

Do Your Duty



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Ten years ago the then new Coalition Government abolished Regional Spatial Strategies and with it the regional tier of the English planning system.

At the time Secretary of State Eric Pickles MP, said:

“Communities will no longer have to endure the previous government’s failed Soviet-style top-down planning targets – they were a terrible, expensive, time-consuming way to impose housebuilding and worst of all threatened the destruction of the Green Belt.”

Part of wider planning reform, the move was intended to encourage local authorities to work together across their boundaries through a strengthened duty to co-operate, driving house building through new incentives and removing top down targets.

Arguably, this played well to the crowd and it delivered on an election promise. Regional in the context of planning for development became a taboo word and was eventually replaced by localism.

Roll forward a decade and there are serious concerns about plan-making in England especially, with the Duty to Cooperate under section 33A of the Planning and Compulsory Purchase Act 2004 being a stretch too far for some local authorities.

In recent times the DTC has or seems likely to become, the downfall for plan-making in locations such as Sevenoaks, South Bucks and Chiltern and St Albans.

The planning system is plan-led with decisions to be taken in accordance with such plans subject to material considerations and hence the failure of local plans at examination is costly on many fronts.

This is one of the reasons the LPDF included strategic planning in their manifesto to address the housing crisis.

Planning reform seems ever present and no more so this year with the Government reaffirming construction and housebuilding as important sectors in the road to recovery from the economic downturn brought on by the pandemic.

The pace of change needs picking-up though. In Planning for the Future, published in March was the following statement:

“...the government will require all local planning authorities to have up-to-date local plans by December 2023. The government will prepare to intervene where local authorities fail to meet the deadline in accordance with the existing statutory powers, considering appropriate action on a case by case basis.”

We have to hope and indeed expect that the Planning White Paper will include means by which to achieve effective strategic planning.

A start would be to look at successful examples of strategic planning; asking the question ‘what does good look like’?

In Oxfordshire there is a Growth Board made-up of the partner authorities in the County. There is consensus on matters such as housing requirements, key priorities for infrastructure funding and provision and every potential that within a year from now there will be a full complement of Local Plans. This includes District authorities planning for the unmet needs of Oxford City.

South Oxfordshire District is one of the first authorities to have examination into their emerging Local Plan held remotely under new rules. The Secretary of State has intervened to ensure plan adoption by the end of this year but this is not directly linked to the Duty to Cooperate.

No one should be in doubt about the importance placed on plan-making in these times. This is summed-up neatly in Planning Inspector Jonathan Bore’s correspondence:

“We need to do all we can to ensure that the economy recovers after the Covid 19 epidemic. The process of preparing and examining the South Oxfordshire Local Plan gives the community and its elected members a fundamental role in ensuring that the housing, employment, community and the whole range of other needs of residents, businesses and workers are met in the right places. The examination will play a critical part in ensuring the timely delivery of the plan, and it is very important that we move it forward.”

Whilst it still seems too early for regional to re-emerge in the lexicon for planning for development there must be greater clarity in planning reform on strategic planning because otherwise plan-failures over co-operation matters will seriously undermine the December 2023 target. It seems likely that Government will need to consider direct intervention in plan-making at an earlier stage and plan resources accordingly.

There are successful examples of co-operation which neatly answer the question ‘what does good look like’ and hence local authorities must do their duty.

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