



**Friends of
the Earth**

How to: understand the new local planning system

Anyone serious about campaigning needs to pay attention to the new local planning system due to come into legal force next year. Find out what will happen to your county council and practical steps you can take to understand the nitty-gritty and make your voice heard. Planning Campaigner, Hugh Ellis is your guide

Since 1997 the Labour Government has set out a modernisation agenda for local government and local planning. First it made changes to the way local government works (see *Change your world* pull-out on the new look local government in April/May 2001). This was followed in 2001 by radical proposals for local planning. This pull-out gives you an overview of the new local planning system in England and how it fits with local government modernisation. It also looks at the regional planning framework for England and summarises developments in Wales and Northern Ireland.

The Government talks a lot about involving people in local democracy, claiming local people will have more say than ever on shaping their own destiny. But in reality the Government doesn't like the idea that communities will have legally enforceable rights to raise concerns and objections. Why? Because these rights might get in the way of the vast growth planned by the Government in places like the South East. The Government wants people to be "involved" and "consulted", so long as this involvement can be ignored. The truth is that the Treasury regards the planning system, rights and democracy as anti-competitive.

What's changing?

The current system for local planning in England has two parts:

- 1 The Local Plan – a map and some policy which sets out how your area should develop
- 2 Development Control, where the council makes decisions about individual planning applications.

Most of the changes to the system will come under plan making. The Planning and Compulsory Purchase Bill due to come into force in April 2004 will abolish all Local Plans and structure plans. The new system is confusing (even for experts) but local groups must get involved at this early stage, otherwise it will be impossible to have a say later on.



Under the new system structure plans are gone. County Councils will now only be planning for waste and minerals.

The new planning system

Regional Communities Plan

The Government's vision for your region. It sets out strategic growth options. Find out more on the web (see box *Regional websites*).

Regional Spatial Strategy (RSS)

These will be legally binding development plans and Local Development Frameworks (see below) will have to be in "general conformity" with them. So if your Regional Spatial Strategy decides your bit of the region is to be designated as a Business Growth Zone you have a big problem. It will be difficult to argue back up the line from the local level once an RSS has been adopted. RSS will now also have sub-regional plans for areas such as housing and business.

It is vital to participate in your Regional Spatial Strategy:

- 1 Find out more about when your RSS will be adopted by visiting your regional government website (see box for addresses)
- 2 To get an idea of what's in your RSS, look at your Regional Communities Plan.

Local difficulties

We don't know exactly what opportunities there will be for public participation at regional level. What we do know is that there will be no right to be heard at public examination of policy. As RSS will be a key driver for what ends up in your Local Development Framework – which remember can't depart from RSS – this is not a fair or democratic process.

Local Community Strategies

Local Community Strategies were introduced under the Local Government Act 2000. These strategies set out a long-term vision for your area. They are important because Local Development Frameworks are meant to be based on the objectives of the Local Community Strategy. Other bodies such as Local Strategic Partnerships also have a big input to Local Community Strategies.

Local Development Framework (LDF)

Instead of Local Plans, District Councils and Unitary Councils have a Local Development Framework. The Framework is intended to be a less formal, more flexible plan and will have three parts:

If you are already campaigning on housing, industrial development or nature conservation – or plan to do so – look at this map closely.

1 Local Strategic policy for your area (plus map)

This document will have a map which will plot major planning designations like green belt and major development sites. The policy will be brief and much less detailed than current Local Plans. It will set out where the Action Plans will take place.

2 Action Plan

This will be a detailed description of the way specific areas will develop. They are supposed to be prepared for areas of change like town centres or market towns.

3 Statements of Community Involvement (SCI)

Statements of Community Involvement will lay out how the local council should consult the public in plan making and development control. We don't know what sort of standards these documents will contain. In theory local people could have a say on the local standards. The contents of SCI will be subject to a public inquiry.

Regional websites

West Midlands www.go-wm.gov.uk	South West www.gosw.gov.uk
Yorkshire and the Humber www.goyh.gov.uk	East Midlands www.go-em.gov.uk
North West www.go-nw.gov.uk	Eastern www.go-east.gov.uk
North East www.go-ne.gov.uk	London www.go-london.gov.uk/
South East www.go-se.gov.uk	

Reviewing and replacing LDFs

The whole Local Development Framework (all three documents) must be revised annually and replaced every three years. So for practical purposes policy will always be under some form of review. Each part of the Local Development Framework can be prepared separately and you don't have to have a Statement of Community Involvement before you start the rest – yes, it doesn't make sense.

Thanks to the work Friends of the Earth did last year on the Government's initial proposals you still have a right to object and be heard in Local Development Frameworks. But because of the new timescales you may find yourself trying to participate in an inquiry for each part of the Local Development Framework which will take place every three years, not every ten as is the case now.

Ask your local council:

- 1 How it is preparing the Local Community Strategy
- 2 How your local group can be involved.

There is no formal template for involvement.

Pay attention to this to check proposals for out-of-town retail developments and transport changes.

Make sure your local SCI includes basic opportunities to participate, including things like the right to speak at planning committees...

For more on what you can do, see over

Let's summarise

England

- Local Plans and structure plans abolished, replaced by Local Development Frameworks.
- Regional plans have new legal weight and are where major developments in your region will be decided.
- Although you have a right to be heard on local plans, you don't on regional plans. Given the new legal weight of these plans it's imperative that Friends of the Earth focuses efforts at the regional level.

Friends of the Earth will campaign to put participation at the heart of the new Planning Bill.

Cymru

- The reform of planning in Cymru is the responsibility of the Welsh Assembly which has taken a less drastic approach than England.
- The Single Development Plan and map will remain, although there is a strong emphasis on simplifying policy and speeding up the process. The rights of individuals to object also remain the same.

We are campaigning for third party rights of appeal in the Welsh Assembly, following the lead of the Scottish Parliament.

Northern Ireland

- Current Government proposals do not apply to Northern Ireland, where there is a separate discussion on reforming the planning system.
- Once the Northern Ireland Assembly regains its powers it will continue a process of reforming government structures, which includes planning.

We are campaigning for a complete overhaul of environmental rights in Northern Ireland, and want to introduce third party rights of appeal in planning.

In short the new local planning system is a mess, but nonetheless one that we must engage in and spread the message about rights, democracy and sustainable development. Along with other non-governmental organisations (NGOs) we are still lobbying hard as the legislation goes through Parliament to extend people's rights and give planning a real purpose.

And that's also why Friends of the Earth is playing a long game. We're now looking at opportunities outside the Planning Bill to improve and extend our rights and push the Government on its commitments under the Human Rights Act and the Aarhus Convention.

What you can do

- 1 Find out more about when your RSS will be adopted by going to your regional government office website. To get an idea of what might be in your RSS look at your Regional Communities Plan which sets out strategic growth options
- 2 Get hold of a draft new Local Development Framework (LDF) from your local council and share it with your group. Ask the council how it is preparing the Local Community Strategy and how you can be involved. Your local council needs to know your interest at the earliest possible stage.
- 4 Sign up for the training day *Rights up your street!* on 5 July in London and find out more about your rights, from the Planning Bill to the World Trade Organisation. Contact jonathan@foe.co.uk for details or look at <http://community.foe.co.uk>
- 5 We are currently updating our planning website – visit www.foe.co.uk/resource/local/planning/ for the latest news and briefings, eg *Regional spatial strategies*.