

Making the most of Localism The Local Planning Authority Perspective



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The Governments Aims & Aspirations

- To put planning at the heart of the 'Big Society'
- To put power back into the hands of local people – decisions to be taken as closely as possible to the people they affect
- To enable communities to shape their surroundings in ways that respond to their local circumstances
- To devolve greater powers to local Council's and Neighbourhoods – giving communities more control over planning decisions
- To move away from imposed targets towards a system of incentives to stimulate local support for growth

"(These changes will) Tackle the lack of development coming forward – where Local Planning Authorities are resistant to development despite communities themselves expressing a wish to see new housing and other facilities built"

CLG Press Release



The Localism Bill

“For too long local people have had too little say over a planning system that has imposed bureaucratic decisions by distant officials in Whitehall and the town hall. We need to change things so there is more people-planning and less politician planning, so there is more direct democracy and less bureaucracy in the system”



Eric Pickles, Secretary of State for Communities and Local Government.

The Localism Bill

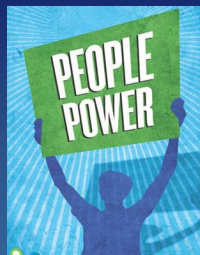
“Most people love where they live, yet the planning system has given them almost no say on how their neighbourhood develops. The Government will revolutionise the planning process by taking power away from officials and putting it into the hands of those who know most about their neighbourhood – local people themselves. This will be a huge opportunity for communities to exercise genuine influence over what their home towns should look like in the future. It will create the freedom and the incentives for those places that want to grow, to do so, and to reap the benefits. It's a reason to say yes.”

Greg Clark,
Minister for Planning and Decentralisation

What is being Proposed?

Planning – The Detailed Proposals:

- Abolition of Regional Planning
- Local Development Plans
- Neighbourhood Development Plans
- Neighbourhood Development Orders
- Community Right to Build Orders
- Duty to co-operate
- CIL and other incentives
- Pre-Application Consultations
- Increased Enforcement Powers
- Nationally Significant Infrastructure Projects



The Abolition of Regional Planning

- Proposals will 'enable' the abolition of Regional Strategies
- Returning powers over planning (and housing) matters to LA's

But that means;

- LA's will need to SET and to JUSTIFY their local development targets, and
- What about those 'difficult' strategic development issues that will need to be addressed e.g. Renewable Energy and Gypsy & Traveller provision?
- N.B. the Government also intends to replace all existing national planning guidance with a single streamlined NATIONAL PLANNING POLICY FRAMEWORK

Local Development Plans

- The Local Development Framework preparation process largely remains in place
- LDF's to become LDP's (Local Development Plans)
- Other plans will need to be in 'strategic conformity' with the LDP
- Government to set out a 'presumption in favour of Sustainable Development'

And that means;

- Considerable efforts and resources will still need to go into having up-to-date plans – backed up by evidence
- There may be some uncertainty for all parties if other plans can go beyond the LDP policies on development
- How will the 'presumption in favour of sustainable development' be interpreted?

Neighbourhood Development Plans

- To allow 'Neighbourhoods' to shape the places where they live – at a local level below the LA
- Where a PC or TC exists – that will be the neighbourhood – with the PC or TC becoming the Neighbourhood Forum
- Where no existing local council – a 'community' can apply to become a Neighbourhood Forum
- A NDP will be able to contain specific 'growth' focussed policies for the neighbourhood
- NDP's will be subject to examination and must be approved via a referendum

And that means;

- Neighbourhoods will be able to seek additional, NOT less growth
- Will the 'prescriptive' processes involved actually facilitate real community involvement in planning?

Neighbourhood Development Orders

- Are a mechanism whereby a Neighbourhood Forum could grant 'permitted development rights' for types of development they want to allow
- In theory any type of development could be permitted (with some restrictions)
- An NDO would again need to be examined and approved via a referendum

And this means;

- Neighbourhoods could seek to encourage additional forms of growth by using this process
- But – the processes involved are again prescriptive and potentially resource hungry

Community Right to Build Orders

- Specific mechanism whereby a 'community organisation' could look to grant 'permitted development rights' for a community project
- Different to a NDO is that the benefits to be derived from the development would need 'to remain within the community'
- Process would again require proposals to be subject to examination and local referendum



And this means;

- 'Community Organisations' could look to deliver a range of 'community developments'
- But can such initiatives already be delivered via positive 'development management'?

CIL and other incentives

- The government's intention is to 'incentivise communities' to ENCOURAGE them to accept additional growth
- The New Homes Bonus will need to positively reward Local Planning Authorities who have to make the 'tough decisions'
- The Government will require that a meaningful proportion of the CIL should go to neighbourhoods (to be spent on local infrastructure projects) as a reward for accepting additional growth

And this means;

- There is likely to be significant additional monies available (to be spent on local infrastructure projects) at the local level

The Duty to Co-operate

"A revised planning system, truly fit for purpose, must offer a strong mechanism for planning for large areas where strategic issues are too big in scale or timeframe to be resolved within a single LPA area"

TCPA

- Will require LA's and public bodies to engage constructively on strategic planning matters
- Government will not be prescriptive – but will encourage LA's to work in a collaborative manner where they think it appropriate

But That means;

- Likely to work well in areas where LA's share the same aspirations, but
- What happens in areas where they don't?

Pre-application Consultations

- A new power requiring developers to undertake statutory 'pre-application' consultation with the local community
- To date will only be required / to be applied in respect of certain 'major developments' – 200 homes or 10,000 m2 of floorspace
- Designed to foster early community engagement and build community acceptance

But that means;

- What happens if the developers don't want to have regard to the outcomes of the consultation



Increased Enforcement Powers

- A series of changes which are designed to help 'enforcement officers do their job'
 - Only allow enforcement appeal or retrospective application – not both
 - Allow for extended time limits for enforcement where DELIBERATE deception or concealment
 - Increase penalties for breach of condition notices and time limits for prosecuting advert and tree offences
 - Increase powers to remove illegal adverts

And this means;

- There will be some positive improvements, but
- Will again increase public / community expectations about the ability of the LPA to investigate and take enforcement action

Nationally Significant Infrastructure Projects

- The Infrastructure Planning Commission will be abolished
- A new Major Infrastructure Planning Unit will be set up within the Planning Inspectorate
- The MIPU will report to Ministers – who will take final decisions



But this means;

- Issues of 'ministerial independence' will re-emerge

Conclusions to Date:

- All of the Planning provisions are intended to be supportive of additional growth – it is not meant to be a NIMBY's Charter
- Members will continue to have a crucial role to play – reconciling the strategic view with local interests
- LA's will be required to support and manage the Neighbourhood Planning 'process' – this will have considerable resource implications – for both planners and administrators
- The planning system – used with appropriate flexibility and initiative – can already deliver community aspirations – therefore ruling out the need for NDP's and NDO's?
- Community Right to Build' proposals already have been and are being supported by pro-active LPA's
- Will the incentives regime be enough to change communities views about encouraging / welcoming additional development?
- These proposals will "restore the idea that development can be a force for good, rather than something to be resisted at all costs" - CLG
