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CPRE SE eBulletin: 3 December 2008

1. Planning Act 2008

After a year in parliament, the Planning Act received Royal Assent on 26 November (OPSI: tinyurl.com/planact). The bill applies to England, and to a small extent to Wales. It will create:

- ◆ The Infrastructure Planning Commission (IPC), which will determine nationally significant projects.
- ◆ A new unified consents regime.
- ◆ A suite of eleven National Policy Statements (NPS).
- ◆ A new tax, the Community Infrastructure Levy (CIL).
- ◆ Changes to existing development control and development plan arrangements.

Further analysis of the Planning Bill is at the end of this eBulletin.

CPRE reaction. Paul Miner for CPRE said, "we doubt that its centrepiece – an expensive, unelected, unaccountable commission taking big planning decisions – will work in practice" (CPRE: tinyurl.com/6dx2w6). He said that the reforms must meet three key tests to be effective:

- ◆ there should be full public debate over new National Policy Statements before they are finalised
- ◆ promoters of major infrastructure projects should be held to account through cross-examination, including by third parties, at public inquiries
- ◆ the new commissioners need to be truly independent of government and of sufficient calibre, impartiality and wisdom to command the public's confidence.

Next steps. The government will announce the timetables for the IPC and NPS in the new year, and consult on detailed regulations (NDS: tinyurl.com/5sdl3l). A new all party parliamentary group has been formed to lobby the government on infrastructure, the new planning bill and transport development (Contract Journal: tinyurl.com/576nm8).

2. Sub National Review (SNR)

CLG and BERR announced their response to the SNR (CLG: tinyurl.com/6ju2p9). The theme of the changes will be economic not environmental, and the balance of power will lie with the RDAs and ministers.

- ◆ **Local Authority Leaders' Boards.** The Regional Assemblies will be replaced with Local Authority Leaders' Boards. The government will take powers to intervene where a Leaders' Board fails to operate effectively.
- ◆ **Regional Strategy.** A single Regional Strategy (RS) will replace the Regional Economic Strategy (RES) and Regional Spatial Strategy (RSS). "The form and format of the regional strategy should be for each region to decide, but the aim should be to produce a concise and succinct document... The regional strategy should set the framework in regions for the activities, plans and investment decisions of the RDA, the Homes and Communities Agency and other public bodies... in the region, local authorities and other regional partners, to ensure sustainable economic development". The government will issue guidance on what the regional strategy should cover, including objectives and outcomes, and on the strategy-making process. It will also "provide greater clarity on national policy expectations, including reaffirming commitments to providing for long term housing needs". The Regional Strategy will contain fewer strategies than current RES/RSS.

- ◆ **Preparing the Regional Strategy.** The Leaders' Board will have a joint responsibility for the single strategy with the RDA. If the Leaders' Board and RDA fail to cooperate, Ministers will direct the RDA to lead the process. Where the RDA and the Leaders' Board are unable to agree on a draft strategy, Ministers will be able to direct them to submit statements detailing their disagreements and will make a decision. The Regional Strategy may be subject to a government imposed timetable. There will be some form of statement of stakeholder involvement and the Regional Strategy will be subject to EiP "early in the process" which will include "an open session to give members of the public access to the panel".
- ◆ **RDAs** will be given a bigger role to deliver "a more focused investment planning approach with partners". They will become strategic bodies, focusing on programme rather than project management. More funding will be delegated to local authorities to plan and deliver RDA programmes.
- ◆ **Economy.** Upper tier councils in England will be required to "map out their economic circumstances and challenges". Economic Improvement Boards (EIB) will give legal status to economic partnerships between local authorities in city regions and subregions. EIBs will be made up of elected members of participating local authorities and will be funded by the authorities. Participation will be voluntary.
- ◆ **MAAs.** The government will give a legal basis to "Multi Area Agreements with statutory duties". These will impose a duty on named partners to cooperate with a lead authority in agreeing and addressing targets. Participation by local authorities will be voluntary.
- ◆ **Housing.** There will be no let up in the government's pressure to increase housing numbers. The government says that during the transition to the new arrangements, "regional partners will need to continue focusing on the commitment in the 2007 Housing Green Paper to reviewing regional strategies where necessary to secure the target of providing 240,000 new homes a year from 2016".

The changes require legislation and are likely to come into force in 2010. SEERA said the proposals are a "victory for democracy" (tinyurl.com/5ccudv). The LGA welcomed the Leader's Boards and the new economic duties for councils (tinyurl.com/6p7muy). The Tories said they would scrap the transfer of planning powers to the RDAs (Regen: tinyurl.com/6afj54). A leak from the Tories suggested that RDAs themselves would be scrapped (Regen: tinyurl.com/5uu27t).

3. Pre-Budget Report

Alistair Darling issued an emergency budget in the guise of the Pre-Budget Report (tinyurl.com/62cfpv). It makes much of its £535 million "green stimulus", including proposals for increasing energy efficiency of existing homes. The measures include:

Affordable housing. The government has brought forward funding for affordable housing, allocating £150 million for 2,000 social rented homes. But the National Housing Federation said that unless the government changes its funding rules, affordable housing will dry up. Currently the government grant to housing associations pays about 40% of the cost of a house, the rest coming from developers and housing sales (24dash: tinyurl.com/6yzh89).

Transport. The government has brought forward £1 billion in transport investment to the next financial year. Most of the investment will be outside of the South East, concentrating on improving links to ports and airports (NDS: tinyurl.com/63aoa6). New train units will be delivered early. Tolls may rise on the Dartford Crossing and the government will "explore options for the commercialisation of other transport assets". Air passenger duty will be increased, as will petrol duty. £5 million will be spent on British Waterways network infrastructure.

Energy. The Renewables Obligation, which provides financial support for large-scale renewable electricity, will be extended by at least ten years to 2037. British Wind Energy Association said the extension will encourage more offshore projects (Guardian: tinyurl.com/6qjmwz).

Commercialisation. The Ordnance Survey is among government organisations that may be put up for sale along with British Waterways' canal side properties. A study of the Forestry Commission's portfolio in England will "examine options for delivery of public value from the estate in the long term".

Reaction. Friends of the Earth said that the budget had "fallen a long way short of leading Britain out of the economic downturn by investing in a low carbon economy" (FoE: tinyurl.com/5n3eex). The Financial Times said that the infrastructure package is set to be under £5bn due to the difficulty in obtaining planning permission and negotiations with private sector partners (FT: tinyurl.com/64fcoa).

4. Planning

Location Strategy. The government announced a new data strategy to support planning and operations such as emergency planning, flood prevention and policing. The "Location Strategy for the United Kingdom" will set data mapping standards (NDS: tinyurl.com/6j56sr).

Killian and Pretty Review. The review was established to find ways to simplify planning consent (Report: tinyurl.com/5cr4nj). It recommends wide-ranging simplification measures, especially expanding permitted development rights, as well as greater delegation of decisions to council officers. It calls for stronger community engagement at the pre-application stage:

- ◆ **PPS.** Killian and Pretty and strong words for the proliferation of government planning policy objectives. "We think that enough is enough. It is time to remove duplicative objectives, and to call a halt to ad hoc additions of objectives, unless there is a very strong and compelling case for doing so." It wants the cost of new policies to be tested and paid for by government.
- ◆ **Minor commercial developments.** The majority of minor commercial planning applications, such as small scale alterations and extensions, should be taken out of the planning system altogether through permitted development rights and expanding the existing simpler consenting system (prior approval).
- ◆ **Major Developments.** The pre-application phase for major developments should be improved, with a much greater emphasis on formal pre-application discussions to get developers, councils and local communities to sort out issues to prevent lengthy delays later in the process. Small material changes in a development should not require full planning permission. Where an application is in line with the LDF, consultation will only be on those details that differ from the LDF. Planning authorities should not be required to consider documents of excessive length in support of applications.
- ◆ **Permitted Development Rights.** The government should discourage the restriction of permitted development rights and planning authorities should use Local Development Orders to increase permitted development rights for areas such as large hospital or university sites.
- ◆ **Planning conditions.** The distinction between the Community Infrastructure Levy and Section 106 agreements should be clearer, with fewer S106 agreements. There should be fewer planning conditions imposed on developments.
- ◆ **Delegation.** At least 90% of applications should be delegated to planning officers.

Killian and Pretty do not recommend relaxation of planning restrictions on advertising. Margaret Beckett welcomed the report and said that increasing permitted rights would be a priority (Planning Daily: tinyurl.com/5m49he). CPRE expressed alarm at the recommendation that local authorities need not publish planning applications in local newspapers.

Eco-towns. Margaret Beckett said that the programme for building new eco-towns is "totally on course" (24dash: tinyurl.com/5d4hgg). The developers proposing the Ford eco-town have defended their proposal (Littlehampton Gazette: tinyurl.com/66q9hr). Cherwell District Council's proposed alternative eco-town to Weston Otmoor is causing controversy, with the council leader accused of "supping with the devil" (Oxford Mail: tinyurl.com/559acz). The exemplar proto-eco-town at Northstowe in Cambridgeshire has been delayed by the downturn (Planning Daily: tinyurl.com/5jcjrl).

Flooding. Defra unveiled plans for a new generation of "floodable" towns. It calls for pathways to double as canals and gardens to include floodable sections to stop waters rising and engulfing homes. A "village blue", effectively a lake designed to expand during floods, which will also include facilities for swimming, boating and fishing, should be built alongside the more traditional village green. Recreation grounds would be designed to flood and schools and community buildings would be built on higher ground (Guardian: tinyurl.com/5nuule). The Wildlife Trusts called on the government to create wetlands and use sustainable drainage systems to reduce the risk of flooding (tinyurl.com/59sktc).

S106. Developers are cutting back on S106 agreements by up to 60% (Planning Daily: tinyurl.com/5eqsxa).

Heritage. The Culture Department is consulting on how World Heritage Sites should be protected and whether the designation is worthwhile (DCMS: tinyurl.com/5kdjew). Members of the public should be recruited into "conservation juries" to advise on monuments such as Stonehenge and the Cutty Sark, the Demos think tank said. It warned that Britain's cultural heritage was under threat from a lack of Government attention (24dash: tinyurl.com/67nh4e).

Thames Gateway. Margaret Beckett insisted that the project would ride out the recession as she launched a strategy to create a "world-leading eco-region". It will include an eco-quarter in an existing urban area, and the biggest man-made nature park in Europe will stretch from the Olympics site of the 2012 to Faversham in Kent and Southend in Sussex (CLG: tinyurl.com/5fdvj8; Telegraph: tinyurl.com/6j8ufp). Bob Lane is the new Chair of the London Thames Gateway Development Corporation (CLG: tinyurl.com/5se9s7). CLG will have a stronger role in delivering the Thames Gateway than previously thought (Regen: tinyurl.com/5ol5r9). The Homes and Communities Agency (HCA) will review the project's delivery bodies (Building: tinyurl.com/6pwplq). Architect Sir Terry Farrell has been appointed as HCA's special adviser on the Gateway (Regen: tinyurl.com/6buety).

Surrey. Confusion has surrounded the decision on a controversial hotel and care home development opposite Hampton Court palace. GOSE has now decided not to call the application in. The planning committee of Elmbridge Borough Council voted to approve the scheme and full council will make a decision in December (EBC: tinyurl.com/5fnpob). The Royal Horticultural Society is claiming a proposal for a composting site next to Wisley Gardens could devastate its world-famous plant collection (Guardian: tinyurl.com/5u89d6).

Reading's town centre is set to grow after approval of its Central Area Action Plan (Planning Portal: tinyurl.com/5vwcsr). There is growing anger among residents of Tilehurst about plans for 900 houses (Get Reading: tinyurl.com/5wq6hh).

Upper Thames Reservoir. In the House of Commons MP Ed Vaizey praised local protesters fighting the proposed reservoir in Oxfordshire. He called for a full public inquiry and for funding for the local council to help it oppose Thames Water's plans. Jane Kennedy, Minister of State for Farming and the Environment said it is up to Thames Water whether it wishes to apply for a Compulsory Works Order soon or wait for the Infrastructure Planning Commission (They Work for You: tinyurl.com/59evxc).

5. Housing

Homes and Communities Agency launched (www.homesandcommunities.co.uk). CPRE welcomed the launch of the HCA, which brings together English Partnerships, the Housing Corporation and the Academy for Sustainable Communities, with a budget of £17.3 billion over three years. Kate Gordon for CPRE welcomed the new body: "The creation of the Agency couldn't come at a more opportune time. The nation desperately needs a new direction for housing policy" (tinyurl.com/5ffr72). CPRE called on the new body to:

- ◆ commit to a plan-led approach to housing supply
- ◆ work with local communities to identify local housing needs
- ◆ give a clear priority to development on urban brownfield over green fields
- ◆ bring more empty homes into use
- ◆ give a high priority to rural affordable housing, including setting targets for delivering affordable homes in small rural settlements
- ◆ promote best practice in design, sustainable construction and mixed use
- ◆ not to use its powers to take over as the planning authority for an area, unless local planning authorities specifically request this and there is a clear justification.

HCA is considering building houses itself if the market deteriorates further next year (Planning Resource: tinyurl.com/5d84ys). CLG said that it was considering "converting unsold housing stock into social housing or rent to buy in return for House Associations [sic] continuing work on schemes that have been mothballed" (NDS: tinyurl.com/58cgg4). David Edwards, formerly Regional Director, Southern England for English Partnerships, continues as Regional Director for HCA South East (HCA managers: tinyurl.com/5eqpp8).

Targets. The Tories declared they will scrap regional growth strategies and hand responsibility for setting housing targets to town halls (Regen: tinyurl.com/6afj54). The National House Building Council says as few as 85,000 new homes will be registered in the year to March, compared with 184,000 last year (Inside Housing: tinyurl.com/6yzh89). Shelter predicted that the government will fall short of its 3 million target by half-a-million homes (Planning Portal: tinyurl.com/5lya7r).

Affordable housing. The Empty Homes Agency called for the government and councils should tackle the housing shortage by taking over empty homes and rent them out for social housing (24dash: tinyurl.com/6oogwl). The head of the National Housing Federation said the right to buy should be suspended for new tenants (Inside Housing: tinyurl.com/6nfw69).

6. Green Space and Environment

Green belts. Nearly 4,500 homes could be built in the Oxfordshire green belt, according to the Vale of White Horse's emerging LDF (Oxford Mail: tinyurl.com/6qo7qe). More than 500 people petitioned the government to not allow proposals for 4,000 houses within the Green Belt in South Oxfordshire to be included in the South East Plan. The government responded that green belt boundaries are "not set in stone" (No 10: tinyurl.com/6c7w2c). A tree house has fallen foul of green belt rules in Maidenhead (Bucks Free Press: tinyurl.com/5a2d7m). Rejection of planning permission for tree houses is, it seems, widespread, though it is perhaps not surprising that a 25 metre square tree house in a national park has been rejected (Wales Online: tinyurl.com/5wnspm).

South Downs. A 250,000 card postcard campaign will lobby Hilary Benn to include the Chalk Hills, the Western Weald, Ditchling and Lewes in the proposed National Park. The campaign is the South Downs Campaign's "final big push" (BBC: tinyurl.com/6mgllqc).

Garden grabbing grabbed. A House of Lords amendment to the Planning Bill to compel planners to give special regard to the "desirability of preserving gardens, groups of gardens and urban green spaces" was overturned by the government in the House of Commons.

The **National Trust** continues to roll out its green agenda, calling for hill farmers to be rewarded for protecting wildlife, landscapes, water and carbon stores as well as rearing livestock (Guardian: tinyurl.com/5ou6ku).

Biodiversity. The stone curlew has met its 2015 Biodiversity Action Plan target but the RSPB is worried about the recovery being reversed (tinyurl.com/5cmx3h). The Commons Environmental Audit Committee said that PPS9 has failed to deliver the necessary step-change for habitat creation and biodiversity protection. The biodiversity duty placed on local authorities by the Natural Environment and Rural Communities Act 2006 is also failing to deliver. It says that single regional strategies could help but warned that the sub-national review could undermine an ecosystems approach, with RDAs focusing primarily on economic growth (EAC: tinyurl.com/56gg4o).

Recycling. Waste recycling schemes are struggling as commodity prices fall in the recession (Telegraph: tinyurl.com/633te4).

7. The Climate Change Act 2008

Climate Change Act. The world's first climate change bill received Royal Assent and committed the UK to an 80% cut in greenhouse gas (GHG) emissions by 2050 (tinyurl.com/climact). The Act:

- ◆ Sets a target for the year 2050 for the reduction of targeted greenhouse gas emissions: "It is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline". The Secretary of State can change both the percentage and the baseline year if directed to do so by Europe or in the light of new scientific evidence.
- ◆ Provides for a system of five-year carbon budgeting that cuts emissions by a least 26% in five years. It places a duty on the Secretary of State to ensure that budget is not exceeded. Gain this can be amended by Europe law or in the light of new scientific evidence. The Secretary of State can exclude sources of carbon from the budget.
- ◆ Establishes a Committee on Climate Change to advise on the budget.
- ◆ Creates powers for carbon trading schemes.
- ◆ Creates powers for financial incentives to reduce and recycle domestic waste, and powers to introduce charging for single use carrier bags.

Climate Change Budget. The Committee on Climate Change, chaired by Lord Turner, set the world's first climate budget and called for a cut of at least 34% in emissions by 2020 at a cost of less than 1% of GDP (Full report: tinyurl.com/62cx2h; 24dash: tinyurl.com/6mqom3; Independent: tinyurl.com/6f7evu). The budget is "interim" until an "intended" budget comes into force following an expected global agreement on emissions in 2012. Power stations and transport, followed by industry and residential use, will make the largest reductions in emissions. 10% of the interim budget cuts may be met by emissions trading, rising to 20% for the intended budget. The Committee strongly recommends that aviation and shipping are included in the 80% target for 2050 but not in the UK's legally defined budgets. It believes that the economic case for nuclear power deployment is strong, providing the risks of waste and proliferation issues are judged acceptable. Renewable energy should rise to 30% of the total, and initially wind will dominate over wave, solar and biomass power. Backup generation when the wind is not blowing will probably be fossil fuel based and far from ruling out coal power stations, the committee calls for retrofitting of carbon capture and storage after 2020. Fuel poverty will increase unless to 1.7 million households mitigated by energy efficiency improvement and income transfers or social tariffs.

Reaction to the Climate Budget. CPRE welcomed the budget but called for wind farms to be built offshore. Andrea Davies said: "Tough CO2 emission performance standards should be in place before any new coal power plants, such as Kingsnorth, are built. We want Ministers to refuse planning permission for the third runway at Heathrow and the second runway at Stansted" ([tinyurl.com/6bc4fn](https://www.tinyurl.com/6bc4fn)). Reflecting the mixed reaction to the report, the Guardian said that it is "worth celebrating for the aspirations it set out" ([tinyurl.com/68zcn4](https://www.tinyurl.com/68zcn4)) but its columnist George Monbiot countered "The great global meltdown appears to have started, yet Turner proposes that we carry on with the old plan as if nothing has changed" (Guardian: [tinyurl.com/5s9ngm](https://www.tinyurl.com/5s9ngm)). Meanwhile, American scientists warned that "global warming is forever and the effects of CO2 pollution will be felt for hundreds of thousands of years" (Independent: [tinyurl.com/5z3cmb](https://www.tinyurl.com/5z3cmb)).

The **Energy Act** came into law, introducing feed-in tariffs for microgeneration (OPSI: [tinyurl.com/energyact](https://www.tinyurl.com/energyact)). The **Planning and Energy Act** enables local planning authorities to set requirements for energy use and efficiency in local plans (OPSI: [tinyurl.com/planningenergyact](https://www.tinyurl.com/planningenergyact)). Hazel Blears declared that the **Planning Bill** will enable the country "reduce our fossil fuel addiction and build up a new generation of renewable energy infrastructure sources like wind power" (CLG: [tinyurl.com/5s4a57](https://www.tinyurl.com/5s4a57)).

Green Deal. Environment Agency Chairman, Chris Smith, urged the government to launch a 'Green New Deal' for the UK economy and produce a comprehensive long-term strategy for investing in renewable energy, environmental technology, energy efficiency and carbon capture and storage. He called for carbon capture and storage for coal power stations, for removal of disincentives to anaerobic digestion and biomass projects, and for a major national programme for wind, solar and tidal power (EA: [tinyurl.com/59pr9g](https://www.tinyurl.com/59pr9g)). The EA is to erect up to 80 wind turbines on its properties. Paul Miner for CPRE said: "We hope that it will take landscape factors into account. Wind turbines... certainly should not be located in areas of natural beauty or national parks" (Telegraph: [tinyurl.com/5w6wuz](https://www.tinyurl.com/5w6wuz); EA: [tinyurl.com/5oakz](https://www.tinyurl.com/5oakz)).

Wind. BP is pulling out of the UK renewables market and has shelved plans for a wind farm on the Isle of Grain in Kent (Edie: [tinyurl.com/6pykal](https://www.tinyurl.com/6pykal)). Sweden's Vattenfall has purchased the Thanet Offshore project (Guardian: [tinyurl.com/6klws8](https://www.tinyurl.com/6klws8)). CPRW has launched a campaign against power transmission lines from wind farms (Wales Online: [tinyurl.com/6rzmdh](https://www.tinyurl.com/6rzmdh); CPRW: [tinyurl.com/5mmbgr](https://www.tinyurl.com/5mmbgr)).

Waves. A 'tidal reef' across the Severn Estuary would safeguard wildlife and generate more clean energy than a 10-mile barrage, the RSPB said. The reef would stretch 12 miles from Minehead in Somerset to Aberthaw in the Vale of Glamorgan (Wildlife Extra: [tinyurl.com/6msgsn](https://www.tinyurl.com/6msgsn)). The Committee on Climate Change, however, said "the Severn estuary is among the most attractive locations in the world to deploy tidal power technologies".

Microgeneration. The Energy Saving Trust predicts 195,100 wind turbines will be installed over the next 12 years; 112,000 small enough to be attached to the roof, and 83,000 bigger freestanding models. Neil Sinden for CPRE said: "Even through micro-wind turbines are small they can have a damaging effect on character and quality of rural settlements. All the evidence shows that the turbines are not efficient. We would promote micro-renewables of a less intrusive nature such as ground source heat pumps and solar, and that do not detract from the quality and character of built up areas" (Telegraph: [tinyurl.com/699uen](https://www.tinyurl.com/699uen)).

Nuclear. Government lawyers have warned that legal challenges could delay plans for the construction of nuclear power stations (Guardian: [tinyurl.com/6dsxza](https://www.tinyurl.com/6dsxza)). E.ON is eyeing up Kingsnorth in Kent for a nuclear power station (Farmers Weekly: [tinyurl.com/66wbuz](https://www.tinyurl.com/66wbuz)).

Coal. In the past 18 months 14 companies have applied to dig nearly 60 million tonnes of coal from 58 new or enlarged opencast mines. At least six coal-fired power stations are planned (Guardian: [tinyurl.com/6d9sle](https://www.tinyurl.com/6d9sle)).

Efficiency. Gloucestershire is the latest council to turn off streetlights in early hours of the morning, to the praise of CPRE (Wilts Standard: tinyurl.com/6x7c3v).

8. Transport

Sustainable Transport. The Department for Transport launched its consultation on "Delivering a Sustainable Transport System", which looks at measures needed in 2014-19 and beyond (closing date: 27 February 2009. DfT: tinyurl.com/6qm5cw). Its theme is strengthening Strategic National Corridors, road and rail, and their links to international networks through the ports. The word "rural" is not even mentioned in the main document. In response, Ralph Smyth for CPRE said that transport poverty is growing in rural areas and the Rural Bus Subsidy Grant has not been keeping up with inflation let alone rising costs. He called for the creation of 'Community Transport Trusts' or Co-ops to roll out car clubs and cycle servicing to rural areas as well as offering community bus services (CPRE: tinyurl.com/6fvcfo).

Heathrow. The Tories said consultation on plans to build a third runway at Heathrow has been a "complete sham" and reiterated their pledge to scrap a third runway and plans to allow more planes to use the existing runways (Planning Daily: tinyurl.com/6f6ann). Boris Johnson said he will help fund legal action against the government if it approves a third runway (Evening Standard: tinyurl.com/5gm376). A statement by Johnson and the Regional Assemblies for the South East and East of England said that the expansion of Heathrow is the wrong way to increase aviation capacity due to the environmental costs. Instead "there are airports within our regions where there is as yet untapped potential". The statement notes that the Mayor is investigating an airport in the Thames Estuary but does not support specific expansion plans (EERA: tinyurl.com/5pgcs5). The RSPB said "this lemming-like rush towards airport expansion not only shows a worrying lack of imagination but an almost total disregard to the future of the environment". It said the Thames Estuary is in the top five internationally important waterbird sites in the UK (tinyurl.com/68jwag; tinyurl.com/6jq758). Chris Smith, chairman of the Environment Agency, said that a third runway would destroy the government's promise to tackle climate change, and increase local air and noise pollution to intolerable levels. But Adair Turner, chairman of the Committee on Climate Change, argued that it would be possible for aviation to be expanded while still meeting the 80% climate change target (Guardian: tinyurl.com/5oaboh). BAA said it would ask the government to appoint an independent assessor to check noise and air quality limits if it received the go-ahead for a third runway (24dash: tinyurl.com/6y67tm). Shaun Spiers for CPRE said: "Further expansion of Heathrow would destroy not just the village of Sipson but the tranquillity of wide tracts of our countryside" (Public Servant: tinyurl.com/5zuxa8).

Stansted. Stop Stansted Expansion campaigners have lodged a judicial review with the High Court challenging the government's approval of an extra ten million passengers a year at the airport (Planning Resource: tinyurl.com/55zzyc). Plans for a twin track inquiry may be abandoned (Planning Daily: tinyurl.com/5zohpe).

Rail. Material excavated from beneath London for Crossrail is to be used to create a huge wildlife reserve in Essex (RSPB: tinyurl.com/6rw6h3). The government announced major improvements to increase freight traffic on the North London Line but they will not begin until after 2012 (NDS: tinyurl.com/5fj13s). The rail users champion, Passenger Focus, will now also represent bus users after the Local Transport Bill received Royal Assent (NDS: tinyurl.com/5pt9f8).

9. Rural Affairs and Food

Environmental Stewardship. CPRE said it was concerned that 'ordinary' countryside could become neglected following the introduction by Natural England of a new method of targeting Environmental Stewardship. Instead of the established 159 landscape character areas, it will use 110 new 'Target Areas' (Telegraph: tinyurl.com/5altn3).

Retail. Farmers Market sales are falling, but only by 2% (Independent: tinyurl.com/6jdmpz). Tesco presented its case at a tribunal against a Competition Commission ruling restricting supermarkets' share of a local market. A ruling is expected at the end of the year (Times: tinyurl.com/5wy4ys). The National Retail Planning Forum is consulting on definitions for retail forecasts and assessments in retail planning (tinyurl.com/6fzuoa). During 2006, 1.2 million square metres of retail floor space were built in England, just 26% of which was in town centres (CLG: tinyurl.com/5746op).

Planning Act 2008

10. National Policy Statements (NPS)

The first stage of the new regime will be to put NPS in place. The sectors subject to NPS are determined by the Act but can be extended by the government. Eleven NPS are planned:

- ◆ **Energy.** Overarching energy (providing an overview of the five energy NPS); fossil fuels; renewable energy; electricity networks; gas and downstream oil infrastructure; and nuclear power.
- ◆ **Transport.** Ports; highways; rail networks; aviation.
- ◆ **Water** supply; waste water treatment.
- ◆ **Waste.** Hazardous waste (not including nuclear waste).

NPS will set out:

- ◆ the amount, type or size of development of infrastructure projects which are "appropriate nationally or for a specified area"
- ◆ the criteria to be applied in deciding whether a location is suitable for that development
- ◆ identify locations as suitable, or potentially suitable, for development
- ◆ identify actions to mitigate the impact of a development.

The NPS must give reasons for its policies and include an explanation of how it takes account of government policy on climate change. The NPS must meet the "objective of contributing to the achievement of sustainable development", especially "mitigating, and adapting to, climate change; and achieving good design".

The government will decide consultation arrangements, but the draft NPS must be publicised in the localities affected. The NPS must be laid before parliament and either house can propose amendments. NPS, and arrangements for review, can be challenged only by judicial review with six weeks of designation or publication.

The government can review each NPS, or part of NPS, "whenever the Secretary of State thinks it appropriate to do so". It can also suspend all or part of a NPS if there have been significant and unanticipated changes in circumstances.

11. Nationally significant infrastructure projects

The Planning Act sets out definitions of nationally significant infrastructure projects and the thresholds that apply. In each case, the same threshold applies to an extension as to a new construction. For example, reservoirs of 10 million cubic metres or greater capacity are subject to NPS, as are extensions of at least an additional 10 million cubic metres; a reservoir of 8 million cubic metres that is extended by 4 million cubic metres will not be subject to the NPS. The thresholds cited below apply to both new capacity and extensions to capacity.

Nationally significant infrastructure projects are defined as construction, alteration or extension of the following:

- ◆ **Electricity supply.** A generating station in England or Wales with capacity of more than 50 megawatts onshore, 100 megawatts offshore. An electric line above ground greater than 132 kv in England or Wales, or crossing the Scottish border. (Usually this will be 275kv and 400kv lines, with towers of 40m height or more.)

- ◆ **Gas supply.** A liquefied natural gas or underground gas storage facility in England or Wales, with a capacity at least 43 million cubic metres and supplying 4.5 million cubic metres per day. A gas reception facility in England receiving at least 4.5 million cubic metres per day from offshore or Europe, but not from England, Scotland or Wales. A gas pipeline wholly or partly in England more than 800mm in diameter and more than 40 km in length, or where the construction of the pipeline is likely to have a significant effect on the environment. It must also supply more than 50,000 people to qualify.
- ◆ **Non-gas cross-country pipelines** are also subject to NPS in England, if they cross the Welsh border, or the Scottish Border if an oil or gas pipeline.
- ◆ **Roads.** All highway-related developments wholly in England where the government is the highways authority are included. An LGA amendment to remit decisions on sub-national highways to local authorities was rejected by the government.
- ◆ **Airports** in England qualify if they serve at least 10 million passengers per year, or air cargo for at least 10,000 flights.
- ◆ **Harbours.** Facilities in England and Wales with capacity for container ships of 500,000 TEU (Twenty-foot Equivalent Unit); or 250,000 cargo units on ro-ro; or 5 million tonnes on other cargo ships; or a mix of these.
- ◆ **Railways.** Construction and alteration of railways in England. All non-military rail freight interchanges of at least 60 hectares in area, with more than one user and capable of handling at least 4 goods trains per day.
- ◆ **Water.** Dams and reservoirs in England where the volume of water held is expected to exceed 10 million cubic metres. (The Upper Thames Reservoir will hold 150 billion cubic metres.) Transfer of water resources between companies or river basins within England only, where the volume of water to be transferred is expected to exceed 100 million cubic metres per year. Waste water treatment plants with a capacity exceeding a population equivalent of 500,000.
- ◆ **Hazardous waste** (not nuclear). The disposal of hazardous waste in England by landfill or in a deep storage facility of more than 100,000 tonnes per year, or by any other method of more than 30,000 tonnes per year.

New types of development can be added by the Secretary of State providing they are in the fields of energy; transport; water; waste water; or waste, and are within England.

12. Infrastructure Planning Commission (IPC)

The IPC will authorise Compulsory Purchase Orders and issue 'Development Consent' for infrastructure projects of national importance. This removes the need for planning permission, listed building, green belt and many other consent regimes.

The IPC will determine the format of the developer's application. The Act specifies that consultation, conducted by the developer, must include local authorities, National Parks, owners and tenants, and the local community. The local authority will compile a 'local impact report'. The application will be considered by a single commissioner, or a panel of at least three decided by majority vote.

After a preliminary meeting, the IPC will consider written representations, with public hearings if needed on specific issues to ensure "adequate examination of the issue, or that an interested party has a fair chance to put the party's case". Representations that relate to the NPS or compensation for land will be excluded. Objectors can apply for an open-floor hearing at which interested parties can make oral representations. The panel or commissioner will decide if cross examination is allowed.

Acquisition of common land, open space and allotments must be approved by parliament and equivalent land substituted, and may be subject to an inquiry. Rights of way may be

extinguished if an alternative is provided or is not required; there is no provision for an inquiry.

A decision must be made within six months of the preliminary hearing, but the IPC can extend the deadline. Where a development is specified in the NPS, the IPC will grant development consent; for other applications the IPC will make a recommendation to the Secretary of State. In exceptional circumstances, including national security, the Secretary of State can intervene and determine the application. Decisions must be challenged by filing for judicial review within six weeks.

Leading planning lawyers are being headhunted for the IPC, which is expected to be located outside the South East (Planning Daily: tinyurl.com/56zxph).

13. Community Infrastructure Levy (CIL)

Local authorities will determine the rate, which will be levied on the pre-planning permission value of the land. Developers building affordable housing will pay a "significantly reduced rate" of CIL (CN: tinyurl.com/6q2t53). The Killian and Pretty review (above) called for clarification of how CIL relates to S106.

14. CPRE eBulletin

The eBulletin is edited by Andy Boddington on behalf of CPRE SE. The content does not necessarily reflect the views of CPRE. To subscribe to this eBulletin, please use this link: cprese.org.uk/news/eBulletin/signup/sign-up.htm