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LOCALISM BILL BRIEFING

House of Lords, Second Reading

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Summary and key asks:

The Bill must be amended to:

- **include a clause reaffirming that the purpose of planning is to achieve sustainable development, including a definition of sustainable development and strong duties on those exercising planning functions;**
- **remove clause 124 which makes local finance considerations a material consideration;**
- **ensure that neighbourhood planning is accessible, inclusive and representative and is not dominated by business interests;**
- **include a robust and effective framework for strategic planning that requires local authorities and others to proactively cooperate on the delivery of strategic priorities for the purpose of achieving sustainable development.**

Introduction:

It seems that as the Localism Bill progresses through parliament, it is being redesigned so that it no longer empowers local communities to determine the way their own locality is developed and managed. Rather, the Bill has become a vehicle to promote the interests of business (not necessarily local businesses) over all other considerations in the planning system. WWF has serious concerns that the desire to generate immediate economic growth will result in unsustainable planning decisions in the long-term. As it stands currently, the Bill will enshrine in law a new planning system that can be manipulated by opportunistic businesses at the expense of local communities and the environment. WWF is calling for the Bill to reinforce the role of the planning system as a proactive and strategic coordinator of all policy and actions that influence spatial development in the interests of achieving sustainable development.

WWF welcomes measures to shift to a green economy and believes that sustainable economic growth – that is, growth within environmental limits – is essential, particularly following the recent economic downturn. We believe that the planning system is integral to delivering

sustainable economic growth, as one of the key pillars in achieving sustainable development. However, an effective planning system cannot be one sided - it must promote environmental, social and economic objectives equally and in a coordinated, complementary way.

The Government's desire to remove unnecessary bureaucracy and to speed up planning decisions must not be confused with the desire to reward business interests in the planning system above all other interests. The removal of the regional tier of government must not go hand in hand with the removal of measures to promote the long-term protection and enhancement of the environment.

WWF believes that 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, inclusive and accountable planning is essential for achieving sustainable development and is of fundamental importance to the quality of people's lives. We welcomed the key tenets underpinning '*Open Source Planning*' of empowering local people and rebalancing the planning system in favour of sustainable development. However, as it is currently drafted, the Localism Bill does not clarify and strengthen the role of planning in achieving sustainable development. In fact, with very recent Government amendments at Report Stage in the House of Commons, the Bill has been criticised for becoming decidedly one sided – in support of fulfilling business needs.

Sustainable Development as the Purpose of Planning:

There is a need for the Government to reaffirm the purpose of planning and the Localism Bill provides the perfect opportunity. This purpose must be to achieve sustainable development, accompanied by a statutory definition of sustainable development. This will help to provide greater certainty in local decision-making and identify the common goal for everyone concerned with planning. Defining sustainable development in the Localism Bill would not impose inflexible boundaries on communities, rather it would encourage innovation and facilitate progress. This statutory definition and the roles and responsibilities of planning authorities should in turn be supported and expanded through other strategic documents, such as the National Planning Policy Framework (NPPF) and guidance on the duty to cooperate.

At Report Stage in the House of Commons, Greg Clark said that he completely agreed "*that the purpose of planning is to promote sustainable development and that all plans and decisions should reflect that.*"¹ He also said that the government was "*very comfortable with the classic definition of sustainable development*", but that it would be included in the National Planning Policy Framework and subject to consultation "*rather than simply capturing something in the Bill now*"². However, there is still an opportunity for the Bill to define sustainable development, which WWF very much supports, and Greg Clark has said "*I would be perfectly relaxed about doing so, but we should give people the chance to reflect on and to add to the definition*"³. We agree that it is beneficial to consult and agree on a definition of sustainable development, and if this can be done in the context of the National Planning Policy Framework then there is no reason why the definition should not be included on the face of the Localism Bill.

¹ House of Commons, Report Stage, 17 May 2011, Column 264 in Hansard

² House of Commons, Report Stage, 17 May 2011, Column 265 in Hansard

³ House of Commons, Report Stage, 17 May 2011, Column 266 in Hansard

A new planning system open to abuse:

WWF has serious concerns about a set of amendments introduced by the Government at Report Stage in the House of Commons⁴ which put economic and business interests firmly in the driving seat.

Clause 124 - Local Financial Considerations as “material”

Clause 124 makes any local financial considerations a material consideration in planning decisions. This clause was introduced without any prior consultation and we are concerned that it will fundamentally distort the planning system by enabling local authorities to base decisions on the financial benefits to be gained rather than the land use merits of the proposed development.

The Government has argued that this clause changes nothing, that it merely clarifies the current legal situation. However, WWF’s independent legal advice suggests the opposite. Financial considerations have always had the potential to be material to planning in the same way any other issue might be when it directly relates to the development and use of the land in question. However, this has always been left to the decision maker to determine. Clause 124 changes that by making it *mandatory* for local financial considerations to be taken into account – even when they are not directly related to the development and use of land.

Rather than empowering local authorities, this clause takes away their discretion on whether a financial consideration is or is not material to the proposed development. It also presents a risk that the land use implications of a development will not be the main considerations. With local authorities working under tight budget constraints there is no doubt that economic benefits will prevail, encouraging local authorities to approve development simply in order to reap the short term financial reward with insufficient regard for longer term social and environmental implications. WWF advocates that clause 124 should be removed from the Bill.

Business Led Neighbourhood Planning

Amendments to Schedule 9⁵ provide for businesses to develop their own neighbourhood development orders or plans. Business led plans will not be obliged to “*further the social, economic and environmental well being of individuals*”. Instead they can concentrate on promoting “*the carrying on of trades, professions and other businesses*”. A neighbourhood forum may also be made up completely of individuals who work in the neighbourhood area concerned, excluding those that live there.

This is a fundamental change to the nature of neighbourhood planning that results in a massive power shift. Business will have the resources to undertake the neighbourhood planning process when communities do not. Some communities may become defensive about involving business interests and some will embrace the involvement of business as a way out from the immensity of the challenge of producing a plan. WWF is concerned that few communities will be able to have an equal partnership with business that achieves both the well-being objective and the promotion of business. The result could be that business acting to protect their own interests will dominate the neighbourhood planning process while local residents and community groups struggle to be heard.

⁴ Clause 124 ‘Applications for planning permission: local finance considerations’ and Clause 2 of Schedule 9, new clause 61F(5).

⁵ See new section 61F(5) under clause 2 of Schedule 9, pg 306 of Volume 2 of the Localism Bill

We need robust strategic planning to achieve sustainable development:

WWF has welcomed dialogue with the Government on the duty to cooperate and feel this has been constructive. Whilst the amendments introduced by the Government at Report Stage in the House of Commons⁶ show progress and a willingness to improve the duty, there remain elements that should still be strengthened to provide a robust and effective framework for strategic planning. The duty to cooperate needs to positively encourage and enable proactive cooperation and to drive the development and use of innovative and effective tools, mechanisms and solutions. It must also be measurable and enforceable.

WWF has some concerns that the amended duty to cooperate indicates a bias yet again towards the use of strategic planning mainly for economic growth and infrastructure development, without recognising that it can also bring many benefits in the delivery of social and environmental objectives. For example, the central and driving role of Local Enterprise Partnerships in strategic planning risks prioritising business needs over the wider needs of the community and the environment and may result in unaccountable and unrepresentative decisions.

The overarching objective of the duty to cooperate must be for local authorities and others to cooperate in order to achieve sustainable development. Priority should not be given to economic growth or infrastructure development to the detriment of social and environmental objectives which must also be achieved⁷.

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1961-2011: 50 years of conservation. WWF works in over a hundred countries to protect the natural world, tackle climate change and promote sustainable consumption.

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⁶ See clause 95

⁷ WWF is a signatory to the briefing of the Greenest Planning Ever coalition which provides greater detail on our concerns with the duty to cooperate and our asks for the Bill to improve the strategic planning framework. The briefing can be viewed here: http://www.wcl.org.uk/docs/Localism%20Bill_GPE_HoL_Second_Reading_Briefing_01June11.pdf