

**THE QUEEN'S SPEECH 2010
AND PROPOSED CHANGES
TO THE PLANNING SYSTEM**

DLP BRIEFING NOTE 21

Prepared by
DLP Planning Ltd

June 2010

www.dlpconsultants.co.uk





DLP Planning Ltd

Bedford

Sheffield

Reading

Bristol

Cardiff

Disclaimer

DLP Consulting Group Ltd, and its constituent companies disclaims any responsibility to the client and others in respect of matters outside the scope of this Report. This Report has been prepared with reasonable skill, care and diligence, is the property of DLP Consulting Group, and is confidential to the client, DLP Consulting Group Ltd accepts no responsibility of whatsoever nature to third parties, to whom this report has been provided.

Client Briefing: The Queen's Speech 2010 and Proposed Changes to the Planning System

Summary of Actions for Land Owners and Developers

There has been a lot of news in the professional press recently about the forthcoming changes to the planning system. This briefing note not only sets out these proposed changes but attempts to offer some advice on how these might directly impact on existing development projects.

Most of the changes are going to require primary legislation and as such may not impact on projects already the subject of planning applications. The exception to this are proposals for housing development which are heavily reliant upon approved Regional Spatial Strategy housing figures to support an exception to an existing lower level development plan.

Historically, changes to make the planning system "faster" have always resulted in a period when policy formulation and indeed the whole system slows down. It is likely that this will be the case this time too, for while authorities may continue with their core strategies, very few will take on the more difficult task of producing an allocations document if they can legitimately delay these difficult decisions until new legislation is enacted.

The question therefore is how to continue to promote development in this period of policy "limbo".

The Government has promised that it will deliver more housing than was the case under the previous administration. While much has been made of the removal of the RSS housing figures this does not mean that there will be a vacuum in terms of housing numbers, as all councils have approved housing numbers for their areas as part of the submission to the RSS. In some circumstances authorities have approved higher housing figures as a result of their bid for growth area status. It is reasonable to argue that compliance to these democratically approved figures will be a "stop gap" policy prior to councils producing their own housing figures in the new plans. Undoubtedly councils will need to be reminded of this.

Proposals that are in accordance with the RSS and emerging local development documents should be seriously considered for promotion via a planning application during this period in order to maintain a 5 year land supply (which is being retained). We would recommend that a review of all landholdings is undertaken to evaluate the changes of getting permission at the present time.

Proposals that are reliant upon policy changes to secure their development will need to be promoted in the context of the core strategy if the council continue with this process. In order to do this the distribution of development within the district will have to be influenced in order to support your interests.

Influencing future plans under the new system may be limited to either securing local support for development (this may be possible in mixed use developments) or by

challenging the Housing Market Assessments not just in terms of the overall housing numbers but also on the distribution. It appears that this overall assessment of housing demand and need is one of the areas that the independent inspector may be able to consider and the threat of referral to the secretary of state means that authorities will be responsible in terms of meeting housing demand.

Decentralisation and Localism Bill

The State Opening of the new session of Parliament took place on 25 May 2010. The Queen's Speech sets out the legislative programme for the first session of the new Parliament.

Following on from the Coalition Programme for Government (see previous DLP Briefing Note), the programme is based on "freedom, fairness and responsibility." The headline is that the top priority is to reduce the budgetary deficit and restore economic growth.

The Bills announced will cover a wide range of topics, but the Decentralisation and Localism Bill is particularly pertinent to planning, the environment, local government and the development industry.

Although the Bill is not yet drafted and the precise timetable for doing so is unknown, the main elements have been disclosed as follows:

Its Purpose: is to devolve greater powers to Councils and neighbourhoods and to give local communities control over housing and planning decisions.

As well as empowering local people, freeing local government from overarching control and giving communities a share in local growth, this Bill is intended to benefit in a "more efficient and more local planning system." Long-term observers will recall several previous efforts to make the planning system more efficient; most of which have had the opposite effect. It is normally the case that a system is efficient where all constituent parts work in harmony. However the decentralisation and localism being introduced may have the opposite effect, for example through the conflict of a 'presumption in favour of sustainable development' (not specifically mentioned in the background notes to the Bill but stated in the Coalition Agreement) and local communities having a greater say in how their area should be developed; and through increased uncertainty over the supply of housing.

The main elements of the Bill will include the following:

Regional Spatial Strategies are to be abolished with decision-making powers on housing and planning to be returned to local councils

On this matter in particular, The Rt. Hon Eric Pickles MP, the new Secretary of State for Communities and Local Government, wrote to all Chief Planning Officers on 27th May 2010 to highlight the new Coalition Government's commitment to 'rapidly abolish' RSSs and return decision making powers on planning and housing to local Councils. As a consequence the Secretary of State indicated that decisions on housing supply (including the provision of travellers' sites) will rest with Local Planning Authorities

without the framework of regional numbers and plans. He also indicates that he will be making a formal announcement on this matter soon but, in the meantime, he expects LPAs and the Planning Inspectorate to have regard to his letter as a material consideration in any decisions they are currently taking.

DLP Planning Ltd will endeavour to update you on that announcement when it is made and the implications thereof. In the meantime, however, until such time as the RSSs (including the old RPGs where they are still in force) are abolished it would appear that, in accordance with the Planning Act, as it still currently stands, planning applications are still to be determined in accordance with the development plan (which includes the approved RSSs or old style RPGs) unless other material considerations indicate otherwise.

The process by which housing delivery targets would be arrived at without the current 'top-down' approach through RSS preparation is not specifically mentioned, but it is widely anticipated that the interim 'default' position would be the levels of housing that Councils had previously agreed when they submitted figures to their respective regional assemblies at the outset of the last round of RSS preparation.

It is noted, however, that the Conservative Party Green Paper that was issued before the election foreshadowing these radical changes did indicate that there would be a continuing requirement for Councils to prepare their Core Strategies in light of an up to date Market Housing Assessment.

The Conservative Party's Green Paper also confirmed a commitment to retaining the need for LPAs to demonstrate a rolling five year supply of housing land, albeit in the context of locally derived housing delivery targets.

The expectation is that Housing Market Assessments, together with the SHLAAs, will be even more key pieces of work, open to scrutiny as part of the process of testing the soundness of development plans, and that clients will need advice on, and will wish to influence these, given their importance.

Clients will know that DLP Planning Ltd has an enviable track record when it comes to successfully challenging proposed housing targets through its expertise in analysing population data and projecting housing need at all levels. Indeed, the company is already engaged in modelling need in the context of relatively small settlements in order to justify distribution as well as housing numbers.

The Infrastructure Planning Commission is to be abolished

This short-lived body is proposed to be replaced by an 'efficient' and 'democratically accountable' system for fast-tracking major infrastructure projects. It is currently anticipated that this would involve the Secretary of State (or other relevant Ministers) having the ultimate decision-making responsibility, as set out in the Green Paper.

Insofar as proposals for new nuclear power stations are concerned it is noted that a Liberal Democrat, Chris Huhne MP, who is opposed to new nuclear power, was appointed Secretary of State for Energy and Climate Change. However, the coalition

programme confirms that the new Government will implement a process allowing the Liberal Democrats to maintain their opposition to nuclear power while permitting the Government to bring forward the National Planning Statement for ratification by Parliament so that new nuclear construction becomes possible. This process will involve the Government completing the drafting of a national planning statement and putting it before Parliament with specific agreement that a Liberal Democrat spokesperson will speak against the Planning Statement, but that Liberal Democrat MPs will abstain; and that this will not be regarded as an issue of confidence.

Powers will be created to help save local facilities threatened with closure and to take over state-run services

It is thought that this would include community post offices and village pubs, for example.

Residents will be given the power to instigate local referenda on any local issue

This can be expected to be a complex and complicated procedure that needs to be clearly thought out before implementation. The concern is that this could cause delays to local development should the opportunities for referenda be permitted in anything but exceptional circumstances.

Local Enterprise Partnerships will replace Regional Development Agencies

These will be local authority / business groups joining together to promote local economic development. It will clearly be important for some clients to seek to exercise influence in the agencies.

Abolition of Home Information Packs

This has already been implemented by the Secretary of State Eric Pickles, though Energy Performance Certificates are to be retained in some form.

Local Housing Trusts to be established

These Trusts are expected to make it simpler for local communities to provide homes for local people. The Green Paper explained that these would decide what housing is needed within their area and accordingly promote, apply for, develop and retain those homes (including market, affordable, and sheltered housing) for the local community. Some clients will clearly wish to get involved in the detail governing the establishment and the terms of reference of these trusts.

Conclusion

The contents of this bill outlined in the Queen's Speech could potentially be farreaching and should not be underestimated. It will therefore be vital for interested parties to seek to influence the ever important detail of their drafting as this becomes available and is published for scrutiny.

DLP Planning Ltd will provide updates as more details emerge and can advise on making representations on the emerging legislation and associated regulations, guidance and planning policy statements in due course. Should you wish to discuss the content of this Note further, please contact your local DLP office.

Bedford (Design)

3rd Floor
8 Goldington Road
Bedford
MK40 3LG
T 01234 261 266
F 01234 353 715

Bedford (Planning)

4 Abbey Court
Fraser Road
Priory Business Park
Bedford
MK44 3WH
T 01234 832 740
F 01234 831 266

Bristol

2A High Street
Thornbury
Bristol
BS35 2AQ
T 01454 410 380
F 01454 410 389

Cardiff

Sophia House
28 Cathedral Road
Cardiff
CF11 9LJ
T 029 2064 6810

Reading

2 Richfield Place
12 Richfield Avenue
Reading
RG1 8EQ
T 0118 939 1004
F 0118 939 1005

Sheffield

11 Paradise Square
Sheffield
S1 2DE
T 0114 228 9190
F 0114 272 1947

briefings

BEDFORD

DLP Planning Ltd
4 Abbey Court
Fraser Road
Priory Business Park
Bedford
MK44 3WH

t 01234 832 740
f 01234 831 266

bedford@dlpconsultants.co.uk

DLP Design Ltd
8 Goldington Road
Bedford
MK40 3LG

t 01234 261 266
f 01234 347 413

bedford@dlp-design.co.uk

BRISTOL

DLP Planning Ltd
DLP Transportation Ltd
2A High Street
Thornbury
Bristol
BS35 2AQ

t 01454 410 380
f 01454 410 389

bristol@dlpconsultants.co.uk

CARDIFF

DLP Planning Ltd
28 Cathedral Road
Cardiff
CF11 9LJ

t 029 2064 6810

cardiff@dlpconsultants.co.uk

READING

2 Richfield Place
12 Richfield Avenue
Reading
RG1 8EQ

t 0118 939 1004
f 0118 939 1005

reading@dlpconsultants.co.uk

SHEFFIELD

11 Paradise Square
Sheffield
S1 2DE

t 0114 228 9190
f 0114 272 1947

sheffield@dlpconsultants.co.uk

