

Facilitating neighbourhood plans: the infrastructure challenge

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Local Infrastructure Planning and Delivery: progress and prospects
UCL 21.06.13

2008 Planning Act: Nationally Significant Infrastructure Projects

Energy

- construction or extension of a generating station
- installation of an electric line above ground
- development relating to underground gas storage facilities
- construction or alteration of an LNG facility
- construction or alteration of a gas reception facility
- construction of a pipe-line by a gas transporter
- construction of a pipe-line other than by a gas transporter



Transport

- highway-related development
- airport-related development
- construction or alteration of harbour facilities
- construction or alteration of a railway
- construction or alteration of a rail freight interchange



Water

- construction or alteration of a dam or reservoir
- development relating to the transfer of water resources

Waste water

- construction or alteration of a waste water treatment plant

Waste

- construction or alteration of a hazardous waste facility



Growth and Infrastructure Act 2013: Section 26

Section 26

Bringing business and commercial projects within Planning Act 2008 regime

Section 26 replaces section 35 of the Planning Act 2008 (“the 2008 Act”) and inserts new section 35ZA.

The substituted section 35 enables the Secretary of State to direct that certain commercial and business development requires consent under the nationally significant infrastructure regime contained in the 2008 Act, as well as retaining the existing power of the Secretary of State to direct that development in the fields of energy, transport, water, waste water or waste requires consent under the 2008 Act.

In relation to commercial and business development, the development must be in England or adjacent waters (but only in Greater London with the Mayor of London’s consent) and be, or form part of, a prescribed business or commercial project. Prescribed projects will be set out in regulations made by the Secretary of State but those regulations may not contain projects that consist of dwellings. Following receipt of a written request for a direction under section 35(1) the Secretary of State must conclude, before making a direction, that the project is of national significance either by itself or when considered together with another prescribed business or commercial project or proposed project.

National Policy Statements

12 National Policy Statements produced by the responsible Secretary of State, detailing Government policy on different types of infrastructure development:

Energy NPSs

- Overarching energy
- Renewable energy
- Fossil Fuels
- Oil and Gas Supply and Storage,
- Electricity Networks
- Nuclear Power

All six energy NPSs received designation by the Secretary of State for Energy and Climate Change on 19 July 2011.

Transport NPSs

- Ports
- Transport Networks (including rail and roads)
- Aviation

The draft Ports NPS was produced by the previous government subject to public consultation and parliamentary scrutiny, but has not yet been designated.

The Transport Networks and Aviation National Policy Statements have not yet been published in draft for consultation.

Water, waste water and waste NPSs

- Water Supply
- Hazardous Waste
- Waste Water Treatment

The water NPS has not yet been published in draft for consultation.

The hazardous waste NPS has been published in draft for consultation by DEFRA. The deadline for response is 20 October 2011.

The waste water NPS is published in draft and public consultation for this NPS ended on 22 February 2011.

2008 Planning Act: NSIPs development consent procedure

The process

The Planning Act 2008 process was introduced to streamline the decision-making process for nationally significant infrastructure projects, making it fairer and faster for communities and developers alike. The 2008 Act was amended by the Localism Act 2011, and the key stages in the process are:

Pre-application

The process begins when the Planning Inspectorate is informed by a developer that they intend to submit an application to us in the future. Before submitting an application, the developer is required to carry out extensive consultation on their proposals. The length of time taken to prepare and consult on the project will vary depending upon its scale and complexity. Responding to the developer's pre-application consultation is the best time to influence a project, whether you agree with it, disagree with it or believe it could be improved.

Acceptance

The acceptance stage begins when a developer submits a formal application for development consent to the Planning Inspectorate. There follows a period of up to 28 days (excluding the date of receipt of the application) for the Planning Inspectorate to consider whether or not the application meets the standards required to be formally accepted for examination.

Pre-examination

At this stage, the public will be able to register with the Planning Inspectorate and provide a summary of their views of the application in writing. At pre-examination stage, everyone who has registered and made a relevant representation will be invited to attend a preliminary meeting run and chaired by an Inspector. This stage of the process takes approximately 3 months from the developer's formal notification and publicity of an accepted application.

Examination

The Planning Inspectorate has six months to carry out the examination. During this stage, people who have registered to have their say, are invited to provide more details of their views in writing. Careful consideration is given by the Examining Authority to all the important and relevant matters, including the representations of all interested parties, any evidence submitted and answers provided to questions set out in writing and explained at hearings.

Planning Inspectorate recommendation / Secretary of State's decision

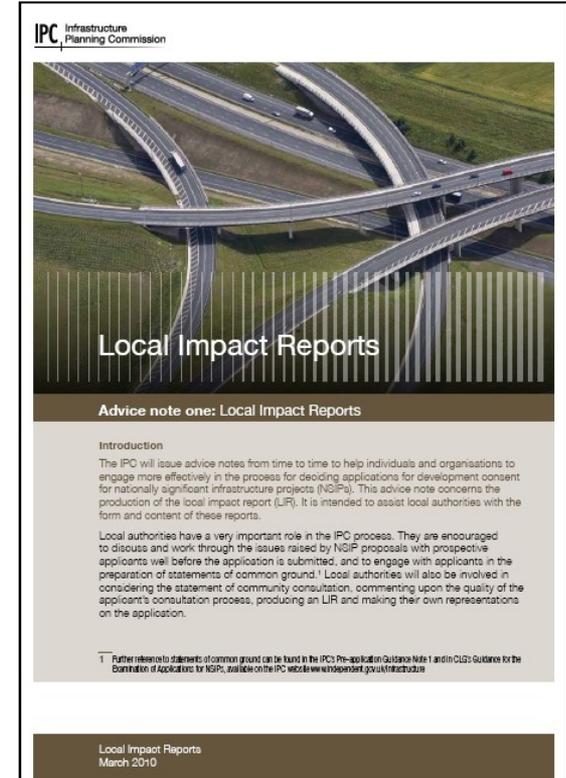
The Planning Inspectorate must prepare a report on the application to the relevant Secretary of State, including a recommendation, within 3 months of the six month examination period. The Secretary of State then has a further 3 months to make the decision on whether to grant or refuse development consent.

Post decision

Once a decision has been issued by the Secretary of State, there is a six week period in which the decision may be challenged in the High Court.

The role and influence of local authorities

- Statutory consultee – consulted by promoter
- Planning performance agreement e.g. Hinckley Point Nuclear Power Station - *Sedgemoor District Council/ West Somerset District Council/Somerset County Council*
- Statement of community consultation – consulted by promoter
- Comment on adequacy of consultation to IPC
- Local impact report (LIR)
 - SofS/Commissioner **must** have regard to LIR
 - Submitted in examination period to deadline set by IPC
- Enforcement – post implementation



National Planning Policy Framework: March 2012

The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

It is not part of the Localism Act, is around 55 pages in length and is written in plain English.

It is a 'framework' not a plan.

Contents

Ministerial foreword

Introduction

Achieving sustainable development

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting Green Belt land

10. Meeting the challenge of climate change, flooding and coastal change

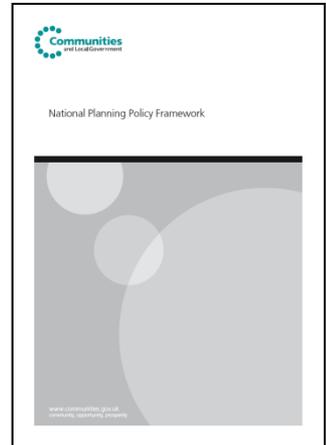
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

Plan-making

Decision-taking

Annexes

1. Implementation
2. Glossary
3. Documents replaced by this Framework



- 'city/cities' – 1x each
- 'countryside' – 6x

The National Planning Policy Framework: March 2011

Core planning principles

Planning should:

- be **plan-led**
- be **creative**
- drive and support **sustainable economic development**
- always seek to secure **high quality design**
- take account of the **different roles and character of different areas**
- support the **transition to a low carbon future**
- contribute to **conserving and enhancing the natural environment and reducing pollution.**
- encourage the effective use of land **by reusing land that has been previously developed** (brownfield land)
- **promote mixed use developments**
- **conserve heritage assets**
- **actively manage patterns of growth**
- take account of and support local strategies to **improve health, social and cultural wellbeing** for all

The National Planning Policy Framework: March 2011

Infrastructure

3. This Framework does not contain specific policies for nationally significant infrastructure projects for which particular considerations apply. These are determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant national policy statements for major infrastructure, as well as any other matters that are considered both important and relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and are a material consideration in decisions on planning applications.

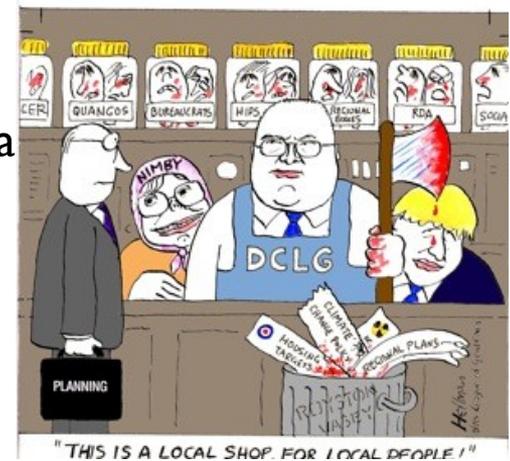
162. Local planning authorities should work with other authorities and providers to:

- assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; and
- take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.

Localism

- Set the foundations for the Big Society by radically transforming the relationships between central government, local government, communities and individuals
- Decisions should be taken as closely as possible to the people they affect
- Localism can also mean allowing local people to set priorities and become involved in decisions about the future of their area
- Devolve greater powers to councils and neighbourhoods and give local communities control over housing and planning decisions
- Giving communities direct incentives to promote and support sustainable growth

Steve Quartermain, CLG Chief Planner, 15 December 2010

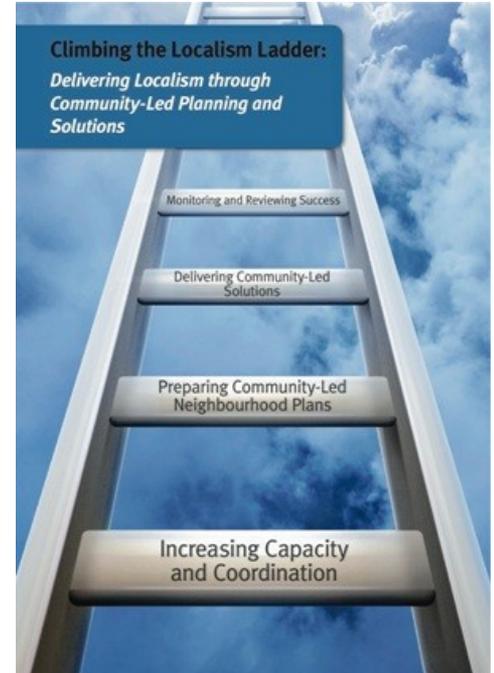


Louis Hellman

@ copyright Planning in London

Community Planning /Community Led Planning - (CLP)

- **Parish Plans** range from single issue statements of community aspiration to SPDs with planning detail & contain an action plan
- **Village Appraisals** and **Village Design Statements** cover design aspects and may cover development potential
- **Market Town Initiatives** and **Town Plans** are parish plans for larger settlements. Prescriptive “health-check” approach leading to a project action plan likely to cover development
- **Community Action Plans** may be issue-specific rather than spatial. e.g. via Local Strategic Partnerships (LSPs)
- **Neighbourhood Plans** mainly in urban/unparished areas



Source : Action for Market Towns

Neighbourhood Development Plans

- No restrictions on content of Plan
- Cannot overlap spatially with another Plan
- Must conform with “strategic policies” in Local Plan (land allocations plan will be a “strategic policy”), but can take precedence over non-strategic Local Plan policies
- Could advance prior to Local Plan being in place
- Can decide type, location and how much developmentproviding it is not less than that in the Local Plan
- Cannot prevent or propose NSIPs
- Can zone areas and create policies
- Must demonstrate community engagement and consultation
- Must be in line with NPPF
- Must address UK and European environment, sustainability, habitat and biodiversity and human rights



The challenge of localism

- Adjusting to the removal of the regional layer – RS, RDA, GO (although BIS remains).
- Tackling new responsibilities – energy, climate change, economic development, regeneration, infrastructure delivery, housing targets and delivery.
- Creating new capacity and organisations for new ways of working and new responsibilities at a time of reducing budgets.
- Establishing new relationships with key stakeholders – health, utilities, transport, higher education.
- Engaging with LEPs in economic growth and planning
- Responding to the 2008 Act and new mechanisms for approving major infrastructure.

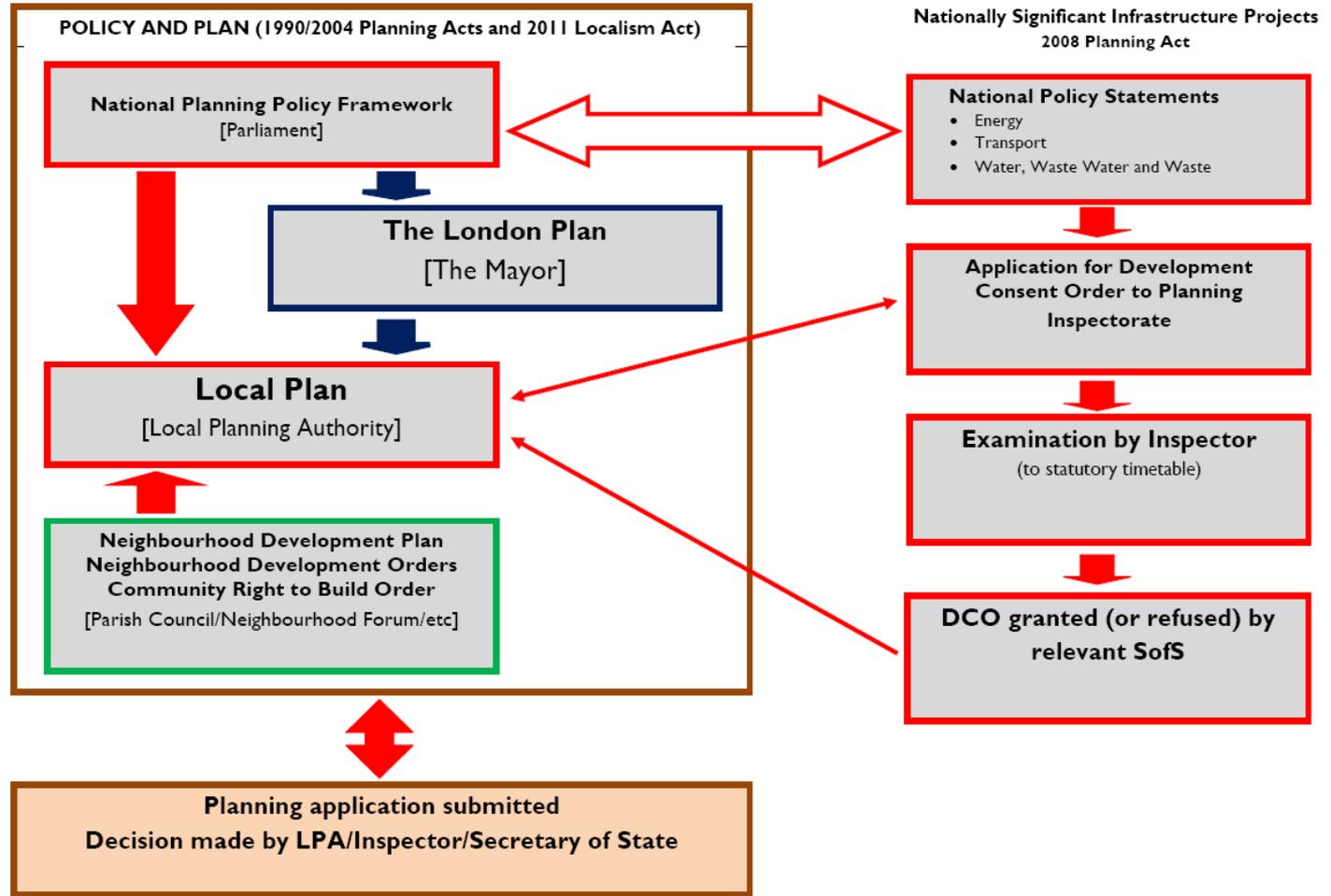


The challenge of localism

- Putting in place the plans and policies to set the framework for both neighbourhood and cross boundary planning – quickly!
- Working with neighbourhood groups and developing capacity.
- Understanding how to enable and support neighbourhood planning – especially in urban areas.
- Finding the new specialist skills for sustainability, low carbon, development, regeneration and delivery.
- Creating new cross-boundary arrangements with adjoining LAs.
- Adjusting to an ‘incentives’ regime – CIL and NHB
- To be the guardians of the public interest and impose democratic values, accountability and responsibility on all the stakeholders.

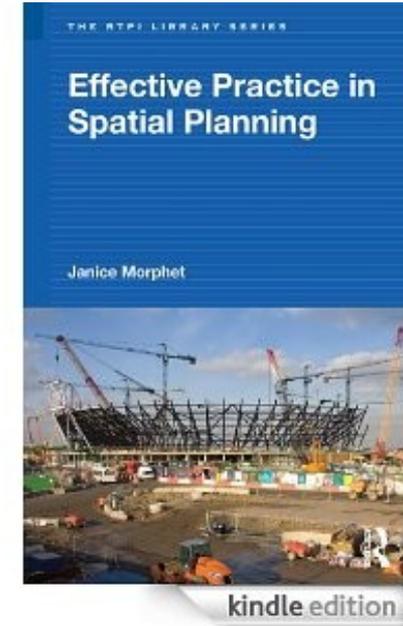
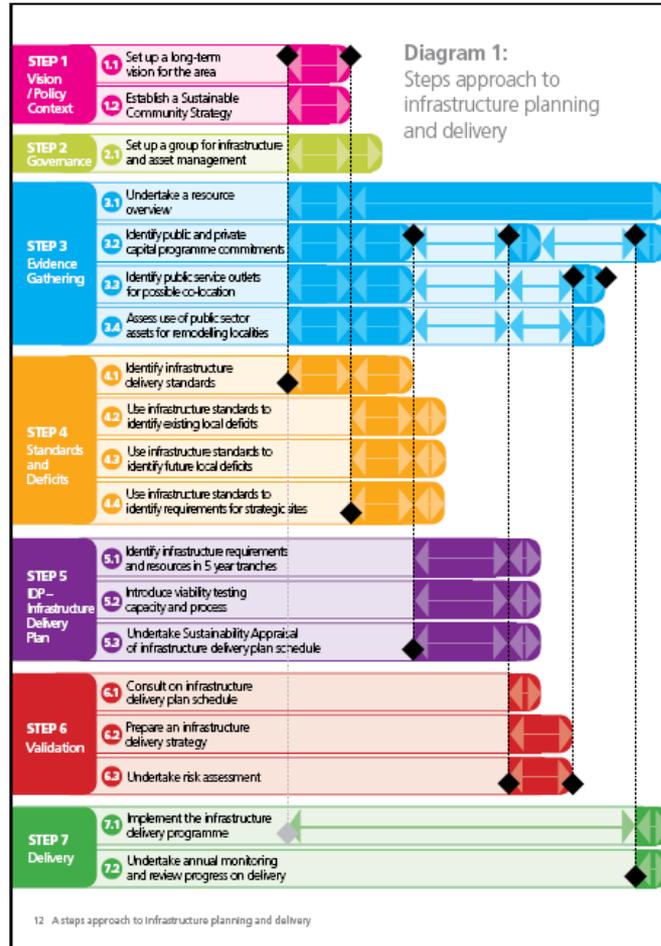


The new planning system in England



Infrastructure planning and delivery – a steps approach

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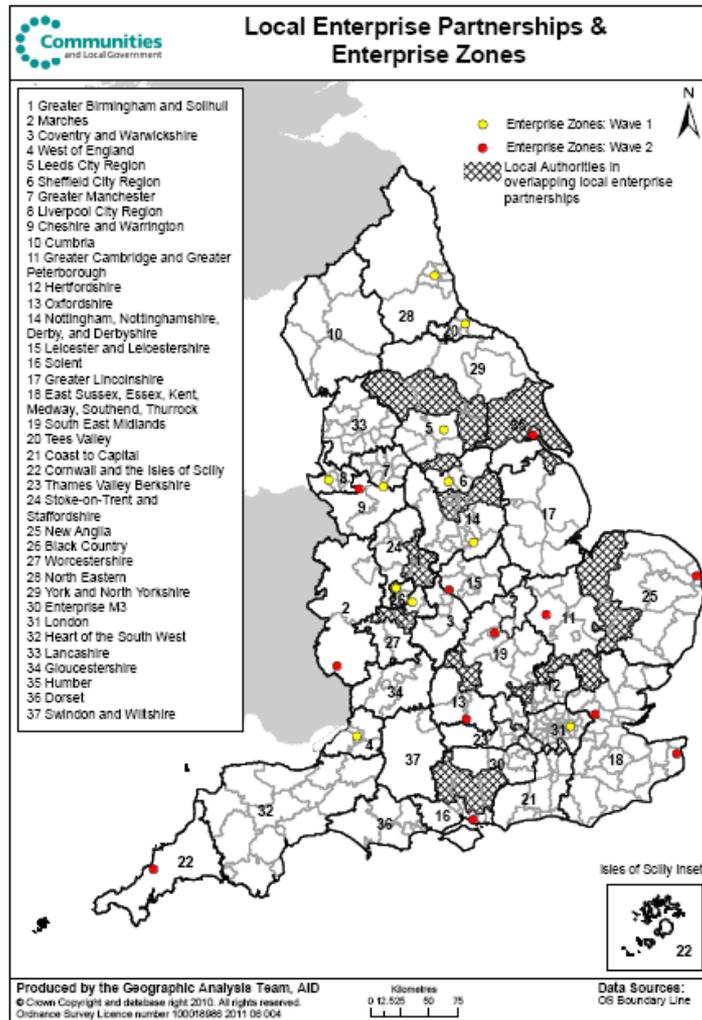
Local Enterprise Partnerships and Enterprise Zones

LEP

- Black Country
- Derby, Derbyshire, Nottingham and Nottinghamshire
- Greater Birmingham and Solihull
- Greater Manchester
- Leeds City Region
- Liverpool City Region
- London
- North Eastern
- Sheffield City Region
- Tees Valley
- West of England
- Cornwall and the Isles of Scilly
- Greater Cambridge and Greater Peterborough
- Hull and Humber
- Leicester and Leicestershire
- Liverpool City Region
- New Anglia
- Oxfordshire
- Solent
- South East Midlands
- The Marches
- South East

Enterprise Zone

- Darlington
- Boots Campus (Nottingham)
- Birmingham City Centre
- Manchester Airport
- Lower Aire Valley
- Mersey Waters
- Royal Docks
- River Tyne and Nissan site
- The Modern Manufacturing and Technology Growth Area
- Tees Valley
- Temple Quarter (Bristol)
- Newquay Aerohub
- Alconbury Airfield (Huntingdon)
- Humber Estuary Renewable Energy Super Cluster
- MIRA Technology Park (Hinckley)
- Daresbury Science Campus (Runcorn)
- Great Yarmouth and Lowestoft
- Science Vale UK (Didcot)
- Daedalus Airfield (Gosport)
- Northampton Waterside
- Rotherwas Enterprise Zone (Hereford)
- Sandwich and Harlow



The National Infrastructure Plan 2012

Infrastructure UK – a division of HM Treasury - is focused on enabling of (sic) greater private sector investment in infrastructure, and the improvement of the Government's long-term planning, prioritisation and delivery of infrastructure.

‘To deliver IUK’s core remit, we are working at a strategic level across Whitehall and the private sector to develop a new cross cutting approach to the planning, prioritisation and enabling of investment in infrastructure. IUK also supports the delivery of major infrastructure projects where there is capital investment from the public sector. For example we are supporting the delivery of Crossrail, Broadband UK, Smart Meters and a range of other projects and programmes.’

The future challenge:

- Obsolescence
- Globalisation
- Growing demand
- Climate change
- Interdependence – increasing risk



National Infrastructure Plan:

update 2012

The National Infrastructure Plan 2012

The Government's vision for major infrastructure investment in the UK:

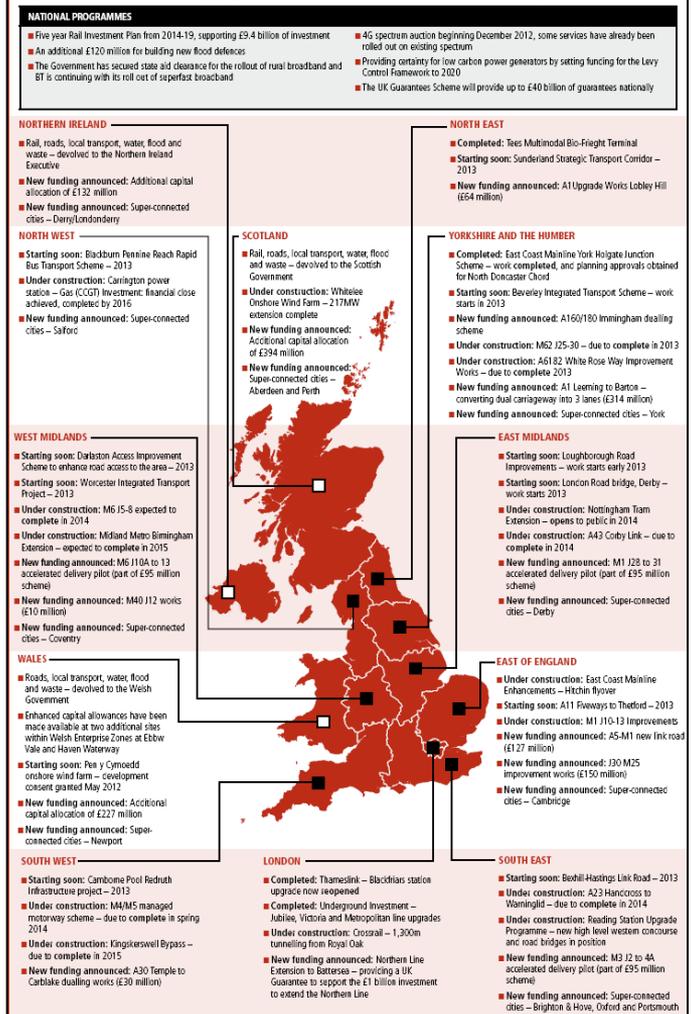
- Maximising the potential of existing road and rail networks
- Transforming energy and transport systems to deliver a low carbon economy
- Transforming the UK's strategic rail infrastructure
- Meeting future challenges in providing sustainable access to water for everyone
- Protecting the economy from the current and growing risk of floods and coastal erosion
- Reducing waste and improving the way it is treated
- Providing the best superfast broadband in Europe
- Ensuring the UK remains a world leader in science, research and innovation

A transparent and efficient planning and consents regime:

- 2008 Planning Act - Major Infrastructure Planning Unit within PINS (formerly Infrastructure Planning Commission) to deal with Nationally Significant Infrastructure Projects (NSIPs)

- National Policy Statements
- Localism Bill
- National Planning Policy Framework
- Response to the Penfold Review of non-planning consents

Figure 2.A: Infrastructure delivery progress around the UK and Autumn Statement 2012 capital announcements



RTPI Map for England

<http://www.rtpi.org.uk/item/5169>

Table 1 Key spatial planning issues in the draft NPPF

Planning for prosperity (economic emphasis)

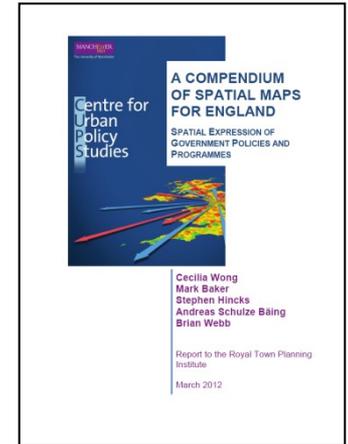
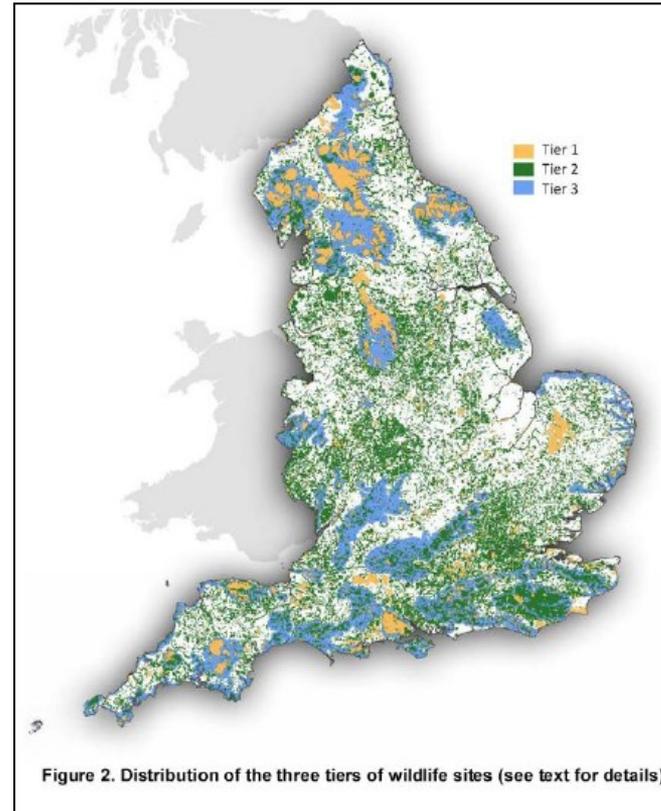
- Business and economic development
- Town centres
- Rural economy
- Transport
- Communications Infrastructure
- Minerals (no map due to data purchase cost)

Planning for people (social emphasis)

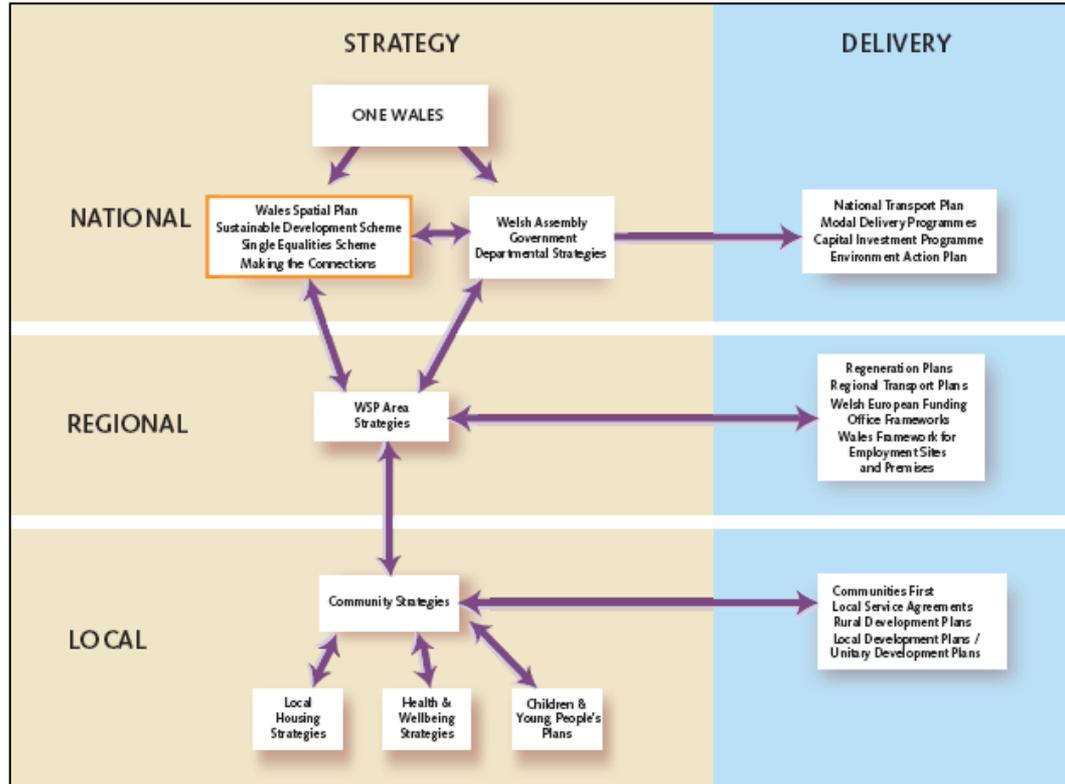
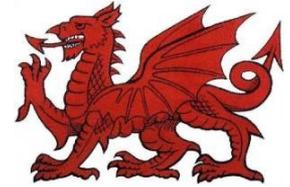
- Housing
- Design of the Built Environment (no map due to its aspatial character)
- Sustainable communities
- Green space designation
- Green belt

Planning for Places (environmental emphasis)

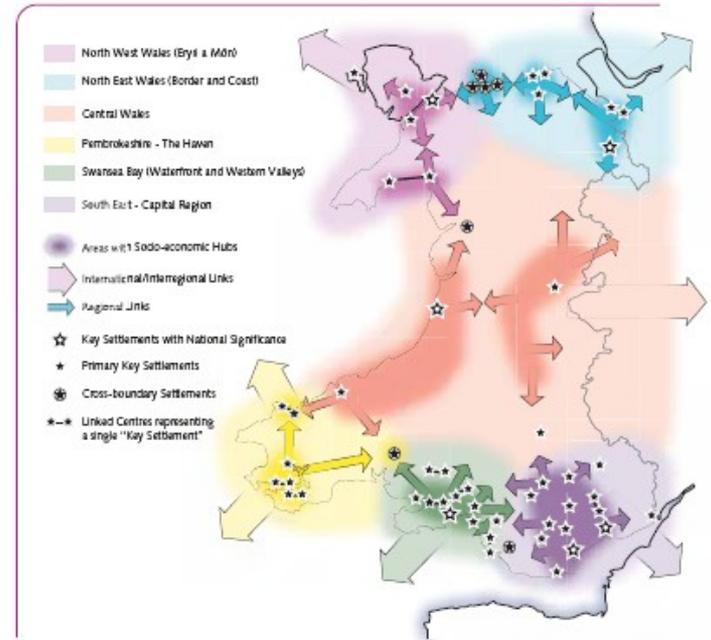
- Climate change
- Access to the coast
- Natural environment
- Biodiversity
- Noise and light pollution (no map available)
- Historic environment



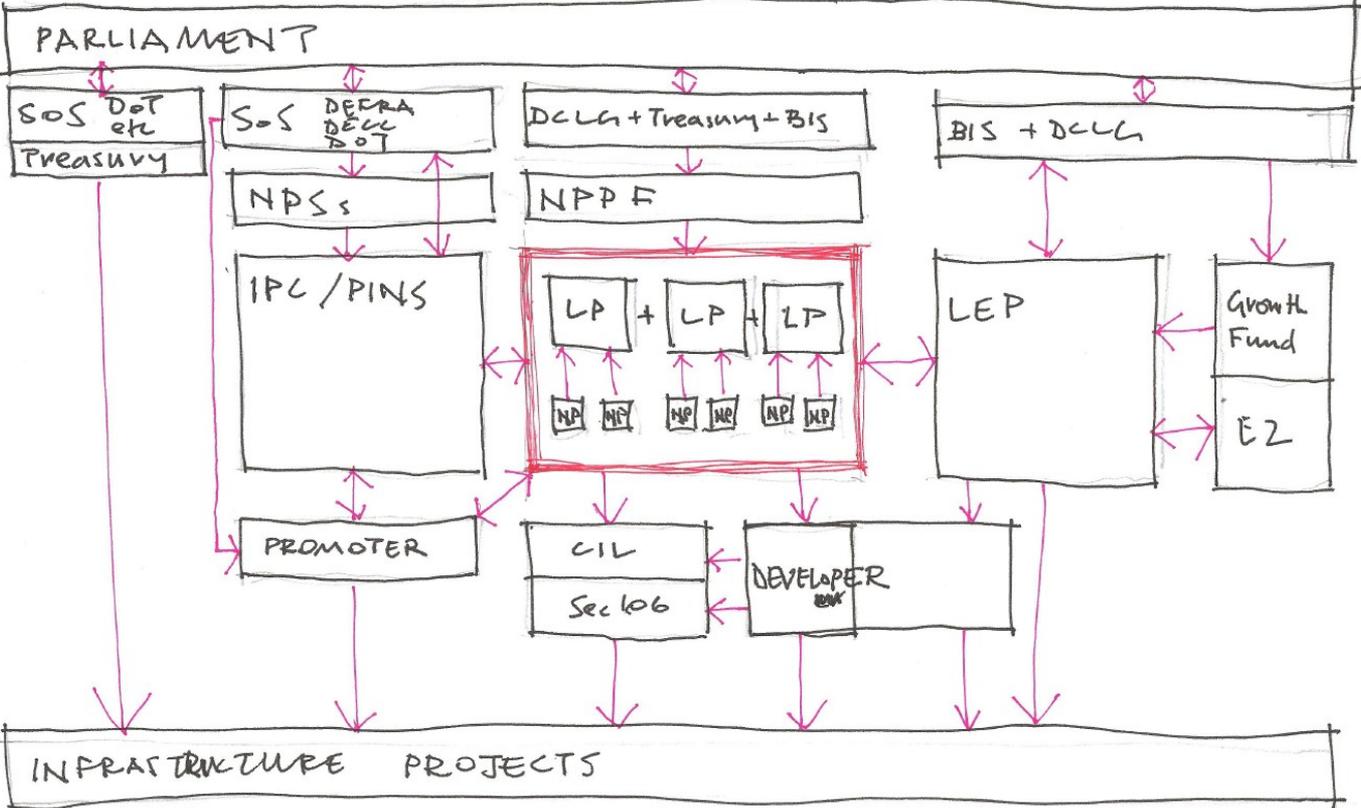
The Wales Spatial Plan



The National Vision



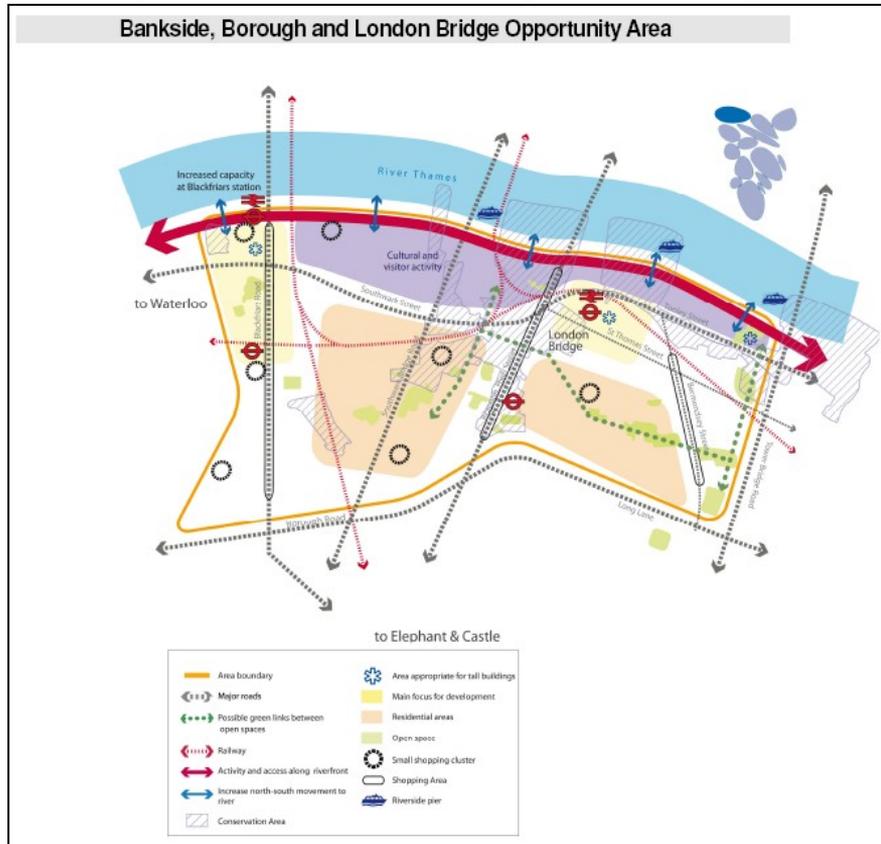
Delivering England's infrastructure (outside London)



Highgate Neighbourhood Forum Area



Neighbourhood planning front runners: Bermondsey



Bermondsey Neighbourhood Forum

This Forum is part of the effort by the local community to establish an organisation or body for the express purpose of furthering the **social, economic and environmental well-being** of individuals living, or wanting to live, in an area that consists of or includes the neighbourhood area concerned.

Objectives

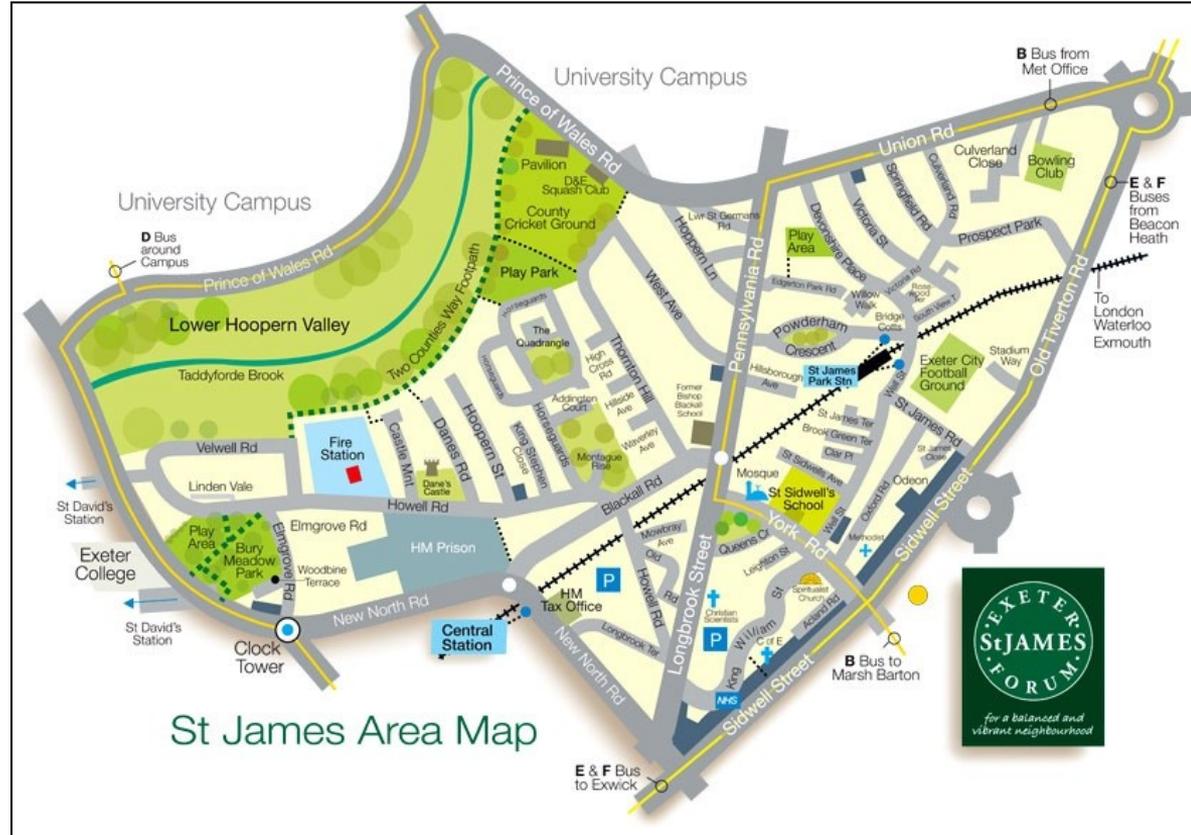
The Forum has been formed to take full advantage of the opportunities offered by the Localism Act. Currently the focus is two-fold:

- to generate a Neighbourhood Plan (to improve the quality of the built environment)
- to channel all local Section 106 funds back directly into the community.

Exeter St James

Exeter St James Neighbourhood Plan

- Vision
- Environment
- Design
- Community
- Economy
- Development
- Heritage
- Transport
- Projects



Exeter St James

The Neighbourhood Plan will seek to ensure that the ward continues to be a great place to live. It will do this by:

- Clearly setting out the community's vision for the area
- Supporting the Council's desire to restrict housing in multiple occupancy development
- Encouraging the right development in the right place
- Setting out how the natural environment, streets and spaces can be improved
- Encouraging development that creates the new homes and new businesses of a type supported and needed by the community
- Setting out how the community would like to see transport issues dealt with in and around St James

People

ensure that the community of St James has the services and housing to meet the needs of all residents at all stages of their lives

Places

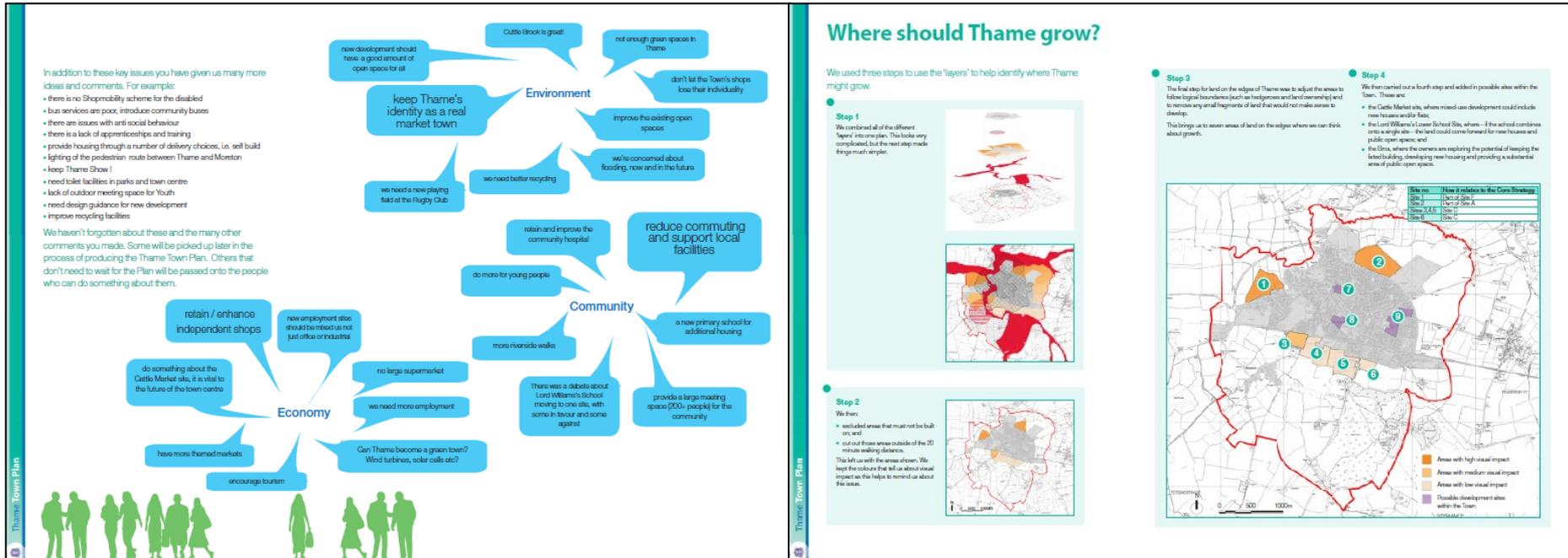
protect and enhance the natural, built and historic environment, use natural resources prudently; mitigate and adapt to climate change, including moving to a low-carbon economy

Prosperity

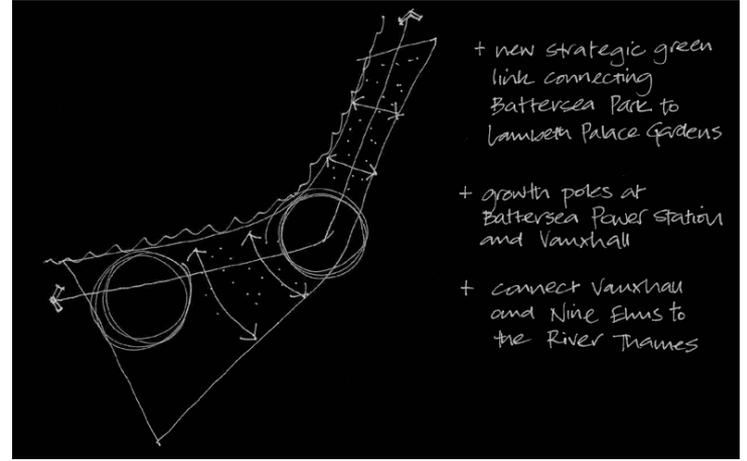
support local businesses, encourage new businesses and social enterprises that benefit the community, seek to make it easier to get planning consent for business and development the community strongly supports

Thame (South Oxfordshire District Council)

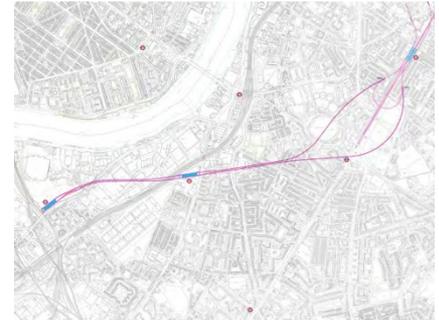
Vision: Continue to feel small, serve the surrounding areas, retain its markets, have a relationship with the countryside.



Vauxhall/Nine Elms Opportunity Area



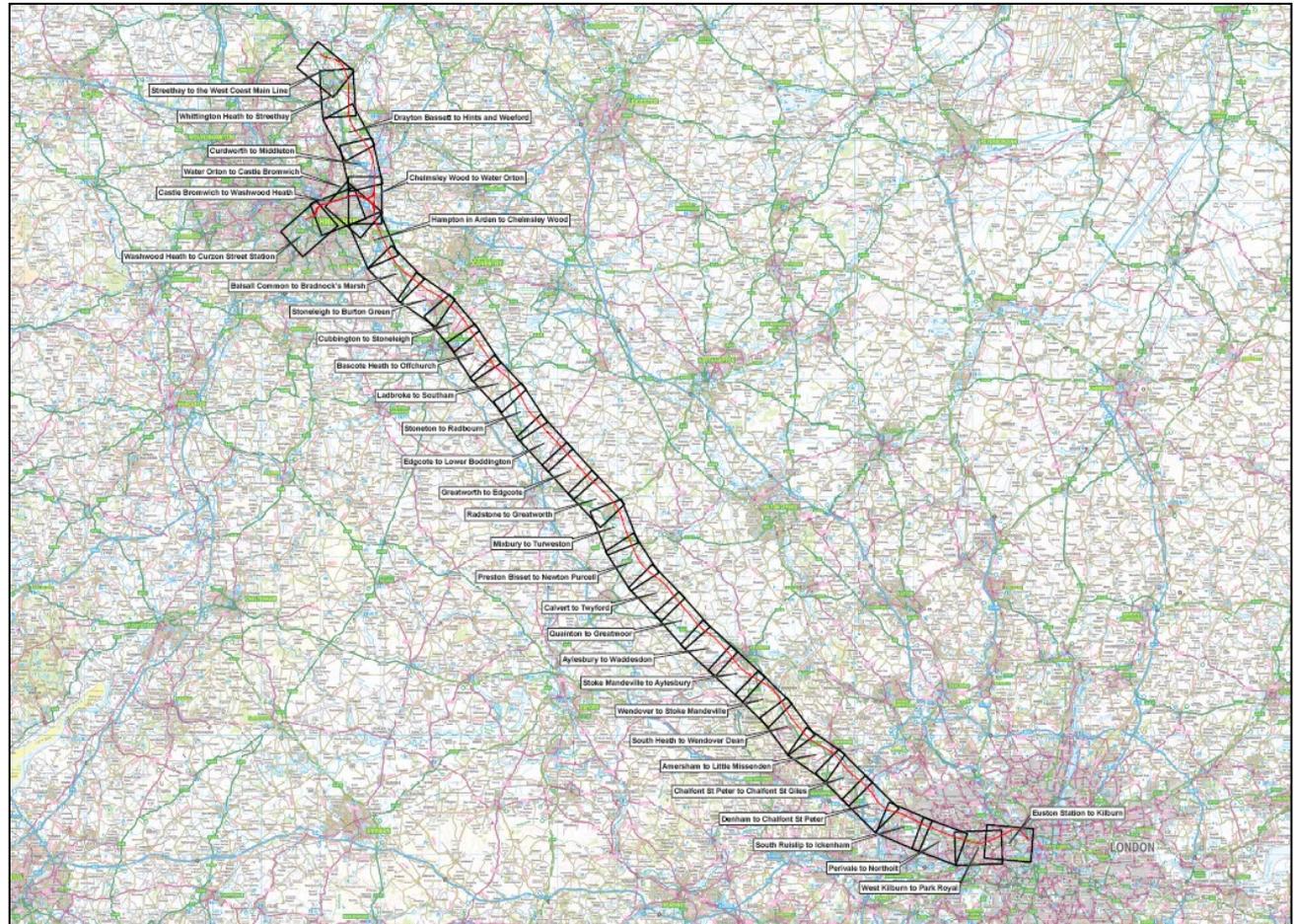
- + new strategic green line connecting Battersea Park to Lambeth Palace Gardens
- + growth poles at Battersea Power Station and Vauxhall
- + connect Vauxhall and Nine Elms to the River Thames



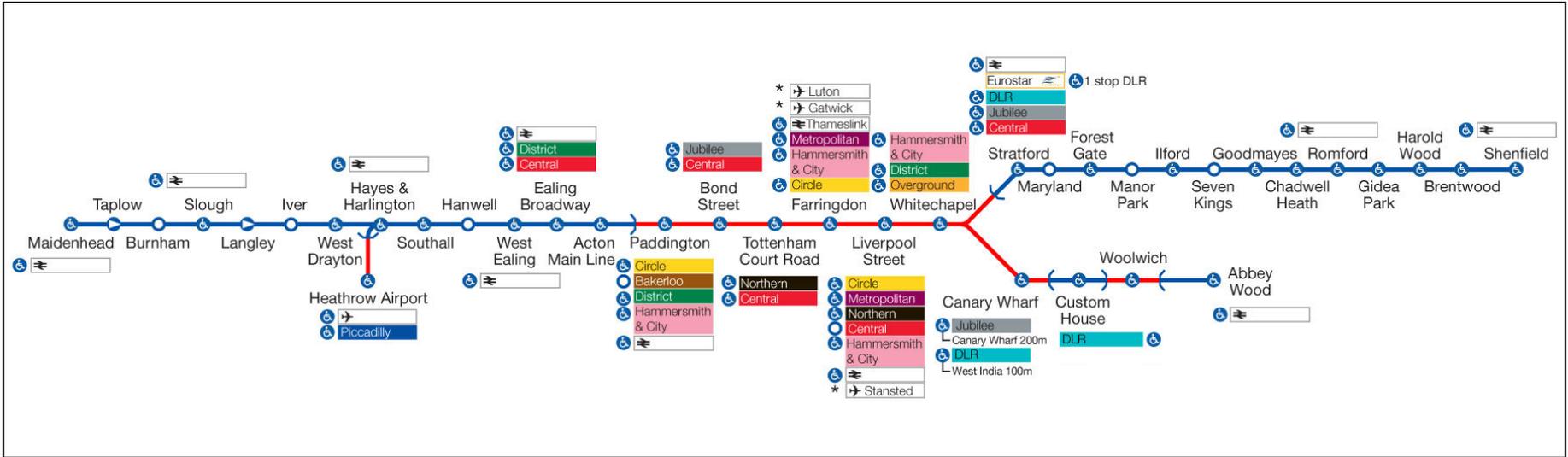
High Speed 2

A Y-shaped national high speed rail network linking London to Birmingham, Manchester and Leeds, and including stops in the East Midlands and South Yorkshire, as well as direct links to the HSI line and into Heathrow Airport, would cost £32 billion to construct, and would generate benefits of around £44 billion, as well as revenues totalling a further £27.

If a decision to go ahead is made after the recent consultation the project will be delivered via a Hybrid Bill in Parliament.



Crossrail



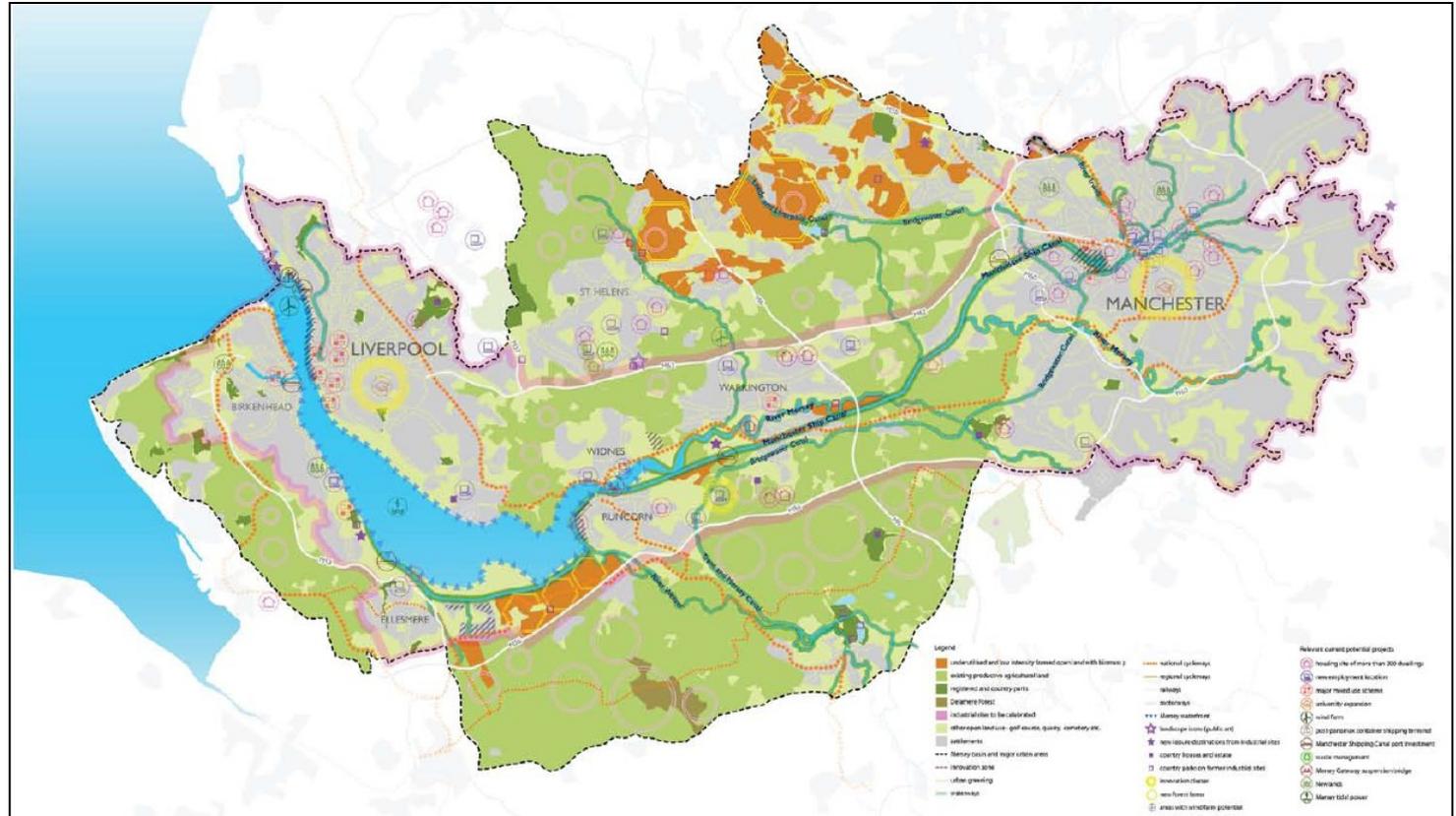
Crossrail is the new high frequency, convenient and accessible railway for London and the South East. When the service opens Crossrail trains will travel from Maidenhead and Heathrow in the west to Shenfield and Abbey Wood in the east via new twin tunnels under central London. It will link Heathrow Airport, the West End, the City of London and Canary Wharf.

The estimated benefit of Crossrail to the UK economy is at least £42 billion (TfL figures, Aug 2010).

Royal Assent was given to the Crossrail Act in July 2008 giving Crossrail Ltd the authority to build the railway. Preliminary works commenced during 2009, with main construction works having commenced throughout the central section since 2010.

Adapting the landscape between Liverpool and Manchester

- Green the cities
- Green and 'blue' the edges
- Re-engage the land
- Revalue the land and water
- Complete local routes and connections
- Build on local innovation
- Turn weakness to strength – especially in relation to flood risk management



Thank you for listening
Happy to answer questions

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- Follow Mike on Twitter [@hayestweets](https://twitter.com/hayestweets)

