

**“*Planning for the Future*” White Paper:
Local Plans, decisions and the shape of the new
system**

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Local Plans

- Pillar 1: proposals 1-5, 8-9 and Pillar 2 Proposal 16
- Primary and secondary legislation, NPPF and PPG changes required
- Preliminary stage at the national level – housing numbers/distribution/constraints
- Single “sustainability” test for plan – scope/definition
- Local Plans tripartite division of all land into Growth, Renewal and Protected
- Local plan process: which category? How much detail? How to deliver the detailed stage – RM, LDO, even DCO – how do these articulate?
- Decision-making processes tied into the plan more closely/automatically
- DM general policies removed and kept in NPPF
- But parallel design coding/pattern book/NP design work
- Become a route to Outline PP, but otherwise s.38(6) perhaps amended

At the national level first – questions to raise

- Housing numbers and distribution – Marsham Street. National political agenda/levelling up/Growth deals/HE/lobbying/transparency – law or policy?
- Process? Evidence of constraints – what test applied and how assessed – what engagement/formal decision – JR? In effect a national plan for housing, or will infrastructure/viability/other objectives also be taken into account?
- How will constraints be taken into account – eg GB exceptional circs? Without DtC, how will needs of all kinds be ensured to be met?
- If Mayors/Joint Plans etc have more control over distribution, will this lead to de facto sub-regionalisation eg Bucks/Oxfordshire/OxCam?
- Timescale? Must be the prior exercise and be framed by the new law and policy suite, but over what period and how does it relate to the transition?
- Resourcing – MHCLG/Inspectorate/LPAs – just to engage at this stage?
- Rolling 5 year periods, or will entire system be re-set at Year 1?
- Centralisation shifts the burden of credibility of the system to the centre

Three colours: red/amber/green (or red/white/blue)

- For the LPA but with National Policy to guide, perhaps law? Examined for compliance legally as well as against 'single test'? Spatial plan or mainly about delivery outcomes of the three categories?
- Growth - large Greenfield sites/regen sites – substantial in size but envisaged largely as outside existing urban areas – but still a cross-over or debate about protection (settings/environmental issues like flooding)
- Renewal – urban – multi-faceted areas with overlapping objectives – how will cross-boundary issues be dealt with (eg in larger urban areas)
- Protected – presumably iterative (if not pre-determined by national assessment) eg GB may have to flex/heritage harm may be outweighed by benefits of new development – irreducible level of discretionary evaluation at the plan making stage
- How different will this be except presentationally – on surface – but need to think through the process of examining the sustainability of the categories given the procedural consequences (eg PIP)

Effect of a Growth area allocation

- Outline Permission/PIP – (therefore all of the major outlines all at once in the plan)
- During plan making process the Masterplan/Concept plan/parameters/governance will need to be addressed – rights are being determined by the plan (so art 6 engaged?)
- Space for flexible PIPs – good for the market - perhaps hybrid allocations
- Space for resistance to development – details perhaps but still a hurdle to consent/delivery; a debate about fixity or flexibility (when some things – eg education requirements or infrastructure needs – may not be known?)
- How would LDO/DCO potentially articulate with this?
- Worked examples needed in the consultation

The rest of the system?

- **Comprehensiveness?** This scale of change without reviewing how TWA/2008 Act/Highways Act/LBCA Act all articulate? Re-wiring and new façade rather than the PM's new house? Practicality of such turmoil in 2021?
- **Flexibility v fixity:** S.38(6) – will be able to make applications in any event: mapped onto an 'allocation PIP/OPP' as a fallback? How will the stat test of plan-led presumption be changed effectively? In the end, will weight still be a matter for the decision maker, or will there be legal rules more closely defining permissible exceptions? If not – are we repeating the current system with top-down housing numbers and shorter plans, but just as much delay/complexity?
- **NPPF?** Para 11, out-of-date and the PFSD (to be kept in some form) because plans are not produced on a Fordist production line and parts of them go out of date very quickly and unexpectedly – separate consultation?

Areas to focus on

- Clarity about the role, process and consequences of the **national level** aspect
- Needs a review of how the new system looks **as a whole** – eg, will Growth area OPPs be capable of being judged “sustainable” without a spatial plan, IDP that can be relied on, and controls/more precise definition of details/design incl Masterplanning and parameters/Governance issues at the local level – where the LPA has control – will be needed? Eg, if HDT still drives para 11 and s.38(6), and market controls delivery, how does new system promote growth?
- **Balance between speed/standardisation and flexibility/discretion at the local plan stage** - given that there will be irreconcilable differences between stakeholder interests, how will the new system adjust the locations where political and social pressure will be felt

Thank you for listening

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