



RTPI

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The Planning Bill

From Independent
Review to Practice





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Rynd Smith

- Director Policy and Communications
- Royal Town Planning Institute



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Royal Town Planning Institute

- Professional body for spatial planners
- Charity that advances the art and science of spatial planning
- Major provider of advice and community involvement through Planning Aid
- 21,000 members



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Agenda

- Foundations of RTPI policy
- What we asked of government
- The Bill –
Does the proposed system measure up?
- Contrary views –
Sound legislation, or sustainability and engagement disaster?



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Foundations of RTPI policy

- The UK Spatial Planning Framework
- Fighting the ‘sustainable infrastructure deficit’
- Responding to climate change



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UK SPF



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ROYAL TOWN PLANNING INSTITUTE

UNITING BRITAIN

THE EVIDENCE BASE – SPATIAL STRUCTURE AND KEY DRIVERS





Figure 1.9

UK Airport Connections 2004

Passenger Numbers

1,044 - 247,828

247,829 - 770,055

770,056 - 1,698,200

International Airports 2004

% of All Passengers

0% - 0.9%

1% - 2.3%

2.4% - 4.4%

4.5% - 16.4%

16.5% - 36%





Figure 1.27

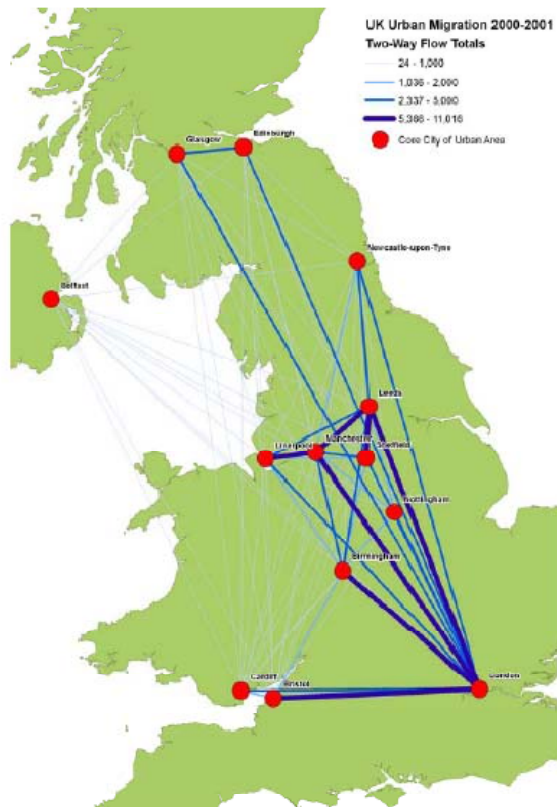


Figure 1.28

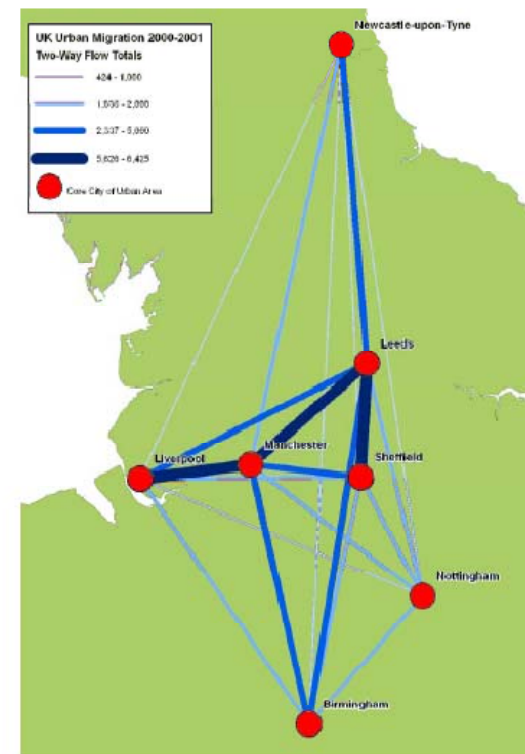
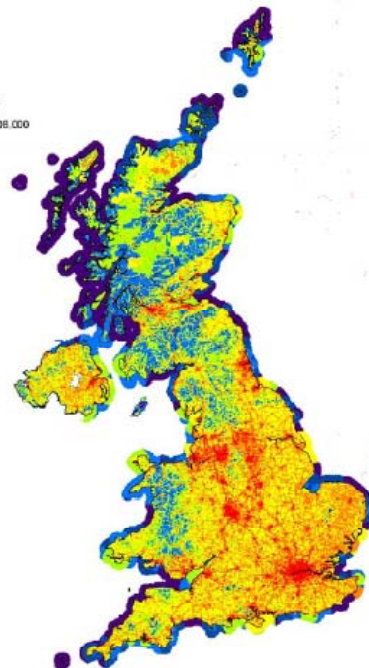




Figure 2.19

Carbon Dioxide Emissions 2003
Tonnes per 1km Square

0.00
0.01 - 1
1.01 - 3
3.01 - 10
10.01 - 32
32.01 - 100
100.01 - 1,000
1,000.01 - 6,400,000

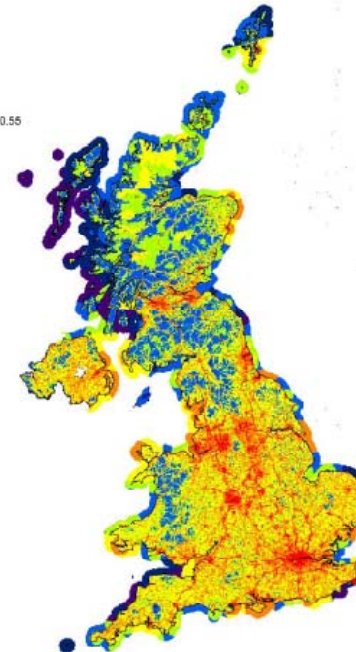


Source: National Atmospheric Emissions Inventory, 2006

Figure 2.20

Nitrogen Oxides Emissions 2003
Tonnes per 1km Square

0
0.01
0.02 - 0.03
0.04 - 0.10
0.11 - 0.30
0.31 - 10.00
1.01 - 25.00
25.01 - 64,760.55



Source: National Atmospheric Emissions Inventory, 2006



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Figure 3.1 Transport Infrastructure and Functional Spatial Clusters





The sustainable infrastructure deficit

- A lack of capacity to deliver in scale:
 - we simply do not have the institutional and investment capabilities and culture to deliver very large scale new infrastructure projects
- A lack of capacity to deliver in space:
 - we are not clear where the new infrastructure demand largely generated by housing can be met, having regard to resource availabilities and constraints and hence lack the certainty to prompt either infrastructure or housing investment at the speed that we desire



- ageing infrastructure:
 - where the average age of the infrastructure stock continues to rise and where key infrastructures such as power stations approach their design life without programmed replacement
- depreciated infrastructure:
 - whereby returns from capital invested in new infrastructure have to compete against returns from substantially discounted and depreciated capital assets and whereby service/supply costs from new infrastructure are unduly high in comparison with service/supply costs from discounted infrastructure
- inefficient infrastructure:
 - where opportunities to deliver considerable sustainability and cost improvements in energy and water supply and public transport are not invested in, or where investment is limited, due to a conflation of issues around investment scale, the lack of certainty around the location of demand and undue competition from discounted infrastructures



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Climate change and power case study

- Anthropogenic global warming





- Reconfiguring the generation mix





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- Retiring old nuclear
- Retiring old coal
- Grid vs distributed/embedded energy
- Our decisions about new infrastructure
- Carbon implications

- The need for bridging technologies
- The need for swift action



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- Principles:
- Avoid structural commitments to new high carbon generation
- Take carbon seriously: capture opportunities to reduce emissions
- Send signals to the provider market to support this policy direction
- Do it in time – Stern suggests 5-7 years
- Ensure capacity for real community engagement



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What the RTPI asked for - MIPs

- A national infrastructure investment plan
- Regional and local infrastructure plans and programmes
- Using economic and geographic data
- Closer partnerships: linking users and needs to providers
- An expert, expeditious and engaged decision making process



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What the RTPI asked for - TCPA

- Recognition that ‘big projects’ are not the only components of the ‘big picture’
- Effective subsidiarity
- Local decision making and engagement for local issues



Does the proposed system measure up?

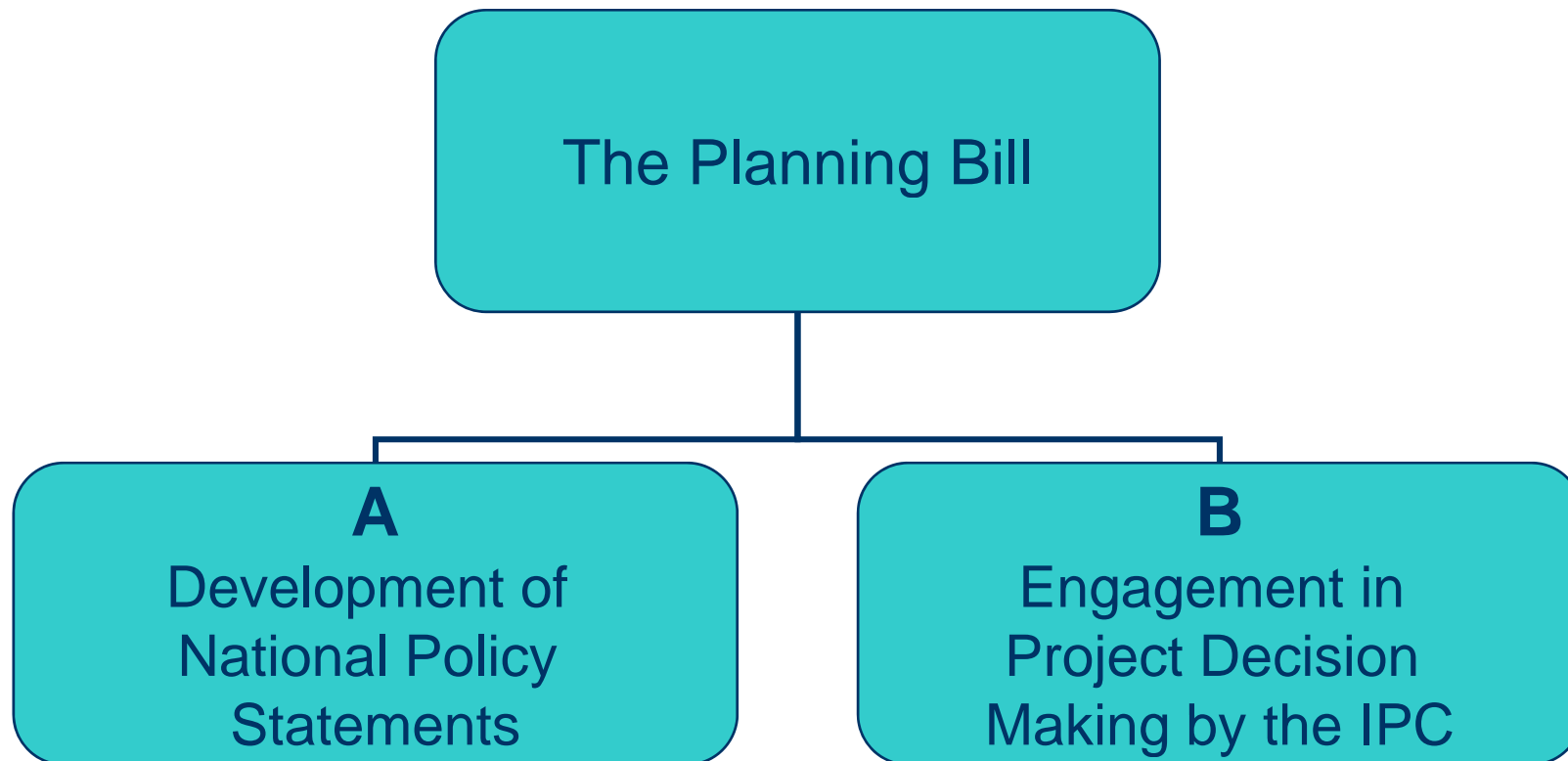
- Largely yes
- But...
- The devil is in the detail
- Procedures are not yet settled



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Community Engagement Streams

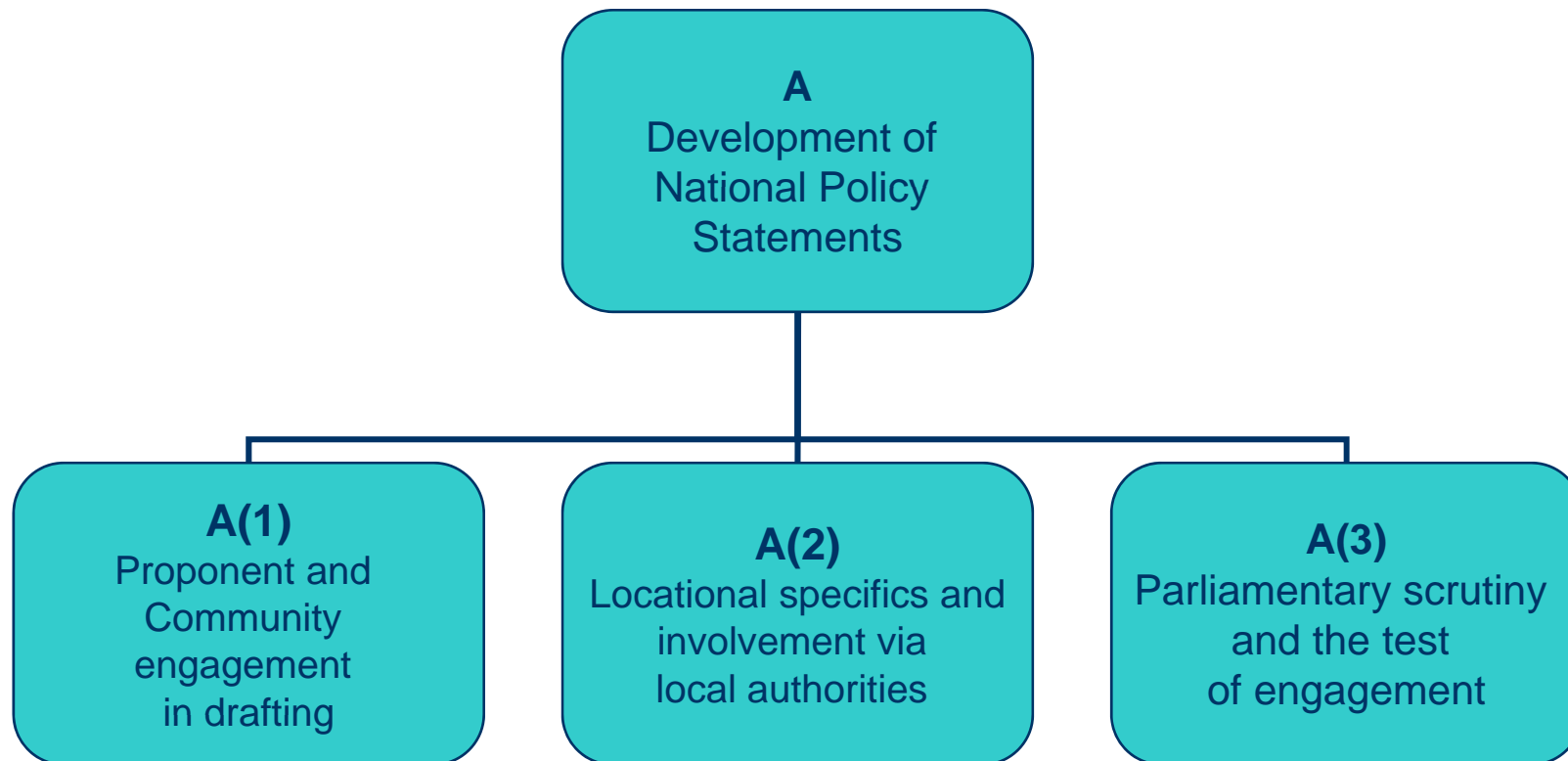




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Stream A: Developing National Policy Statements





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Application to Transport

Transport

- 21 Highways
- 22 Airports
- 23 Harbour facilities
- 24 Railways
- 25 Rail freight interchanges



Consultation and Publicity

7 Consultation and publicity

- (1) This section sets out the consultation and publicity requirements referred to in sections 5(4) and 6(4).
- (2) The Secretary of State must carry out such consultation, and arrange for such publicity, as the Secretary of State thinks appropriate in relation to the proposal.
This is subject to subsections (4) and (5).
- (3) In this section “the proposal” means –
 - (a) the statement that the Secretary of State proposes to designate as a national policy statement for the purposes of this Act, or
 - (b) (as the case may be) the proposed amendment.
- (4) The Secretary of State must consult such persons, and such descriptions of persons, as may be prescribed.
- (5) If the policy set out in the proposal identifies one or more locations as suitable (or potentially suitable) for a specified description of development, the Secretary of State must ensure that appropriate steps are taken to publicise the proposal.
- (6) The Secretary of State must have regard to the responses to the consultation and publicity in deciding whether to proceed with the proposal.



8 Consultation on publicity requirements

- (1) In deciding what steps are appropriate for the purposes of section 7(5), the Secretary of State must consult –
 - (a) each local authority that is within subsection (2) or (3), and
 - (b) the Greater London Authority, if any of the locations concerned is in Greater London.
- (2) A local authority is within this subsection if any of the locations concerned is in the authority's area.
- (3) A local authority ("A") is within this subsection if –
 - (a) any of the locations concerned is in the area of another local authority ("B"), and
 - (b) any part of the boundary of A's area is also a part of the boundary of B's area.



Government Commitments

- 7(4) –
What persons will be ‘prescribed’ and hence must be consulted?
- When must they be consulted?
(Front end loading)
The Nuclear NPS example
- 7(5) and 8 –
Commitment to engage in respect of locational specifics and to do so having sought views of local government
- Additional work required to ‘keep the implementation honest’



Parliamentary Scrutiny

9 Parliamentary requirements

- (1) This section sets out the parliamentary requirements referred to in sections 5(4) and 6(4).
- (2) The Secretary of State must lay the proposal before Parliament.
- (3) In this section “the proposal” means
 - (a) the statement that the Secretary of State proposes to designate as a national policy statement for the purposes of this Act, or
 - (b) (as the case may be) the proposed amendment.
- (4) Subsection (5) applies if, during the relevant period –
 - (a) either House of Parliament makes a resolution with regard to the proposal, or
 - (b) a committee of the House of Commons makes recommendations with regard to the proposal.
- (5) The Secretary of State must lay before Parliament a statement setting out the Secretary of State’s response to the resolution or recommendations.
- (6) The relevant period is the period specified by the Secretary of State in relation to the proposal.
- (7) The Secretary of State must specify the relevant period in relation to the proposal on or before the day on which the proposal is laid before Parliament under subsection (2).



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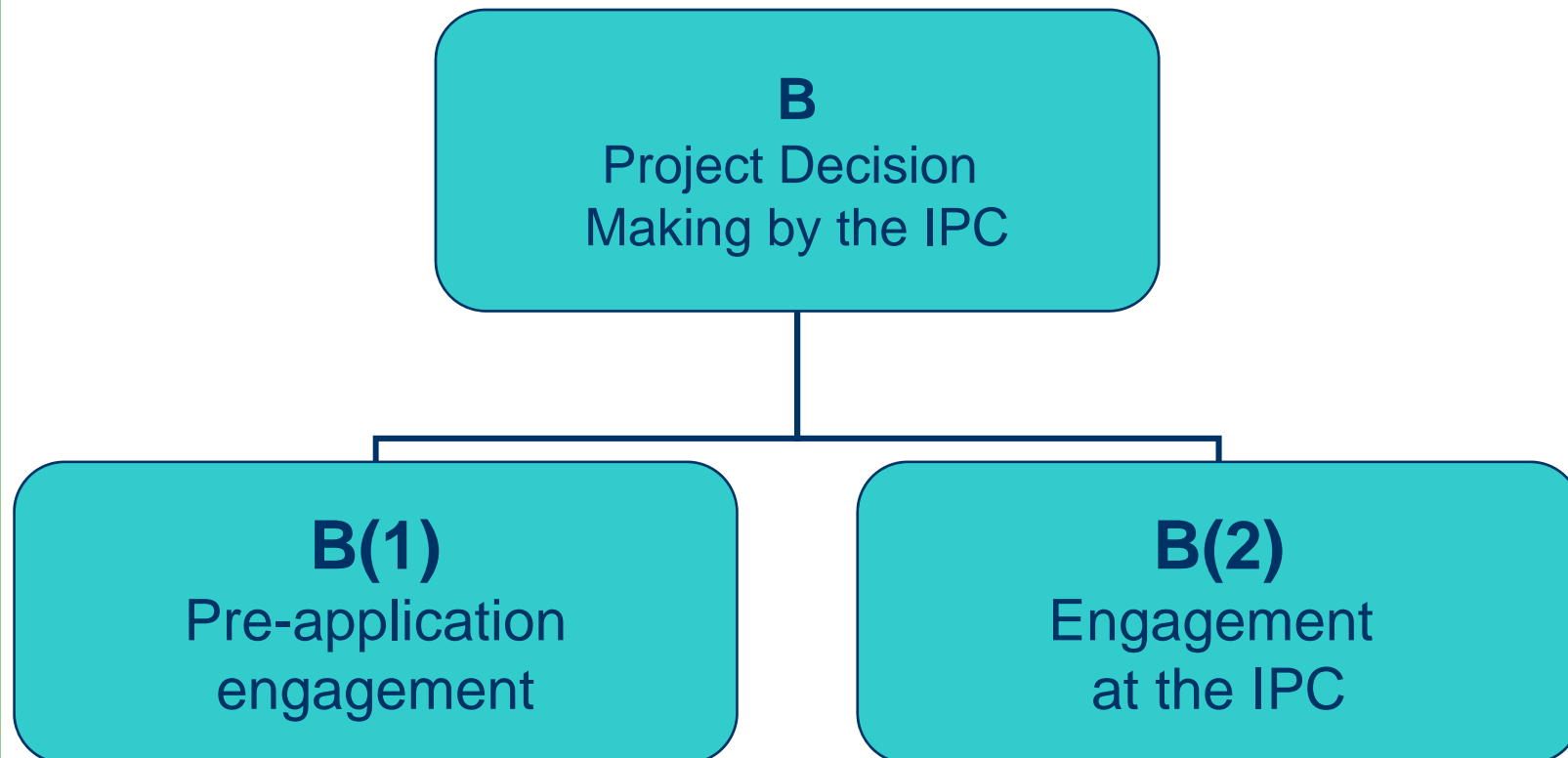
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Government Commitments

- Capacity for parliamentary resolution or committee examination of draft NPS
- Prospect of calls for evidence
- Clearly committees will not hear all comers
- Again, devil lies in detail of committee procedure



Stream B: Project Decision Making





Duty to ‘front end load’ consultation

41 Duty to consult

- (1) The applicant must consult the following about the proposed application –
 - (a) such persons as may be prescribed,
 - (b) each local authority that is within section 42,
 - (c) the Greater London Authority if the land is in Greater London, and
 - (d) each person who is within one or more of the categories set out in section 43.
- (2) The Commission may issue guidance about how to comply with the duty under subsection (1).
- (3) The applicant must, in discharging that duty, have regard to any guidance under subsection (2).



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- CI 41, 42 and 43–
Applicant must pre-consult with
 - Prescribed persons
 - Affected local authorities
- The timetable is very short (28 days)



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- CI 88 –
Examination is primarily a written process
But...
- CI 89 –
Examining authority may conduct hearings and invite parties



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Rights before the Commission

- CI 54 –
Prescribed persons notified of accepted applications
- Representations to be made in 28 days
- CI 58 –
Commission may seek local impact reports from local authorities



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Some good, but clarity needed...

- RTPI strongly welcomes the commitment to front end loaded engagement
- But – the devil is in the detail
- Many ‘how’ questions will determine whether the proposed engagement routes are substantial



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The Bill: Necessary Measure or Consultation Disaster?

- The imperative for timely action on carbon
- The need for genuine public engagement, not Heathrow T5 fillibuster





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A Consultation Disaster?

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PLANNING DISASTER

a campaign against the government's plans to remove community voices from the planning process

Your new power station goes here



What colour would you like the gates?

Major new developments including nuclear power stations and airport runways could soon be forced through as part of a major overhaul of planning.

The proposals, included in a Government White Paper will leave affected communities with no meaningful say in how their area is developed. A coalition of civic and environmental organisations with over 2 million members is calling on the Government to rethink their plans and introduce a planning system which allows people a say on the decisions that affect them.

Keep Your Local Rights Alive. Take Action.
[Skip the action](#)

Internet



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a campaign against the government's plans to remove community voices from the planning process



Planning Act 2008
NOTIFICATION OF PLANNING APPLICATION

We hereby give notice that a planning application has been made for a major development; you won't like on this hitherto protected area.

You can object, but your voice will not count for much. We need it. It's going to happen and that's that.

Thank you. I love a nice day.

The Planning Commission

Major new developments including nuclear power stations and airport runways could soon be forced through as part of a major overhaul of planning.

The proposals, included in a Government White Paper will leave affected communities with no meaningful say in how their area is developed. A coalition of civic and environmental organisations with over 5 million members is calling on the Government to rethink their plans and introduce a planning system which allows people a say on the decisions that affect them.

Keep Your Local Rights Alive. Take Action.
Skip the action and go to the main site.

Internet



Time for a real public debate

- Use evidence
- Explain the seriousness of our situation
- Explain the need for timely action
 - to maintain the health of our climate and environment
 - to maintain prosperity and living standards
- Bring the public with the development of policy
- Enable the project development and decision-making processes to maintain faith with genuine public concerns and obtain strong legitimacy