



WWF *for a living planet*

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PARLIAMENTARY BRIEFING

Localism Bill Second Reading - Monday 17 January

SUMMARY AND KEY ASKS

WWF is concerned that the Localism Bill does not fulfil the Coalition Government's promise to increase accountability in planning and rebalance the system in favour of sustainable development. This could be achieved by:

- Explicitly stating that sustainable development is the purpose of planning and including a definition of sustainable development in the Bill
- Providing for the adoption of a sustainable development strategy or framework
- Strengthening duties on planning authorities to *further* sustainable development
- A National Planning Policy Framework that has a statutory basis, is the key document for embedding sustainable development principles in planning, is spatial but not site specific and is subject to Strategic Environmental Assessment
- Providing parliament with the ability to amend draft National Policy Statements as part of the scrutiny process
- Allow Local Authorities to enter into strategic partnerships focused on delivery of strategic planning and priorities that span across council boundaries
- The duty to cooperate must be broad ranging, apply at the most appropriate level and must be more meaningful than consultation
- Neighbourhood plans must be prepared under and be consistent with national and local strategic frameworks and further sustainable development
- Include a limited third party right of appeal

WWF is seeking a One Planet Future where both people and nature thrive within their fair share of what resources are available. Success requires that we manage resources on nature's terms and at nature's scale. This means that decisions in each sector must be taken with an eye to broader ecological consequences. The planning system is integral to delivering required action towards mitigation of and adaptation to climate change, sustainable use and management of our natural resources and living within environmental limits. Robust, strategic and accountable planning is essential for achieving sustainable development and is of fundamental importance to the quality of people's lives.

WWF believes that the Localism Bill can provide the framework for guiding local communities and helping them to work together towards a One Planet Future.



President: HRH Princess Alexandra,
the Hon Lady Ogilvy KG, GCVO
Chair: Ed Smith
Chief Executive: David Nussbaum

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Our key priorities for the Bill are outlined below.

Rebalancing in favour of Sustainable Development

WWF welcomed the key tenets underpinning ‘*Open Source Planning*’ of empowering local people and rebalancing the planning system in favour of sustainable development. However, the Localism Bill as introduced does not live up to its potential on the sustainable development front at least. The Bill does nothing to clarify and strengthen the role of planning in achieving sustainable development. We are left with business as usual, including the existing sustainable development duties¹ that are vague, uncertain and difficult to implement and enforce.

There must be a clear definition of sustainable development on the face of the Bill. It must be defined in such a way so as to include environmental, social and economic justice, addressing of inequalities, and well-being. We would also urge the use of strong sustainability, where it is recognised that ultimately all economic and social activity is dependent on the natural environment, its resources and ecosystem services that it provides.

A definition of sustainable development could be achieved by setting out key principles to be applied at the national, sub-national and local levels. Ideally, **the Bill should provide for the adoption of a framework for implementing sustainable development and providing a reference point for all decision-making.** To further implementation, an institutional process is needed with a clear named body charged with holding decision-makers to account.

Sustainable development is not something that can be achieved on a case by case analysis of planning applications. To truly achieve it, responsibility must be shared at all levels. **There should be an enforceable duty which requires relevant authorities, partnerships and neighbourhoods to further sustainable development.** Past evidence shows that a duty may be necessary because there has been limited take-up of permissive powers to promote sustainable development amongst English local authorities². The duty must apply across the board –

- to the Secretary of State in developing national planning policy, including the National Planning Policy Framework and National Policy Statements, guidance and standards;
- to the Infrastructure Planning Commission and the Major Infrastructure Planning Unit in deciding applications for nationally significant infrastructure projects;
- to Local Enterprise Partnerships (LEPs), or where there is no LEP to the local authority or other partnerships and organisations established at the sub-national level to deliver strategic planning; and
- to neighbourhoods and Local Authorities in developing and adopting neighbourhood and local plans.

The duty must be robust in its wording to be effective and the Bill must establish obligations to monitor and report on progress.

¹ See Section 39 of the Planning and Compulsory Purchase Act 2004 and Sections 10 and 182 of the Planning Act 2008.

² Serena Cussons, ‘Review of Statutory Sustainable Development Duties’, a report of the In House Policy Consultancy to the Office of the Deputy Prime Minister, Department for Transport and Department for Environment, Food and Rural Affairs, January 2006



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National Planning Policy Framework

WWF welcomes the intention to clarify and improve existing national planning policy through the adoption of a National Planning Policy Framework (NPPF). **The NPPF must have a statutory basis to provide certainty about its status and enforceability within the new planning regime. It should be spatial.** It doesn't have to be site specific, but it should give strategic direction and guidance on the most appropriate location for development. In this way, the use of maps can positively aid strategic planning on the national scale and delivery of national objectives.

The NPPF will be integral to ensuring that planning fulfils its role in furthering sustainable development. **It should provide more detail on what sustainable development means in a planning context**, what principles, indicators and mechanisms can be used in planning at all levels. For this reason, **it must be robustly assessed for its impacts on the economy, society and the environment, including a Strategic Environmental Assessment.**

There must be a robust and effective process for engaging and consulting people in the development and adoption of the NPPF. This process must start early, be fully inclusive, participatory and transparent. To ensure effective implementation, the Bill must establish monitoring obligations, enforcement mechanisms and review periods.

Scrutiny of National Policy Statements

WWF supports the proposal to make National Policy Statements more accountable by requiring them to be subject to a vote in parliament before they can be adopted. However, the voting procedure suggested does not go far enough to enable parliament to have a meaningful role in shaping these documents. The current process for scrutiny of the National Policy Statements on Energy has shown that even considered views of parliamentarians can be cast aside if they differ from the view driven by the relevant government department.

The Localism Bill should provide parliament with the ability to amend the draft National Policy Statements as part of the scrutiny process, provided such amendments are based on robust evidence and have sound justification for being made.

Strategic Planning

WWF believes in the role of local decision making to effect change towards sustainability. However, spatial planning can benefit from both a local and a larger-than-local response and local action can be enabled when matters are dealt with in a coordinated way across boundaries. The Localism Bill should facilitate the right conditions for strategic planning to continue by enabling and encouraging local authorities and their partners to work together. Existing provisions on joint committees and joint local development documents³ will go some way to helping local authorities work together, but they may not go far enough - particularly if we want to break down the barriers to community and private sector involvement in strategic planning and delivery of cross-boundary priorities.

We have already seen the establishment of LEPs to drive forward local economic growth. However, the Localism Bill does not include any statutory recognition or powers for this type of public and private sector partnership, which may limit their ability and effectiveness to drive delivery of strategic priorities. **The Localism Bill should include a power for Local**

³ See Sections 28-31 of the Planning and Compulsory Purchase act 2004



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Authorities to enter into strategic partnerships with other public and private sector bodies and organisations focused on delivery of strategic planning and priorities that span across council boundaries, such as sustainable economic growth, housing, transport infrastructure, renewable energy and biodiversity conservation. **These partnerships must be subject to a duty to further sustainable development and be required to act in compliance with the NPPF.** To ensure success, partnerships must also be properly resourced and equipped with staff that have the necessary skills and expertise.

The duty to cooperate may provide the right mechanism to ensure local authorities and others with an interest in planning matters work together to achieve desirable outcomes on tough issues. The current proposed duty in clause 90 of the Bill misses the mark for enabling true cooperation.

Apart from local planning authorities, it is unclear who the duty applies to as this is left to prescription by regulation. **The duty to cooperate must be broad ranging and apply at the most appropriate level** - beyond county council boundaries and not only to those authorities that are adjoining or adjacent. It must also apply to marine authorities and voluntary coastal partnerships to promote proper integration of terrestrial and marine planning.

The attempt to define what is meant by 'cooperate' and what matters can trigger the application of the duty doesn't really progress beyond the act of consulting. **Cooperating must be more than this**, it must be proactive and effective ways of working together to achieve demonstrable results and it must enable an integrated approach which applies to economic, social and environmental interests. Cooperation must be about working together from the beginning, identifying strategic priorities that need a larger than local response. It must incorporate joint decision-making, sharing of functions and responsibility for delivery.

To ensure successful implementation of the duty and accountability, **the Bill must include a mechanism for resolving any disputes between authorities (and others) that may arise.** So that we know the duty is being applied successfully, **the Bill must also establish obligations for monitoring and reporting, as well as mechanisms for enforcement and challenge.**

Neighbourhood Planning

WWF welcomes in principle the concept of neighbourhood planning and seeking to enable local residents to truly engage in the planning and development of their community. We strongly support the use of vanguards to test the proposals and help to develop the best possible processes. Neighbourhood plans must be built on a robust, up-to-date evidence base and enable effective participation and involvement from all interested parties at every stage.

Neighbourhood planning must be guided by strategic and national planning. It must enable national needs and international obligations to be properly delivered at the local level, such as sustainable housing and renewable energy. **Neighbourhood plans must be prepared under and be consistent with the strategic frameworks established in national and local plans and be subject to the requirement to further sustainable development.** The Localism Bill does not currently include sufficient mechanisms to ensure consistency between plans at all levels.

We are also concerned that the processes for neighbourhood development orders and neighbourhood development plans don't include mechanism for the full and proper consideration of environmental impacts. Strategic Environmental Assessment will be required,



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and in some cases Habitats Regulations Assessment may be needed, yet it is unclear how parish councils or neighbourhood forums can meet the required obligations.

WWF supports a limited third party right of appeal against decisions not in line with the neighbourhood or Local Plan and calls for this to be included within the Bill. Such a right provides a safeguard to ensure that local people can be truly engaged in the planning system.

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