

Localism Act and National Planning Policy Framework

... a summary and overview by Howard Carter of the Shoreham Society

The Government has recently developed two pieces of legislation that promise to dramatically change planning. The Localism Act 2011 has become law and the National Planning Policy Framework is at an advanced stage of consultation. Together they are the most radical overhaul of the planning system for a generation and have generated much speculation over what affect they will have on the control of development in our towns, cities and countryside.

While they are separate pieces of legislation, the Localism Act sets the scene for the rights of consultation and involvement of local people in setting the agenda for planning as well as the responsibilities and duties that local authorities and developers will have to observe when considering and promoting new projects. The National Planning Policy Framework is a dramatic attempt to simplify and cut through the labyrinth of technical documents that currently make up government guidance on planning. The idea is to have a single document that sets out agreed national policy on planning objectives and how these should be delivered. It contains some important shifts in emphasis that have led to many people fearing that it is a developers' charter and could seriously erode protection of the Green Belt and other defining principles of post war planning.

So what's in these documents?

The Localism Act has a broad sweep, and covers all the areas that the government believes will help bring about 'the Big Society', but in terms of planning the key areas are:

- **Local Plans:** The Act will limit the ability of Inspectors to amend local plans.
- **Enforcement:** The Act will enhance the local authorities powers to deal with unpermitted development.
- **Duty to Cooperate:** The Act compels various bodies to cooperate where their duties overlap in the planning of sustainable developments.
- **Regional Spatial Strategies:** The act abolishes the duty to develop regional spatial strategies which were the core of local authority development plans.
- **Community Consultation:** The Act creates a requirement for developers to consult local people before submitting planning applications.
- **Neighbourhood Planning:** The Act introduces a new right for communities to draft 'neighbourhood plans' that will be part of the planning system once adopted by the local authority.
- **Rules on Predetermination:** This part of the Act clarifies that it is proper for councillors to play an active role in discussions regarding planning applications and other issues.
- **Community Infrastructure Levy:** The Act allows the local authority greater freedom in making charges against development to pay for infrastructure and other things.
- **National Infrastructure Projects:** A new body, the Major Infrastructure Planning Unit, will be created to advise on these projects with the final decision being taken by the Secretary of State.

The National Planning Policy Framework is a comprehensive document bringing together guidance on all major planning issues in a single document replacing some 1000

pages of old government guidance with a single document of 50 odd pages. This succinct document spells out the government's intentions and effectively instructs local authorities how to proceed on a range of planning issues under these headings:

- Delivering sustainable development
- Plan-making
- Development management
- Planning for prosperity
- Business and economic development
- Transport
- Communications infrastructure
- Minerals
- Planning for people
- Housing
- Design
- Sustainable communities
- Green Belt
- Planning for places
- Climate change, flooding and coastal change
- Natural environment
- Historic environment

As with all legislation there is room for interpretation and the document has been greeted with an array of responses. For instance the Council for the Protection of Rural England and other groups such as the National Trust are extremely concerned that it will create a presumption in favour of development that will override restraints on development, potentially leading to urban sprawl.

Other groups such as the Royal Institute of British Architects welcome the legislation as clarifying a complex system and making sustainability and good design the key objectives. Confusion and acrimony has led to the government issuing a 'myth busting' communiqué setting out its stance on protecting the green belt and other issues.

It does seem there are some real opportunities to influence the development of local policy and regain some control over the scrutiny of proposals, however there are also risks of unscrupulous developers attempting to drive through development under a banner of sustainability.

The Shoreham Society aims to raise awareness, push local policy in the right direction and be vigilant regarding forthcoming proposals.