

# HBF Planning Conference 2012

The diet of words

Ian Dove QC



Raising the Bar  
[www.No5.com](http://www.No5.com)

“I’m going to release those centralised levers that don’t work anyway – and as I do, I am certain an extraordinary thing will happen. “The more power we give away – the more people will act to generate real change. ... By unleashing the aspirations of communities as well as individuals to build homes where and when they are needed, we will bring about greater certainty. Certainty that will replace the conflict caused by imposing housing numbers from right here in Whitehall.”

8 June 2010  
Grant Shapps

“In opposition I said that if we won the election we would start a revolution – where communities would get involved in providing homes for themselves. Today it’s time to start that revolution. But don’t worry, I’m not asking you to join me at the barricades – this will be a very English revolution.”

29 June 2010  
Grant Shapps

“Targets actually set neighbourhoods against development. ... Instead what neighbourhoods need are incentives to accept new homes. And that’s where the powerful new homes bonus kicks in. Communities could see reductions in council tax, or a redeveloped town centre or a new community centre in compensation for accepting new homes.”

12 October 2010  
Grant Shapps

“The need for new homes is acute, and supply remains constrained.”

6 September 2012  
Eric Pickles

“We are giving people more power to shape where they live and we are giving new freedoms to help them. We will get rid of one thousand pages of planning law and six thousand pages of planning guidance and replace it all with one simple and short statement ... This framework will replace all the existing Planning Policy Statements and Planning Policy Guidance Notes. All those PPSs and PPGs that kept lawyers so busy and gave many of you a constant headache.”

9 June 2011  
Grant Shapps

# The implications of the Golden Thread

- Paragraph 14: The presumption in favour of development arises when planning policies are out of date.
- Paragraph 49 of the NPPF declares policies out of date when the local planning authority has no five-year land supply.
- Footnote 11 of the NPPF permits only sites with planning permission to be taken into account.

# The implications of the Golden Thread

- How many councils have a five-year land supply?
- How often will the presumption apply?
- Whither the forward planning system?



“Reforms to the planning system are making way not just for growth in any old place. But responsible, careful, sustainable development that’s right for the local community. Neighbourhood planning allows people to come together and make decisions about their future.”

2 March 2012  
Eric Pickles

“Localism will support growth. And growth will support localism.”

2 March 2012  
Eric Pickles

“And localism isn’t just a transfer of power. It’s also a transfer of responsibility and a transfer of the consequences for indecision. Some local decision makers saw national targets as an excuse to wash their hands. And avoid difficult local debates. The result: in too many places, planning decisions are made by appeal. That’s just not healthy.”

31 March 2011  
Eric Pickles

“We propose to legislate to allow applications to be decided by the Planning Inspectorate, if the local authority has a track record of consistently poor performance in the speed or quality of its decisions.”

6 September 2012  
Eric Pickles

“Swift determination of appeals by the Planning Inspectorate is also of critical importance. We will consult shortly on options to speed up planning appeals – and for a new fast-track procedure for some small commercial appeals. I have also instructed the Planning Inspectorate with immediate effect to divert resource to prioritise all major economic and housing related appeals, to ensure applicants receive a response in the quickest possible time.”

6 September 2012  
Eric Pickles

“By contrast, giving people choice, a chance to influence proposals at an early stage, a way to put forward their own ideas: all make it easier to have that proper debate. And as clever developers have found, to reach consensus early on. And to put an end to planning decisions based on cowardice and indecision, leading to costly and rancorous appeals. That’s why neighbourhood planning isn’t a bar to development but one of the measures to unlock it. ... The best do this already. They know that in the long term their best interests are served by spending more time with the locals, than with the lawyers.”

31 March 2011  
Eric Pickles

“The government will now introduce legislation, to be effective in early 2013, which will allow any developer of sites which are unviable because of the number of affordable homes, to appeal with immediate effect. The Planning Inspectorate will be instructed to assess how many affordable homes would need to be removed from the section 106 agreement for the site to be viable in current economic conditions.”

6 September 2012  
Eric Pickles

“Now we’re asking you to work in a slightly different way from recent years. Relying not on the wiliness of your lawyers, but on the strength of your relationships with local communities. Don’t worry too much. Your planning silk won’t need to get a paper round. Though they might have to wait a few more weeks for the Tuscan holiday and a little longer before buying that Maserati.”

31 March 2011  
Eric Pickles