



**GREEN LIBERAL DEMOCRATS
LOCALISM BILL BRIEFING ON PLANNING**

The Green Liberal Democrats (GLD) are one of the Liberal Democrat largest membership organisations and the voice for environmental sustainability within the Party.

Background Notes

Introduction

The starting point for the town and country planning system is the “Development (land use) Plan. This was introduced by the 1990 Planning Act and repeated in the 2004 Act, although the public normally come across the system at a later stage when making a planning application. All development should be “in accordance with the development plan” and this is the starting point to guide all development e.g. planning applications.

The Development Plan

National Planning Policy Guidance and Statements are used to guide the preparation of the statutory “Development (land use) Plan”, with the detailed plan (LDF or Local Plan) needing to conform to the strategic plan (RSS or London Plan). Under the new system the RRS is being abolished & the NDP is being created, but produced by a Parish Council or Neighbourhood Forum. Also the consideration of conformity between these plans is proposed to be only dealt with by an Independent Examiner rather than a Statement being issued by the District (or Borough or City or Unitary) Planning Authority and checked by the Independent Examiner.

CURRENT SYSTEM

PROPOSED UNDER LOCALISM BILL

Planning Policy Guidance &
Planning Policy Statements

National Guidance

National Planning Policy Framework

Regional Spatial Strategy (RSS) &

Statutory Development Plan



Local Development Framework (LDF)

Local Development Framework /Local Plan



& Neighbourhood Development Plan (NDP)

Local Plan and Neighbourhood Development Plan preparation process

CURRENT SYSTEM FOR LDF

PROPOSED SYSTEM FOR NDF

Issues and Options consultation

No current requirement for any consultation



- left to regulations to make provision for this

Preferred Options consultation



Submission Consultation



Submission of Plan



Examination by Planning Inspector
-oral hearing with right to be heard



Submission of Plan



Independent Examination by Independent Examiner
- written representation unless otherwise decided
by above

Stages in blue italics optional

There are a number of consultation stages for the production of a LDF, followed by an Independent Examination, currently carried out by the Planning Inspectorate; this process is not clear for a NDP.

Areas of concern with the Localism Bill

GLD support the strategic purpose of the Bill, but are concerned about much of the detail, although have kept our concerns to three key areas, the definition of Sustainable Development, lack of democratic accountability, conformity between plans and the right to be heard.

Sustainable Development - **Lack of definition in the Bill**

There is reference to sustainable development in the Bill in relation to “Duty to co-operate in relation to planning of sustainable development” (*section 98 under Part 5 Planning, Chapter 1 Plans and Strategies*) but there is no definition within this Bill and it is left to other documents – the National Planning Policy Framework - to define and this definition is weaker than the definition in “*Securing the Future – Delivering the UK Sustainable Development Strategy (2005)*”.

It is also noted that although the duty to promote sustainable development under the 2004 Planning Act (Section 39) remains, this duty does not apply to neighbourhood planning, as the new neighbourhood planning process is set out in Volume 2 of the Bill, within Schedules 9 and 10. These schedules are to be inserted into the 1990 Act and they sidestep the sustainable development and climate change duties, included in the 2004 and 2008 Planning Acts, which are placed on local planning authorities in relation to Local Development Frameworks (LDFs).

The Bill needs to contain a clear definition of what is meant by sustainable development and this should apply to neighbourhood plan making.

Neighbourhood Forum - **Lack of democratic accountability** – made up of 21 unelected members – Localism Bill Volume II – Schedule 9, Part 1, Section 2, 61F, 5 c)

Unless an area is covered by a Parish Council, which is democratically accountable, a neighbourhood forum is made up of 21 unelected individuals who live or work in the area or are an elected member whose constituency lies within the area. There is no guidance on how they become members of the forum. This body is responsible for the production of the neighbourhood development plans and orders.

There should be a mechanism to make the neighbourhood forum accountable to the local community.

Neighbourhood Development Plan - **Conformity of plans** - District Authority right to decide denied – Localism Bill Volume II - Schedule 10, 8 (2) (d).

Under the current planning system, the strategic planning body - who produced the Regional Spatial Strategy (or London Plan) - issues a Statement to the local planning authority as to whether the detailed plan (LDF/Local Plan) conforms “generally” to the strategic one. The Statement is simply treated as an objection to the LDF and is considered by the Inspector, but does not stop the adoption of the plan. There has been very limited guidance on this issue, but some was included in “*Planning Policy Statement 12 (PPS12): Local Development Frameworks (2004)*”, but does not appear in the current “*PPS12: Local Spatial Planning (June 2008)*”.

The responsibility of considering the “general conformity” between the LDF and NDP is currently proposed to be given to the Independent Examiner rather than the District Planning Authority, as has occurred under previous planning systems. Also under the current system, the role of the Inspector is to check the legal requirements, under which conformity is considered, and provides a check on this, but under this current proposal this check is removed.

We recommended that the District Planning Authority issues a Statement as to whether the NDP conforms to the LDF and the Independent Examiners checks this at the Independent Examination. This is due to the fact that the Local Planning Authority is generally far better placed to issue such a Statement as they produce the “Development Plan” (LDF) that the NDP needs to conform to as they are more familiar with the documents involved than any Independent Examiner.

Independent Examination - **No right to be heard** – *default position is written comments* - Localism Bill Volume II - Schedule 10, 9 (1) & (3).

Under the LDF plan preparation process there is a “right to appear” and therefore to give oral representations (evidence) at an Independent Examination, but this is not the case for the NDP or Neighbourhood Development Order (NDO). This would work against the average member of the community (in terms of their participation and engagement), especially where English is not a first language or they have disability such as dyslexia.

Under the proposed system the decision to allow oral evidence is left to the Independent Examiner alone and even if this is allowed, those currently allowed to speak are limited to the parish council or neighbourhood forum and the local planning authority plus a vague commitment to “*give a person a fair chance to put a case*” and “*other such persons prescribed*”.

There should be a “right to be heard” for all members of the community, as it exists under the LDF preparation process.