



# Growth and Infrastructure Bill Response Civic Voice December 2012

## Introduction

1. Civic Voice welcomes the opportunity to submit evidence on the Growth and Infrastructure Bill.
2. Civic Voice is the charity representing the civic movement. We were formed in April 2010 in response to a call from the civic movement who demanded there be an independent national representative body. We develop, support and lead a network of civic societies who work to make the places where everyone lives more attractive, enjoyable and distinctive. We are supported by over 290 member civic societies with c75,000 individual members.
3. Civic volunteers are the most numerous participants in the planning system and this response is informed by their practical experience and local outlook.
4. Our submission is designed to be constructive and we would welcome the chance to expand if required.

## Executive Summary

5. Civic Voice agrees with the Government that getting the economy moving is essential. Our starting point is to echo the sentiments of many politicians, planners, communities and developers who all agree that growth is important and an essential part of a modern society. However, Civic Voice's concern is that growth should not occur at any cost and needs to be seen as part of a wider social and environmental agenda that has citizens at its heart.
6. Civic Voice believes that economic recovery can be achieved without compromising the built and historic environment, neighbourhood pride, and local participation in decision-making.
7. The best designed and "planned places" are often the most successful. It is known that poor quality development can compromise an area's ability to attract further investment and economic development.
8. The Government came to power promising a localist led approach and a society where we all played our part. Yet, now that the economy is not achieving the desired growth, the Government is seeking to introduce short-term measures that could have long-term damage, not only to our natural and built environment but also to community relationships.
9. The coalition agreement states (1) "*We will end the era of top-down government by giving new powers to local councils, communities, neighbourhoods and individuals. We congratulate the Government on its introduction of the Localism Act. However, this Bill comes forward only seven months after the commencement of the Localism Act 2011 and the National Planning Policy Framework (NPPF). The Growth and Infrastructure Bill sees clauses that reduce the voice and power of the community as a way to help support growth. Civic Voice does not believe these two elements are mutually exclusive.*"
10. Civic Voice would have hoped that both the Localism Act 2011 and the National Planning Policy Framework might have been given time to settle in to provide intelligence and learning to develop new policy.

11. The Planning System is not the cause of the lack of economic growth as evidenced by the number of unimplemented planning permissions.

## Clause 1

12. This is one of the most contentious clauses for Civic Voice in that it proposes that the Secretary of State can decide whether a local authority's decision making function should be bypassed, and consequently that decision be taken at a higher level. By introducing this part of the Bill, the Government could be viewed as contradicting its own Coalition agreement "*to end the era of top-down Government*".
13. Civic Voice has a real concern about the wording to class "under-performing". The latest statistics on the Planning Guarantee [2], published in September 2012 showed that three Local Planning Authorities (LPAs) determined all of their planning applications within the 26 weeks while 278 LPAs (88%) decided more than 95 per cent of cases within the time allowance. Where a local authority is not making decisions in an adequate time (and the stats demonstrate the majority do), there can be many reasons for this – notably resources within the planning department. We would call on Government to invest in Planning Departments to strengthen them, not use powers to undermine and weaken them, and to make allowances for those that fall just short of the 100% in 26 weeks. Quality cannot simply be measured by the speed of processing applications or the amount of development that is permitted. Planners must be allowed to reject poor and inappropriate applications, but under this proposal LPAs are likely to be pressured into making poor-quality decisions merely to avoid designation as a poorly-performing authority.
14. Ministers came to power promising to put local people in the driving seat over decisions that affect the places where they live. Allowing applications for development to be made directly to the Secretary of State is a significant move to centralisation, and the opposite of the Localism agenda that the Government have been championing. Indeed, Greg Clark said at the Localism Bill Report Stage, "*I want fewer appeals to the Planning Inspectorate and more decided locally.* (3)" This bill is recommending the opposite. Removing powers from local authorities and allowing developers to "bypass" the local planning authority is contrary to adoption of a localist approach.
15. The Bill's focus on the planning system is misguided and will not tackle the real barriers to growth.
16. Research by the Local Government Association states that the number of housing units with planning permission (as of) December 2011 was 399,816.(4).
17. Based on DCLG's own stats, at the current rate of construction it would take developers three-and-a-quarter years to clear the backlog by building all of the new homes local authorities have signed off.
18. Clause 1 proposes to put 'failing' LPAs into a "special measures" category, but it is unclear what these special measures will be. Without this clarification we feel this clause should be removed. This is such an important clause that "holding the necessary consultation" to determine "special measures" is insufficient. This clause should be removed.

## Clause 7

19. Civic Voice has been campaigning since 2010 to make Broadband Britain Beautiful to <http://www.civicvoice.org.uk/campaigns/broadband-boxes/>
20. To allow uncontrolled development of mobile phone masts, cabling and associated cabinets of equipment threatens the environment. Communities have struggled for many decades to protect their environment both in urban and rural areas. This proposal could undo the good work that has been undertaken by so many people.
21. Civic Voice recognises the benefits of wider broadband coverage but this must be reconciled with the economic, environmental and social impact. Civic Voice believes it is

important to strike the right balance between ensuring that broadband rollout can proceed in support of economic growth and competitiveness. However, due regard to the wishes of communities and effects on neighbourhoods should be safeguarded.

22. As currently drafted the clause relates to any telecoms infrastructure, not just broadband boxes. We would like to see due consideration for this clause amended to give further clarification to what "infrastructure" actually means.
23. Civic Voice would suggest a re-think of this clause so that provision can be made for local discussion so that a community's wish for broadband connectivity is not achieved at any cost.
24. Although it is not explicit within the Bill itself, a press release issued by DCMS in September (4) states that the Government intends to remove the requirements for *prior approval* for broadband infrastructure except for where it is located in a SSSI.
25. Where there are plans by a big business to install any broadband infrastructure, the local community should be allowed, via the planning system and through the Local Authority to have a say on its location. Civic Voice do not support the proposal to remove prior approval from a Local Authority.
26. There is widespread concern within the civic movement that the development of broadband infrastructure necessary to support an extension of broadband coverage is not being handled sensitively enough and is causing unnecessary harm to the street environment. Although it is right that the Government is prioritising broadband access in rural areas, it is entirely possible to roll out superfast broadband in these areas and conserve beauty at the same time. For the proposal to override National Parks and Areas of Outstanding Natural Beauty is wrong.
27. The UK does not yet have permission to spend the £530million the Government has currently allocated to broadband. It has recently been reported that half of the 47 Local Broadband Plans (LBP), which are intended to help 90% of UK people gain access to a superfast broadband service by March 2015 are being held up by these competition concerns. A speedy resolution to this issue would do more to remove the barriers to broadband development than further changes to the planning system that will not address the key issues.

### **Clause 13**

28. Civic Voice recognises the value of Town and Village Greens to communities. They are an important and historic part of the fabric of our urban and rural environments. They offer breathing spaces and places for escape, for play and for recreation.
29. Although the Government wants to stop vexatious planning applications, which we would support, by introducing this trigger event they will also kill off genuine applications. This is not in the spirit or actuality of the Localism Act.
30. This clause should be amended to ensure that where a right to register land as a green is believed to have been acquired, the local inhabitants retain an opportunity to seek to register that land as a green.
31. Civic Voice could support this Clause on the basis that where an application for development has been put forward, the local community should be given an opportunity to seek to register that land as a village green for a 6 month period from the time of the original application.

### **Clause 21**

32. The Planning Act 2008 was intended to speed up the process for approving major new infrastructure projects such as airports, roads, harbours, energy facilities (such as nuclear power and waste facilities) - projects that are of national importance.
33. The intention of this Bill appears to be to broaden the Planning Act 2008 system by including more commercial and business development.
34. Civic Voice regard this as further centralisation of the planning system with a shift of major planning decisions from the hands of local authorities to the Secretary of State. In

bypassing local government and going straight to the Secretary of State the proposals also sidestep the plan-led system. Under the 2008 regime the Secretary of State does not need to involve the local plan in decision-making. This is essentially a measure that creates a system whereby applicants can use differing consent regimes to gain permission.

35. Commercial and business development projects can have wide-ranging socio-economic impacts on an area, but may no longer be strategically considered at the local level by directly elected members supported by officials. This does not fit with the role of local authorities in shaping the development of their area as emphasised in the NPPF
36. This one clause captures the tone of the Bill. By stating the “*commercial or business projects*” are national significant projects emphasises that the Government are pursuing growth at all costs.
37. Civic Voice would welcome the removal of this clause as we do not believe commercial and business development projects can be classed as “nationally significant” projects in the same way that one might argue a nuclear power plant is.

## Conclusion

38. The centralising effect of this Bill is in stark contrast to the Government’s stated localism agenda. There is no compelling evidence to suggest that planning is the cause of the economic difficulties, and the current regime of continuous reform undermines public confidence in the legitimacy of the system and potentially that of the private sector in planning for the future. Civic Voice would advise that the Government needs to seriously rethink the proposals and concentrate on a stable system that is fair, democratically accountable and delivers for the whole community as well as meeting environmental commitments. Civic Voice will be calling for changes to the Bill during the parliamentary process.
39. Our observation is that to prepare a Bill where some of the key provisions have not been clearly defined could be construed as being misguided and symptomatic of a re-active Bill. It is crucial for there to be efficacy and transparency of the Bill given its serious implications on the Localism Act and its apparent rejection of the localism ethic.
40. Civic Voice would urge the Government to trust the public and elected members to make good local plans and to deliver in keeping with the localism ethic and principles of transferring decision making to a neighbourhood level. The continual political fiddling creates huge uncertainty and benefits no one. Our recommendation is that we forget this new round of legislation now and seek to allow the Localism Act and National Planning Policy Framework to bed in and making a real difference to planning for the future.

## References

1 – Coalition Agreement

[http://www.cabinetoffice.gov.uk/sites/default/files/resources/coalition\\_programme\\_for\\_government.pdf](http://www.cabinetoffice.gov.uk/sites/default/files/resources/coalition_programme_for_government.pdf) May 2010

2 – Planning Guarantee

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7546/2226054.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7546/2226054.pdf) September 2012

3 -Greg Clark MP, Planning Minister – verbal

<http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110517/debtext/110517-0004.htm> May 2011

4 - Local Government Association “An analysis of unimplemented planning permissions for residential dwellings” [http://www.local.gov.uk/web/guest/research-housing/-/journal\\_content/56/10171/3700057/ARTICLE-TEMPLATE](http://www.local.gov.uk/web/guest/research-housing/-/journal_content/56/10171/3700057/ARTICLE-TEMPLATE) September 2012

5 – Department for Culture Media and Sport, Press Release 7<sup>th</sup> September 2012

[http://www.culture.gov.uk/news/media\\_releases/9331.aspx](http://www.culture.gov.uk/news/media_releases/9331.aspx)