

meeting **JOINT COMMITTEE ON STRATEGIC PLANNING & TRANSPORT**

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from: **JOINT OFFICER STEERING GROUP**

Report

STRATEGIC PLANNING UPDATE

Purpose of Report

1. This report updates members on the planning issues arising from the work of the Coalition Government, in particular, the implications of the localism bill and “Budget 2011: The Plan for Growth” and the National Planning Policy Framework (NPPF).

Regional Spatial Strategy

2. At the March Meeting, Members were advised that a High Court decision had re-established Regional Strategies (RS) as part of the development plan although the intention of the Government to abolish Regional Strategies, enabled through the enactment of the Localism Bill, could be taken into account as a material consideration in the determination of planning applications.
3. In a further court case the Court of Appeal has concluded that the Government’s intention to abolish Regional Strategies through primary legislation could, in certain limited circumstances, be a material planning consideration in making development control decisions, partly legitimising a letter from the Government’s Chief Planner to that effect.
4. However, of significance in the ruling was the confirmation that the Government’s intention was not a material consideration in plan-making decisions. The effect of this decision is that the RS therefore remains part of the statutory development plan. Thus emerging development plan documents of which the Greater Nottingham Aligned Core Strategy is one, as are LDFs elsewhere in the County, must continue to be drafted and tested for soundness for general conformity with the relevant extant RS. This situation will apply until the Localism Bill is enacted and RS are abolished.
5. The Government has announced its intention to carry out an assessment of environmental implications of revoking each of the RS outside London; the lack of such assessments formed part of the reasoning behind the High Court’s original decision to quash the Government’s revocation order.

The Localism Bill

6. As reported at the last meeting, the Localism Bill was published on the 13th December 2010. The Bill has completed its report stage and Third Reading in the Commons and is now in the Lords. The target date for enactment is April 2012.
7. The Bill makes clear the intention to revoke all RS. National Infrastructure decisions will be made by the Secretary of State rather than an independent Infrastructure Planning Commission (IPC). There will be powers for parishes and neighbourhood forums to develop Neighbourhood Plans and Neighbourhood Development Orders. Neighbourhood Plans will, following an independent examination and if found 'sound' and approved by a simple majority vote in a local referendum, become part of the statutory Development Plan. Neighbourhood plans will need to be in accordance with the local development framework.
8. The Bill states a presumption in favour of sustainable development, but does not explain the term. Local authorities will have a duty to co-operate with one another on plan making, although the scope of this duty is as yet unclear. The Secretary of State will have the power to require local authorities to pass Community Infrastructure Levy (CIL) onto other bodies.
9. Further developments on the draft Localism Bill include certain amendments including:
 - a. A new clause which allows local finance considerations to be a material consideration to support planning applications; this amendment is designed to clarify the legal position, but has led to allegations of 'cash for permissions' from the Opposition and the RTPI, TCPA and CPRE;
 - b. a change to the neighbourhood planning regime which means forums must have at least 21 (previously 3) members; and
 - c. a revised text, backed by the Royal Town Planning Institute, for the new duty for local authorities to cooperate with neighbouring councils over planning issues;
 - d. amend the Community Infrastructure Levy, which allows councils to charge developers to pay for infrastructure. Some of the revenue will be available for the local community;
 - e. a strengthened 'duty to co-operate' between local planning authorities through setting out in greater detail the circumstances where joint approaches may be appropriate, giving scope for the duty to cover non-statutory bodies such as Local Enterprise Partnerships (LEPs), and making the duty part of the 'tests of soundness' for LDF purposes; and
 - f. Businesses to be allowed to develop neighbourhood plans and neighbourhood development orders.

The Budget and the Plan for Growth

10. The Budget and the Government's Plan for Growth, set out a number of proposals to reform the planning system in order to promote economic growth, including:

- a powerful new ‘presumption in favour of sustainable development’, so that the default answer to development is ‘yes’ as long as it is demonstrated as ‘sustainable’ (sustainable development is yet to be defined);
 - Allowing businesses to bring forward neighbourhood plans under the localism bill;
 - Abolishing the national 60% target for new housing built on brown-field land;
 - Piloting a system of ‘land auctions’ for public sector land;
 - Allowing the conversion of employment premises to housing without the grant of planning permission; and
 - Establishing a new generation of ‘Enterprise Zones’ with simplified planning regimes, including one on the Boots Campus in the Derbyshire/Derby/Nottinghamshire/Nottingham (D2N2) LEP area.
11. In relation to Enterprise Zones the Government has issued a consultation on the scope of the proposals, asking in particular whether they should be restricted to B1 (offices, research & development premises and light industrial) or extended to include B2 (general industrial) and B8 (storage and distribution).
 12. Underlying the Government’s proposal to allow conversion of employment to housing uses is a concern that there is currently insufficient land for new housing and that there is an over allocation of employment land which is unlikely to be developed for that purpose. However Greater Nottingham and Nottinghamshire local planning authorities have completed or are reviewing employment land surveys as part of their work on LDF core strategies. Blanket de-regulation could undermine the efforts of councils to grow and diversify local economies, reduce the scope for mixed use developments, and lead to sporadic, uncoordinated and poor quality housing development in (employment) areas remote from local services. Both authorities are considering their responses to this consultations.
 13. Whilst there may be local circumstances where de-regulation would be appropriate, councils already have the powers to relax planning regulations in identified locations through to use of ‘local development orders’ should they wish. A top-down ‘one size fits all’ approach is very likely to have adverse and unforeseen consequences. As a result, it is likely the two authorities’ responses to the consultation will include objections to the Government’s proposals on this matter.

National Planning Policy Framework (NPPF)

14. The Government is proposing to replace existing Planning Policy Statements, Planning Guidance Notes and Circulars with a simple consolidated ‘National Planning Policy Framework’. An initial ‘open issues consultation’ on the NPPF was undertaken in early 2011, to which the Councils submitted a response. A further consultation on a draft NPPF is due to take place later this year.
15. In the meantime, the Government asked a ‘Practitioners Advisory Group’ (PAG) to produce a suggested NPPF to inform its thinking. The Group comprised Peter

Andrews of Taylor Wimpy, Simon Marsh of the RSPB, John Rhodes: Quod and Cllr Gary Porter, Chair of LGA's Environment & Housing Board.

16. The PAG published its NPPF on the 20th May 2011. The document is short (55 pages) and structured into traditional topic areas, grouped around three themes (economic, social and environment). It envisages a plan-led planning system underpinned by a 'presumption in favour of sustainable development' and supported by local fiscal incentives.
17. In terms of policy content, the draft is pro-development, particularly in relation to housing, business and energy infrastructure. It states that "in principle, there is no contradiction between facilitating increased levels of development and the environmental role of planning, as long as development is planned and undertaken responsibly"
18. The advisory group's document proposes:
 - That the presumption in favour of sustainable development is seen as the "golden thread" running through both plan making and decision taking,
 - That the notion that economic growth leads to environmental degradation should be "firmly laid to rest" by ensuring that development helps secure local economic, social and environmental objectives,
 - that each local authority should produce one plan for its area – the local plan. This should be positively prepared; justified; effective (including deliverable and based on effective joint working on cross boundary strategic priorities) and consistent with national policy,
 - the reiteration of the sequential test with regard to retail and leisure uses, preferably to be located in town centres where practical,
 - the retention of existing policy tests for the protection of the historic environment,
 - new policies to promote green spaces and wildlife corridors in order to halt the loss of habitats and restore biodiversity,
19. Although the PAG's draft has no formal status, it is likely to be sympathetic to the Government's vision and may form the basis of what the final National Planning Policy Framework will look like.

RECOMMENDATIONS

It is RECOMMENDED that Members of the Committee discuss and note the contents of the report.

Background Papers

The Localism Bill – (Parts 1 and 2)

www.publications.parliament.uk/pa/bills/lbill/2010-2012/0071/2012071pt1.pdf

www.publications.parliament.uk/pa/bills/lbill/2010-2012/0071/2012071pt2.pdf

Budget 2011: The Plan for Growth -

http://cdn.hm-treasury.gov.uk/2011budget_growth.pdf

The Practitioners Advisory Group NPPF

<http://www.nppfpractitionersadvisorygroup.org/documents/>

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