a scenario where development and/or infrastructure unlocks an otherwise stalled site making it extremely profitable and where an upward renegotiation of the affordable housing contribution may be possible.
10. Is primary legislation an appropriate way to handle what are contractual disputes between two parties, the local authority and the developer? Will the courts end up determining what is economically viable and what is not?

Capacity of the system to deliver, opportunity cost, reputational danger

Clause 1: Option to make planning application directly to Secretary of State

Clause 21: Bringing business and commercial projects under the Planning Act 2008 regime

11. Clause 1 and Clause 21 place additional burdens on the Planning Inspectorate (PINS) without additional resources. The RTPI believes that:
 - (a) the system will become stretched; and,
 - (b) there may be an opportunity cost to PINS acting as a local planning authority – namely delays in dealing with significant infrastructure.
12. Notwithstanding funding and capacity issues, PINS' integrity and objectivity is widely acknowledged and it is a cornerstone of the planning system. Any changes to what it does that subject its decisions and inspectors to further Judicial Review run the risk of damaging the reputation of the organisation and therefore the planning system generally.

Increasing the supply of land for less than best consideration

Clause 6 Disposals of land held for planning purposes

13. The RTPI supports the principle behind allowing the disposal of land by local authorities for less than best consideration, a valuable tool for regeneration and getting development moving again.

Streamlining the system

14. There are three main groups of measures seeking to streamline the system that the RTPI wishes to comment on at this stage: those that aim to reduce the paperwork, those that enact some of the Penfold Review recommendations, and the clause addressing Special Parliamentary Procedure (SPP).

Clause 4 Limiting the information that local planning authority can require

15. The aim is to limit the information local planning authorities can request to that which is a material consideration in the determination of the application in question.
16. Many of the requests are dictated to local planning authorities by other government agencies. We are not clear how these bodies are situated in relation to the clause; whilst we support the objective, legislation may be not the most effective answer.

Clause 12 Registration of town or village green: statement by owner

Clause 13 Restrictions on right to register land as town or village

Clause 14 Applications to amend registers: modification of power to provide for fees

17. The Penfold Review 2010 made a number of recommendations to bring non-planning regimes in line with the planning system. The RTPI has long argued for the implementation of the Review's recommendations. We support the objectives in these Clauses and we urge the Government to consider further Penfold Review recommendations.

Clause 19 Modifications of special parliamentary procedure in certain cases

18. Special Parliamentary Procedure (SPP) has proved to be bureaucratic, and the RTPI welcomes to the objectives of the clause but urges the Government to consider whether it might need to go further with this measure in the interests of promoting regeneration and growth.

Extending the definition of Nationally Significant Infrastructure Projects (NSIP)

Clause 21 Bringing business and commercial projects within Planning Act 2008

19. The NSIP process should be informed by National Policy Statements (NPSs). NPSs establish the national case for the type of infrastructure and set the policy framework for decisions. NPSs have the benefit of being subject to Parliamentary scrutiny before they are adopted. The RTPI is not yet persuaded that the use of the NSIP procedures in the absence of NPSs is good planning, good public policy or good for democracy.
20. That said, logically the exclusion of housing NSIP is inconsistent. Why should Secretary of State extend call-in criteria as the means of dealing with housing, when the arguably more objective approach of the NISP is used for commercial projects?
21. The regulations may not apply to projects that consist of dwellings. This mitigates against mixed use developments and may inadvertently confer an unfair advantage on single use out of town development – at odds with the National Planning Policy Framework on out of town development.
22. 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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