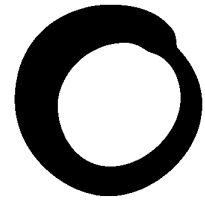


December 2010

Briefing

The Localism Bill



**Friends of
the Earth**

Friends of the Earth is calling for key elements of the Localism Bill to be substantially improved in order to deliver the fair and green planning system that both local communities and the planet need.

This briefing sets out Friends of the Earth's analysis of the Bill and proposals for improving it. Proposed changes are designed to enable meaningful involvement for local people in decisions affecting them and their area, and for effective planning to help address the big issues of the day – creating a truly sustainable economic recovery, effective action on climate change and restoring our hard pressed natural environment.

Second Reading and Committee Stages

Friends of the Earth is calling for MPs to speak on the improvements needed to the Bill at Second Reading, scheduled for 17th January 2011; and to propose amendments at Committee and later stages of the Bill. Please get in touch for our suggested amendment text and further briefing information. Our contact details are overleaf.

Localism Bill - summary and comments

- **Communities to pay:** The Bill introduces the welcome concept of *Neighbourhood Planning* (see overleaf and clauses 96-101) and creates a new community planning system which would be paid for by communities (clause 97). **Comment:** The cost burden of these plans is proposed to fall on local communities. Charging in this way potentially restricts Neighbourhood Planning to those communities most able to afford to plan. This raises concerns of creating a new planning system which is not equally accessible to all communities unless they can afford to pay for qualified, impartial and reliable advice.
- **Removing the need for permission:** Community plans will become *Neighbourhood Development Orders (NDOs)* removing the need for planning permission if the application is in line with the Orders. Developers would be required to carry out pre-application consultation (clause 61W). **Comment:** This could remove people's opportunity to comment on planning applications, and democratic accountability for decision-making on these applications, other than through consultations run by developers themselves.
- **Presumption in favour of 'sustainable' development:** In the absence of a Neighbourhood Plan, where a community decides not to draft one (or cannot afford to - see above) the Bill creates a presumption in favour of 'sustainable' development. **Comment:** 'Sustainable' development is not defined on the face of the Bill although there is an established definition in the UK SD Strategy (see overleaf). This could leave the door open for developers to bring forward inappropriate schemes inconsistent with efforts to develop in truly sustainable ways.
- **Larger than local matters:** The demise of the regional tier of planning makes it more important for the bill to set out how local action on planning will also ensure action on 'larger than local' commitments such as reducing carbon in line with science, restoring our natural environment and boosting renewable energy. **Comment:** The Bill falls short on tackling those issues which rely on local action but which cannot be dealt solely locally.

Conclusions and recommended changes to the Bill

Communities clearly need to be better involved in planning their local area, with straightforward opportunities to shape their area and to help deliver sustainable development on the ground. Locally and nationally the role of planning must be genuine sustainable development which tackles climate change and restores our natural environment as part of a sustainable economic recovery and creation of a secure, equitable future.

Friends of the Earth recommends that:

- **Neighbourhood Plans (NPs):** While welcoming the Bill's introduction of the new concept of neighbourhood planning, we recommend NPs are of material consideration in the local planning process but are not statutory development plan documents. Being a material consideration will lower costs making NPs more accessible, and would remove the risk posed by development orders being imposed on communities, their environment and their economy.
- **Right to be heard:** Neighbourhood Plans must have a right to be heard in person and must be examined by the Planning Inspectorate as an independent, qualified, impartial body.
- **Sustainable development (SD):** The bill should uphold the legal definition in the UK SD Strategy: "The goal of sustainable development is to enable all people...to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations." http://www.defra.gov.uk/sustainable/government/publications/uk-strategy/documents/SecFut_complete.pdf

Neighbourhood Plans - a summary

The Bill proposes a flexible, community-based document or Neighbourhood Plan, which is ultimately adopted by the local authority as part of the Local Development Plan. These are potentially very powerful because some or all of their policy will be expressed in a Local Development Order (LDO). This will be known as the **Neighbourhood Development Order (NDO)** – see Schedule 9, Part 1 Section 61E. LDO's already exist and once designated would remove the need to seek planning permission if the application is in conformity with the order (Section 61E (2)).

The involvement of local people in the Neighbourhood Plan is to be set out in regulations (Section 61E, 10 (g)), but there is nothing firm on this proposed within the Bill itself. Currently, Neighbourhood Plans will not have a duty to deliver sustainable development as defined by the **UK SD Strategy** (2005). But the policies within the plan should be in line with the **Local Development Framework**, and the proposed **National Planning Policy Framework (NPPF)** currently being developed and covering matters with a bearing on local areas such as climate change. However, the NPPF has no requirement to deliver on a legally clear definition of sustainable development - a clear oversight.

The steps proposed in the Bill for a community to create a Neighbourhood Plan are as follows:

1. *Preparation:* Community prepares its plan, with local authority assistance.
2. *Paying for advice:* Community conducts Strategic Environmental Assessment (SEA) **at its own cost**. Communities unable to afford the cost either have to turn to **developers to fund the Neighbourhood Plan** or will lose out. CLG estimates plans costing £5k - 250k each.
3. *Checking:* Community presents its plan to the local authority to check that it is legally sound.
4. *Examination:* by a qualified and experienced person who is not a Government employee or the Planning Inspectorate. This raises concern as to competence and independence of the person examining the plan. Only written representations will be accepted and, crucially, currently **there is no right to be heard in person at the examination**.
5. *Report:* the 'independent' examiner's report is tested against the NPPF and Core Strategy.
6. *Referendum:* paid for by the local authority, and, if passed by more than 50% of eligible voters, the Community Plan will be adopted unless it breaches any legal obligations.

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