



Localism Act 2011

The Localism Act came in to statute yesterday afternoon. Below key industry personnel offer their opinions on what they hope from the new Act, and what it will mean for planning in the future:

Richard Summers, RTPI President:

“We congratulate Ministers on improving the Localism Bill and listening to some of our suggestions and we appreciate the constructive way they have engaged with us on some of our concerns. But the real test of the Localism Act will be its implementation and the resources made available to enable the planning system to deliver it”.

“Many issues still need to be clarified, some by legal challenge and others through guidance, but the key issue will be to reduce the continuing uncertainty, cost and delay for the planning system and the development industry.”

Key outstanding issues include:

The RTPI has been at the forefront of identifying the need for transition arrangements by promoting two amendments to the Localism Bill in the House of Lords. The changes to the planning system introduced by the Localism Act and the draft NPPF are far reaching and will significantly affect the operation of the planning system. There is the need for agreement to be reached on the arrangements for safeguarding existing local plans and arrangements and on a planned period during which local authorities, the public and the development industry can learn to work with the new regime and implement it in the most effective way.

The RTPI will continue the debate on strategic planning and will support the development of effective practice even though the “duty to cooperate” has been significantly strengthened. We are recommending that the Local Planning Regulations should extend the “duty to consult” to include the infrastructure providers that are vital to future growth.

The RTPI is concerned that the NPPF could make adopted Local Plans out of date as soon it comes into force as well as wasting significant work on emerging plans. We suggest that, although Local Plans and planning decisions should comply with the NPPF, local authorities should have the responsibility to decide whether their plans are in general conformity with the NPPF. This should not be onerous and the amendment the RTPI has promoted suggests that an expedited process

for enabling it should be developed.

Liz Peace, chief executive of the British Property Federation: “We welcome the government’s recognition of the need for localism to support sustainable economic growth and have been pleased to work closely with the government in developing the concept of business neighbourhoods in areas that are mainly commercial in character.

“We look forward to the government now realising the full potential of localism by pressing ahead with other measures that can empower local communities such as greater local retention of rate revenues and tax increment financing.”

Roger Hepher, Savills head of planning and regeneration:

“While there is much of importance in the Act, it is difficult to anticipate exactly what its implications will be, and when they will become apparent. The Act sounds the death knell for Regional Spatial Strategies, but they will still linger on for the moment, until the relevant part of the Act is brought into effect (an event which could give rise to further legal challenges, focusing on the strategic environmental impact of the abolition). Neighbourhood planning has the potential to have a big effect; however, whether it does will depend upon how the regulations are drafted, how Parish Councils and local communities respond, and whether the resources will be found to make the system work. The scrapping of the pre-determination rules will give local politicians more freedom to get involved in the planning application process, but to what extent councillors will want to seize the opportunity – potentially placing themselves in the line of fire in the process – is a moot point. The passing of the Act (in a relatively short period of time) is however, a major milestone: it confirms that the Government’s programme of reforming the planning system remains on track.”

Nigel Hewitson, partner, Norton Rose LLP:

“In doing away with Regional Strategies and adding a neighbourhood plan-making layer, the Localism Act has the potential to lead to far-reaching changes to the planning system. But Neighbourhood Development Plans and Orders will be costly to produce and consult on and will have to achieve more than 50% support in a referendum. Even if plans overcome these obstacles, it is a moot point how big a change of policy could be effected, given that the neighbourhood plan must be in general conformity with the strategic policies of the existing development plan. It remains to be seen how many neighbourhoods will have the appetite – or the wherewithal – to jump through the all the hoops to put Plans and Orders in place.”

Adam Royle, Senior Parliamentary Officer for CPRE: “The neighbourhood planning powers in the Localism Act promise to deliver positive outcomes for communities, by giving them a structure in which to make planning decisions for themselves. But if draft national planning policies which say there should be a default yes to development are unchanged, local communities will have their hands tied.

“This could leave developers, rather than local communities, in the driving seat. We are ready to celebrate giving local people more say on which direction to take their community, but not if all

roads lead to excessive, damaging or inappropriate development.”

Richard Ford head of planning at international law firm Pinsent Masons: “I am pleased that some of the uncertainty over the planning system will be removed by the Localism Bill’s enactment. The sooner the National Planning Policy Framework is in place the better as well as that will mean developers and local authorities can move forward with clarity over the new system. I fully expect there to be legal challenges though and I do predict more appeals to start with too. It will not be plain sailing”.