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*RSPB Briefing
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Localism Bill and National Planning Framework

The RSPB, as a member of the Better Planning Coalition, campaigned for decisions on major infrastructure to be retained by the Secretary of State. We therefore warmly welcome the Government's commitment to convert the **Infrastructure Planning Commission** into a Major Infrastructure Planning Unit, which makes recommendations to the Secretary of State.

The forthcoming Localism Bill should also address the following issues.

Sustainable development should remain the statutory purpose of the planning system, either as currently expressed in s.39 of the Planning and Compulsory Purchase Act 2004, or preferably with a stronger wording such as "with the objective of furthering sustainable development".

It should be defined in the National Planning Framework (NPF) in accordance with the UK Sustainable Development Strategy, in particular making clear the need to live within environmental limits (which includes both no net loss of biodiversity and the need to mitigate and adapt to climate change).

Duty to co-operate/strategic planning. The natural environment does not respect the administrative boundaries of districts or counties, so there is an important role for strategic planning in delivering the Government's aspirations for biodiversity and sustainable renewable energy. Voluntary arrangements may work well in some areas, but in others a more formal mechanism for strategic planning may be required. Many designated Special Protection Areas (SPAs), part of the Natura 2000 network, fall within multiple local authorities; 28 SPAs in England contain no fewer than five local authorities, and 6 SPAs contain at least ten.

For example, the Thames Basin Heaths Delivery Plan, part of the arrangements for delivering housing growth around the Thames Basin Heaths SPA, involves no fewer than 13 local authorities. For the Delivery Plan to work all of the authorities must agree, otherwise house building around the SPA will not be possible, even where local authorities wish to see that development go ahead. The Plan was until recently given a statutory framework by the South East Regional Spatial Strategy. It is uncertain whether an effective plan could have been developed in the absence of the policy requirements of a formal tier of strategic planning.

The proposed duty to co-operate may help to address this issue. However, it must be more than a mere duty to consult, and it must extend to more than immediately adjacent authorities. An analysis of SPAs in England shows that many, like the Thames

Basin Heaths SPA, cover multiple local authorities. Many are also in areas of development pressure where local authorities need to work together, but our experience is that not all local authorities will willingly do so. The duty to co-operate must therefore also include a mechanism for resolving disputes between authorities.

A coalition of environmental bodies, including the RSPB, published a report on **third party rights of appeal** in planning in 2002, which supported a limited right of appeal¹. The proposal in *Open Source Planning Green Paper* is therefore welcome in principle and should be incorporated in the Bill. We do not support an unlimited right of appeal, but the report presents options for limiting it in a way which balances people's right to appeal with the need to avoid stifling or delaying necessary development.

We recognise concerns about the current operation of the local development framework system, but believe that the principle of a plan-led system should remain, as it provides a fair, strategic and transparent approach to decision-making. We are concerned that further reform to the system should be undertaken with care to avoid further delays in the delivery of up-to-date development plans.

In our response to the Green Paper, we warmly welcomed the proposal for a **National Planning Framework** (NPF). The national planning framework needs to express the country's ambition for the natural environment (its quality, extent and priority given to it) as well as built infrastructure and renewable energy delivery. In order for this framework to work effectively, it should be expressed spatially (but not necessarily at a site-specific level), it should undergo thorough consultation and scrutiny, and it should be subject to proper environmental assessment.

A spatial NPF should identify areas for landscape-scale habitat restoration and creation, which will be crucial to delivering the Government's objective to halt the loss of biodiversity and the degradation of ecosystem services by 2020, and to restore them in so far as feasible. It should also identify areas which are environmentally suitable for exploitation by different renewable energy technologies. This approach has been successfully used in Germany, and can reduce conflict and accelerate deployment by directing development towards where it is most sustainable.

The use of **incentives** to secure necessary development deserves further consideration. Incentives must be applied in a fair and transparent way. Community 'ownership' of development is important, but some combination of spatial planning, targets and incentives will be needed to deliver the country's ambitions for onshore renewables and biodiversity in order to avert the twin crises of climate change and biodiversity loss.

For further information please contact James MacColl, Parliamentary Officer on 07763 717134 or James.MacColl@rspb.org.uk, or Simon Marsh, Head of Planning and Regional Policy on 01767 693313 or Simon.Marsh@rspb.org.uk.

¹ Green Balance et al., (2002) *Third party rights of appeal in planning*. Research project for CPRE, RSPB, WWF-UK, Civic Trust, Friends of the Earth, Town and Country Planning Association, Environmental Law Foundation and ROOM.