

JULY 2021

## **A NEAR PERFECT PLANNING FUTURE FOR LOCAL COMMUNITIES**

### **Introduction**

Currently, England's 10,000 local (parish and town) councils have a statutory right to be notified of planning applications and the right to comment on them and speak at planning committee meetings of their principal authorities.

Also, since the inauguration of neighbourhood plans, local councils, where they exist, are expected to take a leading role in their development, although far too many have subsequently been overturned due to extraneous circumstances beyond their control such as the local planning authority not meeting housing tests.

Local councils also have the same rights as members of the public to take a full part in the local plan process and to respond to principal authority and governmental consultations and calls for evidence. They do not have a right of appeal against planning decisions.

### **A near perfect planning future for local communities**

The National Association of Local Councils contends that a near perfect planning future (NPPF) for local communities would be a planning system where:

#### **Climate change is a legal priority and measures to tackle it and to reach 'net zero' carbon emissions are threaded through policy and decision making at every level**

NALC has signed up to the proposition that there is a climate emergency. It supports the need for large developments and local plans to be subject to environmental appraisals and also energy efficient homes, the biodiversity net gain principle, pro-forestation and the planting of more native trees and hedgerows.

Many local councils are themselves taking action on climate change including declaring a climate emergency, developing actions plans and delivering a range of projects and activities.

The government has made any number of international and national climate change declarations and commitments. However, it has been heavily criticised by the Climate Change Committee for not following through on its climate change pledges (<https://www.theccc.org.uk/publication/2021-progress-report-to-parliament/>) and for not backing its latest 10-point plan with policies (<https://www.theccc.org.uk/2021/06/24/time-is-running-out-for-realistic-climate-commitments/>).

**The government accepts that every local area is different and the impacts of planning proposals on each location are different and therefore the need is for a nuanced and sophisticated planning system and not a series of blunt diktats and tools**

NALC believes the government is misguided in trying to simplify and reform the planning system and does not support the proposal that all land should be divided into just two or three categories and to the further extension of permitted development rights, which should not be allowed to override neighbourhood or master plans.

For instance, there needs to be master planning for all town centres. Not simply a permitted development right for any commercial and retail premises to be turned over to housing in an un-planned way. The Ministry for Housing Communities and Local Government changed course on the permitted development rights they granted in early July 2021, including issuing a refinement to their previous statement.

**Sub-regional spatial frameworks, local plans and neighbourhood plans control housing numbers and delivery and shape what areas will look like and there is adequate time to allow full democratic participation in plan-making**

NALC is deeply concerned by the government's proposal to reduce the democratic input to plan making and planning applications for councillors and members of the public and by algorithm-driven top-down housing figures that do not reflect a falling population. We also want to see all policies rural-proofed.

**Neighbourhood plans are given certainty and cannot be overturned by extraneous factors such as the principal authority failing to meet housing targets**

Taking a neighbourhood plan to completion is an arduous process for a local community as any number of criteria need to be met. It should not be possible for them to be set aside for extraneous reasons.

**Local plans and neighbourhood plans are revisited no more than absolutely necessary**

Reviewing spatial plans every few years provides no sense of certainty and hinders long term planning and the capacity does not exist within principal authorities or within local communities for local plans and the neighbourhood plans attached to them to be properly reviewed (and altered) every five years. Hence such plans should only be revisited when absolutely necessary by planning authorities.

**Local authority planners and councillors make planning decisions assisted by local (parish and town) councillors, and principal council planning departments are properly resourced**

Recent planning reforms and proposals and extensions to permitted development rights have removed or are threatening to remove powers and rights from elected representatives. This is simply not acceptable. And local councillors deserve to have more of a say about what happens in their localities.

There have been any number of appeals made for planning departments to be better resourced. This is just one, by the RTPi:

<https://www.rtpi.org.uk/news/2020/october/provide-funding-certainty-for-planning-departments-rtpi-tells-government/>.

**Governmental agencies such as the Environment Agency, Natural England and Historic England and local authority planning departments are properly resourced to enable them to carry out their conservation and enforcement roles effectively**

Reduced resources for governmental agencies and local authority planning departments, has resulted in a lessening of protection for areas under threat from flooding, for conservation areas, buildings of historical significance and outstanding design and important landscapes and open spaces and also in inadequate enforcement.

**No developments that do not meet acceptable standards for design, space, density, air quality, noise, safety and access to open spaces are approved**

Due to the dearth of planning officers in local authority planning departments, much planning work is now outsourced to individuals who are not familiar with the local areas and/or sites they are dealing with. Permitted development rights to convert offices to flats have resulted in seriously sub-quality housing in some instances.

Here is another article about local authority planning being under-resourced:

<https://www.planningresource.co.uk/article/1596562/staff-planning-authorities-find-hardest-recruit>.

However, the main document we would quote is the Raynsford Review of Planning in England. On page 35, under 'The resources of the planning system' it says: "The planning service has been subjected to the largest financial cuts of any function in local government". See the link here to the TCPA website:

(<https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=30864427-d8dc-4b0b-88ed-c6e0f08c0edd>).

**Having accepted the key finding in the 2018 'Build Out' report, the government has brought in legislation which cancels planning permissions if sites are not completed**

Sir Oliver Letwin's 'Independent Review of Build Out' found that developers will only complete their planning permissions at a rate the local market can absorb without affecting the price. In order to stop developers failing to deliver sites for which they have planning permission, it is necessary for the government to legislate to the effect

that if the sites are not completed within a given period, the planning permissions are withdrawn.

**Affordable housing requirements in local plans and planning permissions are met and local councils as well as principal authorities are enabled to deliver housing**

Far too often developers, having obtained outline planning permission based on an agreement to deliver a set percentage of affordable housing, use the viability argument for reducing or removing the affordable element on a site. This practice must be stopped. They must be held to deliver their commitments. Also, local authorities and local councils need to be financially assisted in providing affordable housing themselves.

**106 agreements or something very similar are retained**

106 agreements have brought many new assets and benefits to local communities and must be retained.

**Brownfield/previously developed sites are always considered first for potential development over greenfield ones and the tax system favours this arrangement**

There should be statutory targets set for brownfield use, relevant to each local authority area, as there were during the time of Regional Spatial Strategies. These helped protect greenfields and important open spaces.

**Third party rights of appeal exist to challenge planning decisions, most notably for local councils and neighbourhood fora**

Developers have the right to appeal planning decisions which go against them but local councils, which represent their local communities, as well as neighbourhood fora, do not. This is iniquitous and must be addressed.

NALC supports the '6 Tests for Planning' launched by the Planning Coalition of 22 organisations in July 2021: (<https://www.cpre.org.uk/resources/six-tests-for-planning/>).

**More information and contact**

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