Public Bill Committee

LOCALISM BILL

Fourteenth Sitting

Tuesday 15 February 2011

(Afternoon)

CONTENTS

Clause 89 agreed to.
Schedule 8 agreed to.
Adjourned till Thursday 17 February at half-past Nine o’clock.

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† Alexander, Heidi (Lewisham East) (Lab)
† Barwell, Gavin (Croydon Central) (Con)
† Bruce, Fiona (Congleton) (Con)
† Cairns, Alun (Vale of Glamorgan) (Con)
† Clark, Greg (Minister of State, Department for Communities and Local Government)
Dakin, Nic (Scunthorpe) (Lab)
† Dromey, Jack (Birmingham, Erdington) (Lab)
† Elliott, Julie (Sunderland Central) (Lab)
† Gilbert, Stephen (St Austell and Newquay) (LD)
† Howell, John (Henley) (Con)
† Keeley, Barbara (Worsley and Eccles South) (Lab)
† Lewis, Brandon (Great Yarmouth) (Con)
McDonagh, Siobhain (Mitcham and Morden) (Lab)
Mearns, Ian (Gateshead) (Lab)
† Morris, James (Halesowen and Rowley Regis) (Con)
† Neill, Robert (Parliamentary Under-Secretary of State for Communities and Local Government)

† Ollerenshaw, Eric (Lancaster and Fleetwood) (Con)
† Raynsford, Mr Nick (Greenwich and Woolwich) (Lab)
† Reynolds, Jonathan (Stalybridge and Hyde) (Lab/Co-op)
† Seabeck, Alison (Plymouth, Moor View) (Lab)
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† Stewart, Iain (Milton Keynes South) (Con)
† Stunell, Andrew (Parliamentary Under-Secretary of State for Communities and Local Government)
† Ward, Mr David (Bradford East) (LD)
† Wiggins, Bill (North Herefordshire) (Con)

Sarah Davies, Committee Clerk

† attended the Committee
Public Bill Committee

Tuesday 15 February 2011

(Afternoon)

[MR DAVID AMESS in the Chair]

Localism Bill

Clause 89

ABOLITION OF REGIONAL STRATEGIES

4 pm

Question (this day) again proposed, That the clause stand part of the Bill.

The Chair: I remind the Committee that with this it will be convenient to discuss the following: amendment 203, in schedule 8, page 287, line 3, leave out from ‘documents’ to end of line 4 and insert—

‘(a) leave out paragraph (b) and insert—

“(b) any strategic development plan document that has been adopted in respect of any part of the authority’s area or an adjoining area.”;

(b) in paragraph (d) leave out “the regional strategy for any region” and insert “any development plan document or other development documents for any area”.

Amendment 204, in schedule 8, page 287, line 10, at end insert—

‘(12A) In section 38(2)(a) leave out “and” and insert—

“(aa) any strategic development plan document that has been adopted in relation to that area, and”.

Amendment 205, in schedule 8, page 287, line 12, leave out ‘omit paragraph (a)’ and insert

‘in paragraph (a) omit “the regional strategy for the region in which the area is situated” and insert “any strategic development plan document that has been adopted in relation to that area”’.

Amendment 153, in clause 90, page 61, line 4, leave out ‘or’ and insert—

‘(ab) an Integrated Transport Authority for the area’.

Amendment 195, in clause 90, page 61, line 5, leave out lines 5 and 6 and insert—

‘(b) a marine plan authority, or

(c) a body, or other person, that is prescribed or of a prescribed description.’.

Amendment 196, in clause 90, page 61, line 8, leave out ‘or (b)’ and insert ‘, (b) or (c)’.

Amendment 154, in clause 90, page 61, line 7, after ‘(a)’, insert ‘or (ab)’.

Amendment 197, in clause 90, page 61, line 13, at end insert ‘and

(b) with the objective of achieving sustainable development.’.

Amendment 155, in clause 90, page 61, line 15, at end insert—

‘(ab) the preparation of Joint Infrastructure Planning Guidance’.

Amendment 156, in clause 90, page 61, line 17, leave out paragraph (c) and insert—

‘(c) other activities that support the planning of development, so far as relating to the sustainable development and use of land and strategic infrastructure and in particular the preparation of joint infrastructure planning guidance; and

(d) the preparation of the Local Transport Plan.’.

Amendment 198, in clause 90, page 61, leave out lines 17 to 20 and insert—

‘(c) the preparation of marine plans,

(d) the joint planning of strategic, cross-boundary issues, which may include the use of strategic development plan documents, and

(e) other activities that support the planning of development, so far as relating to the development and use of land or sea.’.

Amendment 157, in clause 90, page 61, line 20, at end insert—

‘(3A) The preparation of Joint Infrastructure Planning Guidance within subsection (3) must include—

(a) a local planning authority who is also a member of a Local Enterprise Partnership as approved by the Secretary of State; and

(b) every other person within subsection (1).

(3B) The preparation of Joint Infrastructure Planning Guidance within subsection (3) includes in particular—

(a) the collection of evidence on issues defined in subsection (3C);

(b) the preparation of policy guidance in relation to issues defined in subsection (3C); and

(c) any other activities that support joint infrastructure planning;

(3C) For the purpose of subsection (3B) the issues to be addressed include—

(a) housing needs;

(b) climate mitigation and adaptation and in particular flood risk;

(c) economic development including retail needs;

(d) energy needs and capacity;

(e) biodiversity;

(f) natural resource use including water management; and

(g) transport.

(3D) The person or bodies defined in subsection (1) must exercise the function of Joint Infrastructure planning with the aim of achieving sustainable development and must act under guidance, including as to the meaning of sustainable development, as set out in the UK Sustainable Development Strategy.’.

Amendment 199, in clause 90, page 61, leave out lines 21 to 30.

Amendment 200, in clause 90, page 61, line 31, leave out ‘have regard to’ and insert ‘act in accordance with’.

Amendment 201, in clause 90, page 61, line 36, at end insert—

‘(7) Persons exercising the duty under subsection (1) may enter into an agreement for the purpose of agreeing—

(a) the method of engagement and the responsibilities of each person; and

(b) the process to be used to resolve any dispute that may arise between the persons when exercising the duty under subsection (1).

(8) In this section—

(a) “marine plan” has the same meaning as in section 51 of the Marine and Coastal Access Act 2009;
(b) “marine plan authority” has the same meaning as in section 50 of the Marine and Coastal Access Act 2009;

(c) “sea” has the same meaning as in section 42 of the Marine and Coastal Access Act 2009;

(d) “strategic development plan documents” means plans prepared in accordance with section 28(1A) of this Act;

(e) “sustainable development” has the same meaning as in Part 1A of this Act.

Amendment 202, in clause 93, page 63, line 39, leave out from ‘report)’ to end of line 41 and insert ‘—

(a) omit “The annual report must contain” and insert “Every local planning authority must prepare reports containing”;

(b) at the end of paragraph (b) insert new paragraphs—

“(c) the implementation of any measures for planning at a strategic level, including the duty to cooperate outlined within section 33A;

(d) the extent of engagement with other persons under section 33A and how such engagement has helped to address cross-boundary issues; and

(e) the extent of action taken in respect of the duties under sections 19(1A) and 39 of this Act and how such action has helped to achieve sustainable development and mitigation of an adaptation to climate change.”.

(3A) After subsection (2) insert—

“(2A) Local planning authorities must exercise the function under subsection (2) with the aim of promoting and supporting public participation in local decision-making and planning.”.

New clause 3—Purpose of planning—

(1) The Planning and Compulsory Purchase Act 2004 is amended as follows.

(2) Before section 1 insert—

“A1 Purpose of Planning

(1) The purpose of the planning system is to achieve sustainable development.

(2) Any person exercising functions and duties under the planning Acts must do so with the objective of achieving sustainable development.

A2 Interpretation

(1) In the planning Acts “sustainable development” means managing the use, development, and protection of land and natural resources in a way, or at a rate, which protects the long-term health of the environment, maintains biodiversity and enables people and communities to provide for their social, economic and cultural wellbeing while sustaining the potential of future generations to meet their own needs.

(2) The definition of “sustainable development” may be further refined through guidance, strategies or frameworks that may be adopted in England and Wales from time to time for the purpose of establishing principles or criteria for practical application.

(3) In achieving sustainable development, planning should:

(a) promote the long term spatial organisation of land and natural resources; and

(b) apply the following principles:

(i) living within environmental limits;

(ii) ensuring a strong, healthy and just society;

(iii) achieving a sustainable economy;

(iv) promoting good governance; and

(v) using sound science responsibly.

A3 In this Part ‘the planning Acts’ means:

(a) the Planning Act 2008;

(b) the Planning and Compulsory Purchase Act 2004;

(c) the Town and Country Planning Act 1990;

(d) the Planning (Listed Buildings and Conservation Areas) Act 1990;

(e) the Planning (Hazardous Substances) Act 1990; and

(f) the Planning (Consequential Provisions) Act 1990.”.

New clause 4—Sustainable development—

(1) The Planning and Compulsory Purchase Act 2004 is amended as follows.

(2) In section 39 (sustainable development)—

(a) In subsection (1) after “function”—, insert—

“(aa) under the planning Acts in relation to any national policies, frameworks or guidance issued”;.

(b) In subsection (1)(c) after ‘plan’, leave out “,” and insert—

“(d) under sections 38A to 38C of this Act in relation to neighbourhood development plans;

(e) under Part III of the principal Act in relation to development control;

(f) under Schedule 4A of the principal Act in relation to local development orders;

(g) under Schedule 4B of the principal Act in relation to local development orders;

(h) under Schedule 4C of the principal Act in relation to community right to build orders.”.

(c) In subsection (2) leave out “contributing to the achievement of” and insert “achieving”.

(d) Subsection (3) is amended as follows—

(i) leave out “have regard to national” and insert “act in accordance with”;

(ii) leave out “guidance” and insert “any guidance strategies or frameworks”;

(iii) in subsection (3)(a) after “[subsection (1)(b)]”, insert “and subsections (1)(d) to (h)”;

(iv) in subsection (3)(b) after “subsection (1)(c)”, insert “and subsections (1)(e) and (1)(f) as they relate to Wales”.

(3) Section 10 of the Planning Act 2008 (sustainable development) is amended as follows:

(a) in subsection (1) after “sections 5 and 6”, insert “and Part 6”;

(b) in subsection (2) leave out “contributing to the achievement of” and insert “achieving”;

(c) in subsection (3) leave out “have regard to the desirability of” and insert “ensure that (taken as a whole) the development and use of land under this Act contribute to”;

(d) after subsection (3) insert—

“(4) For the purposes of this section, the Secretary of State must act under any guidance, strategies or frameworks relating to sustainable development that may be adopted in the United Kingdom from time to time.”.

(4) In this Part “the planning Acts” means—

(a) the Planning Act 2008;

(b) the Planning and Compulsory Purchase Act 2004;

(c) the Town and Country Planning Act 1990;

(d) the Planning (Listed Buildings and Conservation Areas) Act 1990;

(e) the Planning (Hazardous Substances) Act 1990; and

(f) the Planning (Consequential Provisions) Act 1990.”.

New clause 5—Mitigation and adaption to climate change—

(1) In Part 3 of the Planning and Compulsory Purchase Act 2004 insert—

“39A Climate Change

(1) This section applies to any person who or body which exercises any function—
(a) under Part 2 in relation to local development documents;
(b) under Part 4 in relation to development control;
(c) under Part 6 in relation to the Wales spatial plan or a local development plan; and
(d) under the Town and Country Planning Act 1990 in relation to neighbourhood development plans and neighbourhood development orders.

(2) The person or body must exercise the function to ensure that the development and use of land in the local planning authority area contributes to the mitigation of, and adaptation to, climate change.’.

New clause 7—National planning policy framework—

‘(1) After Part 1 of the Planning Compulsory Purchase Act 2004 insert—

“1A National Planning Policy Framework

(1) There is to be a National Planning Policy Framework for England that is to set out in broad terms how the Secretary of State considers that the development and use of land could and should occur.

(2) The National Planning Policy Framework must contain—

(a) a statement of what the Secretary of State considers to be the economic, environmental and social priorities and objectives for the development and use of land;
(b) general policies for the implementation of those priorities and objectives;
(c) an account of such matters as the Secretary of State considers affect, or may come to affect, the development and use of land;
(d) any other matter which the Secretary of State considers appropriate to include.

(3) The National Planning Policy Framework may contain such maps, diagrams, illustrations, descriptive matter (if any) or other matters as the Secretary of State thinks appropriate.

(4) The Secretary of State is to—

(a) prepare and publish the framework, and
(b) keep it under review.

(5) At least every five years after publishing the framework under subsection (4)(a), the Secretary of State is either—

(a) to revise the framework, or
(b) to publish an explanation of why the Secretary of State has decided not to revise it.

(6) If the Secretary of State revised the framework, the Secretary of State is to publish it as revised.

(7) The National Planning Policy Framework, or a revised framework, may be published only if the consultation and publicity requirement set out in section 2, and the parliamentary requirements set out in section 3, have been complied with in relation to it.

2 Consultation and Publicity

‘(1) This section sets out the consultation and publicity requirements referred to in section 1(7).

(2) The Secretary of State must carry out such consultation, and arrange for such publicity, as the Secretary of State thinks appropriate in relation to the National Planning Policy Framework, or a revised framework. This is subject to subsection (3).

(3) Regulations may make provision in connection with additional requirements for consultation and publicity that the Secretary of State must comply with.

(4) The Secretary of State must have regard to the responses to the consultation and publicity in deciding whether to proceed with publishing the National Planning Policy Framework, or a revised framework.

Parliamentary requirements

‘(1) This section sets out the parliamentary requirements referred to in section 1(7).

(2) Before publication, the Secretary of State must lay the National Planning Policy Framework, or a revised framework, or a revised framework, before Parliament.

(3) Section 9 of the Planning Act 2008, which makes provision about the parliamentary requirements for national policy statements, is to apply in relation to the National Planning Policy Framework, or a revised framework.

Sustainable Development

‘(1) The Secretary of State must exercise the functions of preparing and revising the National Planning Policy Framework with the objective of achieving sustainable development.

(2) For the purposes of this section, the Secretary of State must act under any guidance, strategies or frameworks relating to sustainable development that may be adopted in England from time to time.

Status and Effect

‘(1) For the purposes of a planning decision, where there exists any conflict or inconsistency between the policies and objectives contained in the National Planning Policy Framework and any other planning document, the National Planning Policy Framework shall prevail.

(2) In this section—

(a) “planning decision” means—

(i) a development consent order under the Planning Act 2008;
(ii) planning permission under the principal Act;
(b) “planning document” means—

(i) a national policy statement under Part 2 of the Planning Act 2008;
(ii) the development plan;
(iii) a neighbourhood development plan.”.

New clause 9—Joint planning documents—

‘(1) Section 28 of the Planning and Compulsory Purchase Act 2004 (joint local development documents) is amended as follows.

(2) In the heading substitute “local development documents” with “planning documents”.

(3) After subsection (1) insert—

“(1A) Two or more planning authorities may agree to jointly prepare a strategic development plan document to address strategic needs or common matters arising in respect of the development or use of land or sea in their areas, including but not limited to—

(a) sustainable economic growth;
(b) the infrastructure of that area and how that infrastructure is used;
(c) housing;
(d) sustainable use of natural resources;
(e) the protection and enhancement of the natural environment; and
(f) climate change mitigation and adaptation.

(1B) For the purpose of subsection (1A), “planning authorities” includes local planning authorities and marine plan authorities.”.

(4) In subsection (2) after “joint local development document”, insert “or strategic development plan document”.

(5) In subsection (3) leave out “subsection (1)” and insert “subsections (1) and (1A)” and after “joint local development document”, insert “or strategic development document”.

(6) In subsection (5) leave out “subsection (1)” and insert “subsections (1) and (1A)”.

(7) After subsection (11) insert—

“(12) In this section—

(a) “marine plan authorities” has the same meaning as in section 50 of the Marine and Coastal Access Act 2009;
(b) “sea” has the same meaning as in section 42 of the Marine and Coastal Access Act 2009.”.

Joint planning documents—

‘(1) After Part 1 of the Planning Compulsory Purchase Act 2004 insert—

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(1) There is to be a National Planning Policy Framework for England that is to set out in broad terms how the Secretary of State considers that the development and use of land could and should occur.

(2) The National Planning Policy Framework must contain—

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“(1A) Two or more planning authorities may agree to jointly prepare a strategic development plan document to address strategic needs or common matters arising in respect of the development or use of land or sea in their areas, including but not limited to—

(a) sustainable economic growth;
(b) the infrastructure of that area and how that infrastructure is used;
(c) housing;
(d) sustainable use of natural resources;
(e) the protection and enhancement of the natural environment; and
(f) climate change mitigation and adaptation.

(1B) For the purpose of subsection (1A), “planning authorities” includes local planning authorities and marine plan authorities.”.

(4) In subsection (2) after “joint local development document”, insert “or strategic development plan document”.

(5) In subsection (3) leave out “subsection (1)” and insert “subsections (1) and (1A)” and after “joint local development document”, insert “or strategic development document”.

(6) In subsection (5) leave out “subsection (1)” and insert “subsections (1) and (1A)”.

(7) After subsection (11) insert—

“(12) In this section—

(a) “marine plan authorities” has the same meaning as in section 50 of the Marine and Coastal Access Act 2009;
(b) “sea” has the same meaning as in section 42 of the Marine and Coastal Access Act 2009.”.”.
Barbara Keeley (Worsley and Eccles South) (Lab): May I intervene for a moment before my hon. Friend the Member for Birmingham, Erdington continues his speech? There was quite a debate—

The Chair: Order. I think that this is a point of order.

Barbara Keeley: No, it is an intervention.

The Chair: For good order, let us say that it is a point of order.

Barbara Keeley: I do not wish to make a point of order.

Jack Dromey (Birmingham, Erdington) (Lab): I am happy to give way to my hon. Friend.

Barbara Keeley: I wanted to make a key point to clarify something that has been knocked backwards and forwards between us. It needs to be said strongly that this is not a question of having regional strategies or the new regime and nothing else.

I have received a helpful note from the planning officers of Salford city council who said, first, that revocation of regional strategies “will give the city council much more freedom”.

That is what they feel, and I am sure that Government Members will agree with them, but they then went on to say:

“The loss of regional strategies will leave no statutory mechanism for agreeing the planning strategy across more than one local authority”,

which is the point that my hon. Friend was making. They also stated:

“The Government has indicated that Local Enterprise Partnerships may wish to consider planning matters but it is not clear whether any statutory basis will be given to this. The revocation of the regional strategy will result in the loss of some of the planning policies on which the city council currently relies. This will leave a policy gap.”

It is possible to be glad about the change, but to be uncomfortable with the new regime because of what it is missing, so I thought that it would help if we explained that that is our position.

Jack Dromey: I thank my hon. Friend. As she rightly said, it will be for the Government, in celebrating the change, to explain in due course precisely how the new world will work.

This is a convenient moment to refer to delivering sustainable economic growth in the north-west, because planning at a strategic level enables places to develop in a complementary manner, and has contributed to economic renewal and regeneration. For example, it has established clear priorities, policies and actions for how the development of the more prosperous south of Greater Manchester can best support, rather than undermine, the regeneration of the northern areas of Manchester. It has also established how to develop the roles of the conurbation as a whole and of individual town and city centres in Cheshire and Lancashire, such as Warrington, which the hon. Member for Congleton referred to, as well as Chester, Preston and Liverpool.

Strategic planning has worked in the north-west to enable local authorities broadly to agree the required amount, distribution and priority locations for housing, employment land, infrastructure and types of business across the region, thereby promoting mutually reinforcing growth. A common approach to the promotion of environmental quality has improved the image of the region as a whole as a place to live, work, invest, visit and study, thus bringing real benefit to all areas in the region. I hope that the Government’s response will deal with our concern that there is no indication as to how that will satisfactorily be addressed in the Bill.

Waste policy is not the most headline-grabbing area of government, but it is one that demonstrates the clear need for strategic planning. In 2007, the east of England accepted 3.1 million tonnes of waste from London for landfill. Increasingly, each part of the region will take a share of London’s waste so that the burden does not fall entirely on the local authorities that are closest to London.

Strategic planning in the east of England has ensured that the issues of how much waste each authority will be obliged to take, and how the waste will be treated, are dealt with fairly across the whole region. Evidence from local authorities demonstrates that when dealing with a big partner such as London, individual authorities will not necessarily have the time, expertise or influence to address waste on their own as effectively as they would in some kind of strategic arrangement. Waste disposal is therefore a classic example. If there is no strategic arrangement, we might end up with demands being made of the closest local authorities to London, while other local authorities say, “Well, we do not have to play our part any longer.”

The examples that we could cite are endless. The success stories include the strategic approach to sea level rise in Lincolnshire and elsewhere. In Yorkshire and the Humber, strategic planning has ensured that energy projects have been provided in the right locations. In the east Midlands, green infrastructure plans are now being prepared that would not have happened without the regional push. In the south-east, through the process of spatial planning and work on the south-east plan, it was agreed where infrastructure investment should be focused in terms of hubs and spokes. The need for strategic planning, however it is achieved, is overwhelming.

Fiona Bruce (Congleton) (Con): May I return for a moment to the hon. Gentleman’s example from the north-west? I have lived and worked there for a considerable number of years, and in my experience—I believe that this view is shared by a number of people—some of the sub-regions outside the major cities did not feel that their voice was heard as loudly as it should have been. Will the hon. Gentleman address that issue?

Jack Dromey: That could well be the case. If a dominant local authority simply ploughs its own furrow, that might be at the expense of other local authorities, which is yet another argument for some form of sensible, strategic approach that avoids the big acting in a way that is not in the best interests of smaller local authorities.

Fiona Bruce: That is exactly my point. The north-west region was that big regional authority, and those of us who worked in the region and were representatives of the sub-region felt that the major cities had a predominant influence.
Jack Dromey: It is arguable, however, that the arrangements were an attempt to accommodate the range of interests in the region. Without an effective strategic approach, will Manchester be in a better position to take advantage of its size, influence and economic power? Yes, it will. Will that be in the best interests of adjacent local authorities? No, it might not be. With respect, the hon. Lady and I are making a similar point about the importance of the totality of interests within the region being properly accommodated and about working together for a strategic approach.

The need for strategic planning, based upon all those examples, is overwhelming. The provisions for it in the Bill, however, are woefully inadequate, and elements border on the incompetent. Our approach carries support from 20 different organisations. They constitute a remarkable coalition of economic, housing, environmental and planning interests, and they include the Town and Country Planning Association, the Construction Products Association, Friends of the Earth and Shelter. It would be fair to say that it is an alliance of the unusual suspects rather than the usual ones. In line with the body of evidence that the Committee has received, they all say fundamentally the same thing: they want the Government to hear their voice. We therefore urge the Government to advance proposals to amend the duty to co-operate to ensure that we have a strategic approach and a level of co-ordination that will deliver on crucial areas such as housing needs, climate mitigation and adaptation, economic development, energy needs and capacity, biodiversity, natural resource use and transport.

The debate is not simply about the inadequacies of the Bill’s provisions on the duty to co-operate, although we have exhausted that at some length. A number of our measures should be included, and—we hope that the Government will agree—they will improve the Bill immeasurably. They put sustainable development at the heart of planning, strengthen the duty to consider climate change and provide a statutory footing for the national planning policy framework.

New clauses 3 and 4 would put sustainable development at the heart of the planning system. At a time when the country is facing unprecedented challenges on economic recovery, climate change and increased urbanisation, the need for us to achieve sustainable development and effectively to address these issues has never been more present. The abolition of regional spatial strategies has removed many of the mechanisms that have provided an impetus for action towards achieving sustainable development and helping to monitor progress. Looking to the future, therefore, achieving sustainable development must be at the heart of the planning system and the Bill.

The Bill contains a number of provisions that Ministers tell us are designed to empower local communities and enable them to shape the places where they live and work. We have said from the start—if there is common ground around a sacred principle—that we are all in favour of responding exactly to how we best empower local communities and enable them to shape the places where they live and work. We have a number of concerns about how the provisions have been designed, however, to which we will return later, but we hope that the Government will accept the need for a set of minimum standards to ensure that planning at all levels delivers true integration of economic, social and environmental policies and objectives.

It is also absolutely vital that short-term measures to drive economic growth, and the abolition of important Government advisers such as the Sustainable Development Commission, do not lead the country into decisions that are unsustainable in the long term. Somewhere in the planning system consideration must be given to how actions that we take now will impact on future generations. In short, the Government need to be clear about the purpose of planning. Do the Government agree that the purpose must be to achieve sustainable development, accompanied by a statutory definition of sustainable development? That would help to provide greater certainty in local decision making and identify the common goal towards which we should all be working. The framework, as put forward in new clauses 3 and 4, would ensure that local authorities could determine the criteria that need to be applied in their area, in accordance with local circumstances, to ensure that their communities and development are sustainable and fit within the overarching definition.

Numerous concerns have been expressed over the sidelining of sustainable development. There is uncertainty about how the Government will achieve sustainable development and how their commitments and goals will be taken forward. The funding for the Sustainable Development Commission, which was the watchdog and adviser to the Government on their sustainable goals, has been withdrawn, which leaves the status of the 2005 sustainable development strategy uncertain. The national planning policy framework was developed to replace planning policy statements and the planning policy guidance. We are not sure what policies and principles will flow from that and how they will be taken forward from Planning Policy Statement 1: “Delivering Sustainable Development”.

4.15 pm

By addressing sustainable development in the Bill—by including a purpose for planning, a definition of sustainable development and stronger duties to achieve it—the Government could, if they so wished, provide the certainty for which so many of our witnesses have called. The Bill is simply incomplete without such measures. It is also incomplete without our proposed measures on climate change. Each of us knows the immense challenges that we face as a consequence of climate change. Climate change is perhaps the greatest long-term development affecting mankind, both nationally and internationally.

The Committee on Climate Change’s fourth annual report recommends that the Government make a 60% cut in carbon dioxide emissions on 1990 levels by 2030. In the view of the committee, the 60% target is the minimum effort consistent with the 2050 target. It must be an imperative of public policy in whatever sector, including in relation to the planning regime, that we work to achieve the necessary reductions in carbon emissions. According to a Friends of the Earth study, around 80% of UK emissions occur through locally based activities, ranging from heating and powering our houses to local transport.

It is clear that our planning system can pay a major role in reducing our carbon emissions. Spatial planning could shape decisions for new and existing developments around the need to reduce carbon emissions. It could give us the potential to get the right development in the right place, in a fair and transparent way. Planning...
could be informed by the imperative of sustainable development. Local communities could be given real opportunities to take action on climate change by encouraging community-based development and active participation in plan making.

For all those reasons, spatial planning is a way in which we can deliver on the ambitions set out in the Climate Change Act 2008. At present, however, no significant framework for spatial planning is outlined in the Bill, and the duty to consider climate change applies only to the preparation of local development frameworks and not to neighbourhood planning.

Our proposal would ensure that alongside our approach on strategic planning and sustainable development, climate change would be at the heart of the local plan-making process. We should strongly encourage local plans by local people. Without hesitation, I say that citizens’ involvement in the development of local plans is to be encouraged. However, why should the same obligation not apply to local plans as to other areas of the planning process? Section 182 of the Planning Act 2008 created a new duty on planning authorities to contribute to the mitigation and adaptation of climate change by amending section 19 of the Planning and Compulsory Purchase Act 2004. That applied to development plan preparation, as defined in part 2 of that Act. Given the importance of climate change, we ask the Government to accept our proposal and to ensure that the duty is effective on all aspects of the planning process.

The new provisions in the Bill on neighbourhood planning have been drafted so as to avoid the climate duty by amending the principal Act: the Town and Country Planning Act 1990. That would mean that neighbourhood planning bodies, as proposed, will be under no direct legal obligation to consider mitigation or adaptation. There is a bizarre inconsistency in the Government’s approach, so we look forward to the Minister’s explanation.

Do the Government seriously expect the carbon emissions for each neighbourhood forum and local development plan magically to add up to our national target on climate change? We accept and welcome proposals about greater involvement and participation at local level. As I constantly stress, that is common ground about greater involvement and participation in plan making. In short, the Government need to explain how these documents and initiatives fit together to achieve national objectives, as stated as public policy objectives. The revocation of the planning reforms outlined in the Bill, and the duty to consider climate change applies only to the preparation of local development frameworks and not to neighbourhood planning.

The planning provisions in the Bill are perhaps more notable for what is missing from them. That is little wonder, because I think perhaps the Secretary of State has been distracted by his focus on the trivial—nay, occasionally absurd. I have the latest departmental missive—

The Government are committed to including a presumption in favour of sustainability in the NPPF. Given the important matters that the NPPF is likely to address, it is vital that it has legal status and is enforceable, rather than being a voluntary document. It is equally important that processes for consultation, publicity and parliamentary scrutiny are defined and that minimum requirements are imposed to ensure that public participation can occur in a transparent process, with ordinary people knowing how they can contribute towards and influence the development of the NPPF. It is also important that the NPPF is subject to impact assessments so that impacts arising from the policies within the NPPF can be fully and properly assessed, and so that the NPPF is drafted to avoid, minimise or mitigate adverse effects. It is also completely unclear how the NPPF will sit with the current national policy statements and what their relationship will be, but perhaps we can tease that out in the debate.

In short, the Government need to explain how these documents and initiatives fit together to achieve national objectives, as stated as public policy objectives. The Government need to clarify what the hierarchy of planning documents will be and outline what the process will be if there are inconsistencies between policies.

The new clause would also help the process of identifying and agreeing the purpose of the document, as well as to ensure that it is given appropriate recognition and weight in plan making and planning decisions. Our approach would also ensure consistency between the NPPF and other planning documents. The NPPF, which we welcome in principle, must be a strategic planning document that sets out national economic, social and environmental policies and objectives, as well as outlining minimum standards to be applied across planning at all levels to ensure consistency and to provide further detail on what sustainable development means in the planning system.

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In short, the Government need to explain how these documents and initiatives fit together to achieve national objectives, as stated as public policy objectives. The Government need to clarify what the hierarchy of planning documents will be and outline what the process will be if there are inconsistencies between policies.

The planning provisions in the Bill are perhaps more notable for what is missing from them. That is little wonder, because I think perhaps the Secretary of State has been distracted by his focus on the trivial—nay, occasionally absurd. I have the latest departmental missive from the Department for Communities and Local Government to employees in the jolly green giant. It states:

“The corporate plant contract has been cancelled due to recent cost cutting measures. Corporate plants in Eland House are now in need of some green-fingered friends to ensure their survival”—

I kid thee not. It goes on to state:

“If you can find a few minutes every couple of weeks to provide some TLC”,

which I think is tender loving care,

“in the form of regular watering and occasional feeding, please volunteer.”
The message was sent on behalf of the Secretary of State, and it goes on to state that “indoor plants”, which I thought he had got rid of,

“are not only pleasant to look at but also improve our air quality by producing oxygen for us to breathe, regulating humidity and neutralising chemicals like the formaldehyde emitted by office paper. All the plants will be labelled with names and watering/feeding instructions.”

I suspect that none of them are called Eric. The document goes on to state what someone should do if they are able to help. With the greatest of respect, if the Secretary of State had concentrated a bit more on having a planning regime that worked and a bit less on plants in his office, perhaps we would be in a better place.

Brandon Lewis (Great Yarmouth) (Con): I appreciate that the hon. Gentleman has used a light point to try to make his case. However, surely he agrees that it is taking care of the pennies that takes care of the pounds. If the previous Government had done that in DCLG, we would not have the deficit.

Jack Dromey: Was that a planted question?

We need a planning system that is fit for purpose. As my hon. Friend the Member for Worsley and Eccles South and I have acknowledged, regional spatial strategies will go. The debate is therefore about not whether someone is for or against what existed in the past, but what will work in the future. Crucially, that requires a strengthened duty to co-operate that will deliver the future economic growth we require and meet housing and infrastructure needs.

What citizens want are jobs, homes at an affordable price, good public transport and good roads to drive their cars on. We need a strength and duty on climate change that will help us to deliver our national climate targets, because what the citizen wants is to bequeath to his or her son or daughter a better future. Crucially, that involves tackling global warming, as well as practical measures that mean someone can pay less on their energy bills and when they drive their green car. We need sustainable development to be put at the heart of the planning system and to be the very purpose of planning. We also need clarity by placing the NPPF on a statutory footing.

I hope I am not being naive, but we believe that there is a degree of common ground on some of these objectives. I hope that Ministers will recognise that, hear the voices of those who say, “Think again,” and amend the Bill so that we have a planning system that is fit for purpose.

4.30 pm

John Howell (Henley) (Con): I was extremely grateful to the hon. Member for Birmingham, Erdington, for taking us back to the post-war years this morning, because that is where I want to start. He talked about the great socialist triumph after the war, but he failed to mention that the Town and Country Planning Act 1947 came in two parts: the first part was about the nationalisation of development value, while the second was about the planning system. Fortunately, the nationalisation of development value did not survive very long, and it took a Conservative Government in 1951 to remove that legislation.

The surprise is not that the planning system is broken, but that it has taken so long, and so many different attempts, to try to fix it before anyone has grasped the problem as a whole. It is no surprise to me, and it should not be to my colleagues, that the Labour party takes a centralist view of life. It has always been thus from the very beginning, and the experience between 1945 and 1948 demonstrates that.

4.31 pm

Sitting suspended for a Division in the House.

4.46 pm

On resuming—

John Howell: I think that I had got to the point in my story where I went back to the late 1940s to prove that the Labour party has always been ruthlessly centralist in the way it has approached planning—a theme that emerged from the regional spatial strategies. In the late 1940s the Minister with responsibility for planning was Lewis Silkin, who was famous for the creation of the new towns initiative. An example that shows the centralisation that ran from that through to the regional spatial strategy is his appearance in Stevenage to tell people there that they were going to have the first new town. I shall quote briefly from “Austerity Britain”, which describes the visit in vivid detail:

“To shouts of ‘Gestapo!’ and ‘Dictator!’, Silkin informed the seething horde that ‘It is no good your jeering: it is going to be done.’ Proceeding to the ministerial car, he discovered its tyres had been deflated and sand poured in its tank. In a referendum, a majority declared themselves ‘entirely against the siting of a satellite town at Stevenage.’”

The name plate at Stevenage station was replaced by one that read “Silkingrad”.

I want to move on to housing numbers. In his opening speech, the hon. Member for Birmingham, Erdington, seemed to confuse numbers—the numbers that he said were being taken out of plans—with houses. They are nothing of the sort. They are numbers—not even real numbers, but fictitious numbers that arose from repeated attempts to get series of economists to come up with the right number. I remember participating in what passed for a consultation exercise on the south-east plan, the regional spatial strategy for the south-east. It was quite clear that the original numbers put in by councils, which were based on solid evidence—they certainly were in the case of my councils—simply did not deliver the number that the Government had in their mind as the right one.

The councils’ numbers were simply thrown out, and a different set of economists were brought in to decide what the numbers should be. When they failed to reach the answer that the Government wanted, yet another set of economists were brought in. So we have numbers, not houses. The hon. Gentleman and I would be absolutely in agreement that we need more houses; the debate on the new clauses in the group and the whole business of the regional spatial strategy is principally about the best way of delivering them. He asked for proof that the system that we are introducing will work and I will give him that in a minute.

Mr Nick Raynsford (Greenwich and Woolwich) (Lab): I look forward to it.
John Howell: The right hon. Gentleman laughs; he and I have debated the issue in public on many occasions, in one way or another. If ever there was an example of how not to do a consultation, it was the regional spatial strategy. It was so remote from a real engagement programme. Certainly in the case of the south-east plan, even local community leaders, of which I was one, had to fight to get on to the initial discussion programmes that the regional assembly conducted around it. The attempt that was made to try to get parish and town councils to wade through volumes of information and come up with an answer—that was the consultation programme—was really not on. That was never going to happen and it was an insult. They rightly believed that they were not being taken seriously.

Now for the proof that the system works—the hon. Member for Birmingham, Erdington, picks up at that point. One of the things that I did before coming to the House was run a company that did engagement and consultation programmes for communities facing large, often contentious, property and planning developments. I can tell the Committee of my experience, and that of many colleagues. It is a great shame that in the evidence session we did not hear from any of those involved in consultation programmes for communities facing large, particularly among larger companies, that is best practice, though I recall asking a question of British Land on this—because I could convince Opposition Members that what I was saying was the truth. Now for the proof that the system works—the hon. Member for Birmingham, Erdington, picks up at that point. One of the things that I did before coming to the House was run a company that did engagement and consultation programmes for communities facing large, often contentious, property and planning developments. I can tell the Committee of my experience, and that of many colleagues. It is a great shame that in the evidence session we did not hear from any of those involved in consultation programmes for communities facing large, particularly among larger companies, that is best practice, though I recall asking a question of British Land on this—because I could convince Opposition Members that what I was saying was the truth. I would have welcomed confirmation of my point, so I suggest that the hon. Lady is no worse off. However, the evidence is made up for by my being on the Committee, by our not having someone from that industry give forward the list; it was open to Government Members to nominate someone from that industry. I am surprised that Ministers did not nominate anybody. It is down to the Government Whip to put anybody. It is down to the Government Whip to put anybody. It is down to the Government Whip to put forward the list; it was open to Government Members to have nominated someone from that industry.

John Howell: Of course, in a short space of time it is not possible to have everyone here, but what was missed by our not having someone from that industry give evidence is made up for by my being on the Committee, so I suggest that the hon. Lady is no worse off. However, I would have welcomed confirmation of my point, so that I could convince Opposition Members that what I am about to say is right. My experience is that by engaging communities right from the very beginning we end up with the most astonishing results. Although I no longer participate in that business, there is the question of former client confidentiality. However, there are plenty of examples of that full engagement process producing something that far exceeds the expectations of the local community and what the developer wants. Bringing the community and the developer together is a means that is tried and tested, and that is now best practice; in his evidence, Adrian Penfold from British Land referred to that. Certainly there are examples aplenty of how, particularly among larger companies, that is best practice because it works. Many of our big volume house builders are changing the way that they operate and their culture in order to adjust to the new system that the reforms in the Bill represent; they know that they will give them a competitive advantage.

Alison Seabeck: The hon. Gentleman is right; of course community engagement ultimately results in better development. However, he also made the point that it is tried and tested. It has been going on for an awfully long time—since well before the Government brought forward their pre-election papers. I can cite evidence from parts of London where that was happening, and from district councils in other parts of the country. That is good practice; the issue is ensuring that good practice is disseminated, even within the existing system, however flawed parts of it may be. He is not talking about something new and whizzy that has resulted from the “Open Source Planning” paper.

John Howell: I am convinced that the hon. Lady is on my side; she has given examples of how the approach works. Nobody is saying that it was invented for the purpose of the Bill. I have just given examples of how, in my previous life, that experience has come through. We are saying that if the approach is best practice for individual developments, and particularly for large developments, then there is a heart to it that is applicable at a wider level. That is the concept here. I find the attitude—particularly the Labour party’s attitude—to nimbyism appallingly patronising to communities, many of which have been forced into nimbyism out of frustration, because there was no other way they could participate in the process. A good example of that is the fact that even as a senior county councillor in my county, I had to fight to get anywhere near the seminars that were run on what passed for underlying economic assumptions in the south-east plan.

We come to the question of sustainable development—

Mr Raynsford: The hon. Gentleman seems to have glossed over the proof that he was going to offer us to show that his proposals work. He has offered a hypothesis, and a bit of experience from a couple of housing schemes on which he advised developers. On that basis, he claims that he has proof that we should dismantle the planning system and put his half-baked proposals in its place. Will he do the Committee the service of giving us more hard evidence, rather than just his views?

John Howell: As insult from the right hon. Gentleman is a compliment indeed, and I take it as such. The proof that the proposals should be adopted is found in the numerous examples of cases where they have worked. It is a case of proving something by doing it. If the right hon. Gentleman would like to consult with others who have been in this game—there are a number of reputable companies that operate in that way—he will see the consistent picture that comes from their work. That is how they make their living, and if he wants financial proof, the fact that they make money out of such schemes is a good example. The approach works, and people get paid for taking it.

Mr Raynsford: Perhaps, then, the hon. Gentleman will tell us why the chief executive of the largest house builder in the country suggested in his evidence to us that if the proposals are put into effect, it will delay by one to two years the length of time that it will take house building to return to the level that prevailed under the previous Government.

John Howell: I would be delighted to do that. Throughout our many sittings, the right hon. Gentleman has concentrated on the figure of seven to eight years, without referring to the bit that came before the mention of that figure, where it was stated that under the current
system, a return to previous levels could take six to seven years. What we have there is a commonality of one number—seven—plus or minus one year. The factors that might affect that figure are macro-economic achievement, rather than planning achievement, and they affect the availability of mortgages. The right hon. Gentleman may have seen the announcement made by Taylor Wimpey today or yesterday about securing 95% mortgages as a means of getting the mortgage market going again. That is clearly a major factor in Mr Redfern’s thinking, and the onus should not be put on one year—if it is one year—and the planning system alone.

I will move on to sustainable development.

Jack Dromey rose—

John Howell: I will not move on to sustainable development.

Jack Dromey: The hon. Gentleman eloquently said that the figures are but numbers, and suggested that such things were meaningless. Why has David Orr of the National Housing Federation said that “Removing regional spatial strategies, without putting anything in their place, was a short-term mistake”?—[Official Report, Localism Public Bill Committee, 25 January 2011; c. 65, Q109.]

Was Peter Redfern wrong when he said that the Government had sent “the wrong signal” in the way they had conducted themselves? He went on:

“After the attempt to change RSS policy overnight, people shut up shop, not because they were anti-development”—

he is right about that—

“but because they didn’t know where things were going.”—[Official Report, Localism Public Bill Committee, 25 January 2011; c. 80, Q131.]

Are they both wrong? Are they suffering from an illusion?

John Howell: The hon. Gentleman will recognise that there is some confusion in this area and in what people are saying. Research commissioned by the National Housing Federation expected figures for houses to increase to at least 280,000 or 300,000 homes by this time next year. We should not discard the effect that the new homes bonus will have. One district in my constituency is set to receive a new homes bonus that will probably be greater than its recent annual turnover—if I can use that term to describe a council. These are significant sums of money that will get the housing market moving. I have no objection to numbers; they are essential for everyone to work with. However, one of the serious, central questions on this matter concerns the ownership of those numbers, which needs to be with the local planning authority and local residents.

5 pm

If the hon. Member for Birmingham, Erdington, is not going to intervene, I will move on to sustainable development. I agree with a lot of what he said about it, and I agree that it needs to be at the heart of the planning system. What I would disagree with is putting it into the Bill. The question is where the policy best goes and where the greatest flexibility can be given to it.

We have made it clear—I certainly have, as the author of “Open Source Planning”, and many of the Bill’s reforms are based on its principles—that the presumption in favour of sustainable development is an overriding policy. It is what I might call a super-cross-cutting policy, but a policy none the less. The hon. Gentleman will be aware that planning has generally been divided into things that have to be done by legislation and things that can be delivered by policy. The difficulty with policy is that it has become confused and crowded with a whole lot of methodologies and checklists, while the aims of the policies in the planning policy statements and planning policy guidance notes became clouded.

It is true that during the evidence sessions a number of commentators suggested that the presumption should be in the Bill. In practice, that would mean defining “sustainable development” in legislation, and I will come on to the attempt in new clause 4 to do that. However, given that many of the same commentators also stressed the need for flexibility, it is difficult to see how the two are reconcilable or why it is a good thing to lock in a definition of “sustainability” in legislation, where it is more difficult to change. That is even more true when sustainability remains a concept that is subject to continuous development and changes.

We had an attempt—a pale reflection of what was intended—at a presumption in favour of sustainability in PPS1, but I do not recall any attempt by Labour Members at giving a legislative basis to PPS1. In fact, I believe that most of the PPSs were, at most, scrutinised by Parliament by being laid as drafts before the departmental Select Committee; if I am wrong, I am happy to be corrected. It was not regarded as necessary to legislate to ensure that sustainability had some force under the previous planning system, which also had an emphasis on sustainable development. All of us think that sustainable development should be at the heart of the planning system, but the way that we have chosen to ensure that is through policy, and through making it the golden thread that runs through the planning system, particularly the national planning policy framework, which I will touch on.

What is wrong with trying to put the concept into legislation may be seen by the tightness of the words, which do no justice to the description that is required of the way in which we plan for prosperity, place and people, and the way in which each of those three could be looked at separately to ensure that they are treated in a way that is economically, socially and environmentally sustainable, and will provide a balance that the local community—in this case, the local planning authority—sees as appropriate for its area. Yes, sustainability is at the heart of the planning system, but I prefer to see it in policy, because I believe that that gives communities flexibility to shape it in the way that is best for them. I should like to speak about the national planning policy framework because I have some responsibility for co-ordinating some of its aspects. At the moment, we have a series of policies delivered through PPSs and PPGs, of which very few, if any, remain. They are incredibly contradictory, long and bureaucratic. They need to be shortened and aligned to achieve Government objectives. That is what the NPPF is—the alignment of planning policy so that we can achieve the Government’s objectives. Measures such as new clause 5 on climate change are not required, because dealing with climate change is part of Government policy.
Alison Seabeck: Has the hon. Gentleman had the benefit of seeing the current draft national planning policy framework? Judging from his comments, he clearly appears to have had that benefit. Will he agree, therefore, that it would have been appropriate for the rest of the Committee to have had access to that draft document, so that we could assess whether we were wasting our time by tabling new clauses?

John Howell: I must have done something awfully wrong in a previous life, because in the two years that I was here in the last Parliament, I sat on nine Public Bill Committees. I bear the scars. This is my 10th Public Bill Committee, and it is by far the best. However, I have to say that the only one of those nine that I can recall having produced draft regulations was the Finance Bill Committee. I cannot recall any of the others ever producing draft regulations.

Alison Seabeck: I would not disagree with the hon. Gentleman. I am sure that when we were in government we introduced Bills before we had the proper draft regulations relating to them. I also sat through a number of Bills that had them. The hon. Gentleman’s Government set great store by local involvement and the involvement of people. To come forward with a Bill on this subject without ensuring that we have access to all the material is unforgivable.

John Howell: We cannot win on this. As the hon. Lady must know, there is a consultation going on, and there is a call for evidence for the NPPF, which gives us an opportunity to ensure that it is right. It would be wrong to have produced a document that was, in the phrase of the right hon. Member for Greenwich and Woolwich, “half-baked” when there is still a consultation and a call for evidence.

Jack Dromey: The arguments that the hon. Gentleman is adducing inevitably lead us to think that the process would have benefited from effective pre-legislative scrutiny, so that the issues could have been teased out in the public arena with the citizens’ organisations that are able to comment on them.

I want to press the hon. Gentleman on a point that he raised. I note with interest that he was the author of a very interesting tome that I have read in some detail. I am a great fan of the old county structure plans. They were a very good way of providing an overview, and in “Open Source Planning”—it is only 30 pages—that I am a great fan of the old county structure plans. They were a very good way of providing an overview, and in “Open Source Planning”—it is only 30 pages—that I was here in the last Parliament, I sat on nine Public Bill Committees. I bear the scars. This is my 10th Public Bill Committee, and it is by far the best. However, I have to say that the only one of those nine that I can recall having produced draft regulations was the Finance Bill Committee. I cannot recall any of the others ever producing draft regulations.

John Howell: I would always urge the Committee to trust me—I am a politician, after all. There is no draft at the moment. It is a work in progress. That is why there is a consultation and a call for evidence.

Alison Seabeck: Is the hon. Gentleman saying, hand on heart, that there is no draft and that no outside body has seen any part of this framework in draft form because, anecdotally, that is not what we have been picking up?
John Howell: It is a shame. I do not know whether the hon. Gentleman has ever served as a councillor, but if he had, he would have seen that such organisations coming together in often fluctuating and informal voluntary partnerships have a big impact. They are the lifeblood of how a lot of sub-regional things work.

Nobody has asked what the test of soundness will be for the new local plans. I do not know what the new LEP tests of soundness will be, but I suspect one may be conformity with the national planning policy framework. I would be very surprised if being closely related to the neighbouring plan was not a test of soundness. In other words, it would be continuing the test of cross-border spatial planning and the spatial integrity of the current planning system. Nobody wants to see, for want of a better example, a road stop at a district or county barrier because the people on the other side do not want it to continue.

LEPs can be built into how the plans are put together. The hon. Gentleman spent a lot of time talking about the duty to co-operate; he laboured that point. Going to the wall for any further detail does not move me one way or the other. The proposals do the job perfectly as they are.

5.15 pm

The last point was about how all the environmental constraints and enhancements will be recognised. They will be recognised, of course, by being included as part of the national planning framework, and as part of the policy to which local plans will have to have regard, but there is absolutely no reason why there should not be flexibility.

A good example is local transport. I have in the village in which I live a bus stop and a bus. People may catch the bus at 10 o’clock on Friday, provided they come back on the same bus at 2 o’clock on Friday. It is nonsense to compare the sustainability of public transport in a rural area such as mine with that of Kensington and Chelsea. There has to be some flexibility in how services are delivered, and how the balance is reached on important cross-cutting themes such as environmental constraints and reducing CO₂ emissions.

Jack Dromey: The hon. Gentleman is being generous with his time. May I press him on this issue? On the one hand, all those who gave evidence to us criticised the proposed duty to co-operate, to a greater or lesser extent. Were they all wrong? On the other hand, if what he is saying is that no change is necessary, which I think is what he just proposed, on whose evidence is he relying, other than the Government’s?

John Howell: I do not think that that is actually what I said. My belief is that the proposal will work well, and my evidence for that is that it already works well. The town of Didcot just outside my constituency has a district boundary running through the middle of it. It would be impossible to plan for that town without the two authorities co-operating. There is no statutory basis for them to co-operate—no statutory enforcement—but they do so extremely well, and the town is a great success.

Were those who gave evidence wrong? There are examples that show misjudgment of the extent to which councils are mistrusted to get on with the job, but we have heard a great deal from Opposition Members throughout Second Reading and this Committee about mistrusting councils and individuals to take responsibility for their own area.

Mr Raynsford: This chapter in this part of the Bill proposes to do fundamental damage to a planning system which has, for better or for worse—there have been ups and downs—served this country well since 1947. The hon. Member for Henley began his speech with a reference to the Town and Country Planning Act 1947, and then made a brief reference to the development levy. It was a perjorative and partisan reference which did not take account of the serious debate that politicians of all colours have engaged in about how it is possible for a community to capture a proportion of the development gain that is derived from changed use of land to fund necessary social or environmental infrastructure. His party engaged in that debate and introduced section 106 as a mechanism for capturing a proportion of development gain for that purpose. It now proposes to extend the community infrastructure levy, which was introduced by the previous Government.

There is a serious debate about how, in the public interest, we should seek to capture an element of the gain from development for public and community benefit. I should have thought that the hon. Gentleman would have given serious and thoughtful consideration to the matter rather than making a brief partisan reference.

The hon. Gentleman’s only other reference to 1947 was that rather overused anecdote about Silklin’s visit to Stevenage. If we think back to that time, Britain was just recovering from the devastations of war. It was seeking a new house building programme to ensure there were homes for people who were either without a home at all or living in grossly overcrowded conditions, particularly in cities such as London, which had suffered huge bomb damage and had had no development at all during the war years.

Most sensible people recognised that there was a need to plan for new housing, and that that planning should not simply be based in the existing cities, and that using the example of eminent planners, such as Ebenezer Howard, who devised the concept of new towns and garden cities, we should look at ways to create better quality environments and better homes. But, no—the hon. Member for Henley focuses on the self-interested and affluent of Stevenage, who did not want any more homes built in their area. There could not be a better illustration of the thinking of the hon. Gentleman and his party—hostile to housing if it happens to come to an area where they or their supporters live. I am afraid that that is one of the fatal flaws at the heart of the policy.

Comment on it in the context of this clause. We may be critical of the abolition of the regional development agencies, but we are determined to make the LEPs work. Given that they are based on a voluntary approach, how can he be so confident that things will work in the way that he has described?

Thirdly, I want to press the point made by my hon. Friend the Member for Worsley and Eccles South about resources. The Government have made it clear that no resources will be available to the LEPs at a time when local authority budgets are being cut by 27%. How will that work?
The policy is based on a seriously flawed analysis, which I shall expose, and on the substitution of rhetoric and blind faith for empirical evidence. When the hon. Gentleman offered to give us proof that his system would deliver more homes, I think that most of us hoped for some hard evidence, rather than the wishy-washy reference to acting as an adviser for developers to persuade communities that a development would be in their interest.

John Howell: I was not acting for developers; I was acting for the communities.

Mr Raynsford: I immediately withdraw the comment and apologise, but we require rather more sound empirical evidence than the assertion of his belief that his solution will somehow generate more homes. All the evidence points in the opposite direction. The hon. Gentleman’s ill-judged reference to Stevenage and Lewis Silkin’s visit was the giveaway.

Henry Smith (Crawley) (Con): As someone who proudly represents a post-war new town, I have to say that over the past 15 years virtually no social housing was built until a couple of months ago. That was as a direct result of the resistance to the top-down approach. Surely incentivising local communities with greater community benefits is how to get round the nimby attitude that has been referred to this afternoon.

Mr Raynsford: I will happily take up the wider issue of what factors led to resistance to new housing, but after the early stages of the new towns, when it was overwhelmingly social housing that was being provided in them, there was, rightly and properly, a reappraisal in the 1960s. There was an understanding that we needed to create mixed communities with a mixed tenure pattern, which very much underpinned some of the second generation new towns. The hon. Member for Milton Keynes South represents an area that was part of that next generation. We learnt from experience, and in some of those areas there was resistance to the consequences of some mistakes made in the early planning days. Places such as Milton Keynes, or my home town of Northampton, saw continued development with a generally high level of support.

Brandon Lewis: The right hon. Gentleman seems to be missing the point of the complaints of some of the communities. It is not about whether there was a desire for development, but about how it was done and the central control theory. I could only agree with the hon. Member for North Durham when he said last summer that he had referred “in the previous Parliament to the system being akin to Soviet-style planning, and it... put constraints on the development of housing in my North Durham constituency.”—[Official Report, 10 June 2010; Vol. 511, c. 448.]

I also agreed with the hon. Member for Worsley and Eccles South, when she said: “Meeting some putative targets for housing is not the way we should be going, we should be thinking about sustainability.” That is the whole point. This is about central control versus what the Government are trying to achieve—giving local communities flexibility and freedom, and the responsibility to decide what they want their communities to be, to look like and to feel like.

Mr Raynsford: Of course one wants to encourage the involvement of local communities. However, there is inevitably tension between the concerns of some communities that believe they have taken as much development as they can accommodate, do not want to see any more and are resistant to it, and the needs of society, which, inevitably, are the responsibility of Ministers in the Department responsible for planning and of other bodies looking at the needs of the country as a whole rather than the needs of individual communities. Those are the tensions. I remember listening to Conservative Secretaries of State instructing councils to accept development. The hon. Gentleman’s party was just the same. He may denounce his noble Friends who are now in another place—Lord Heseltine and Lord Gummer—but they were just as firm in saying that housing was necessary.

Alison Seabeck: My right hon. Friend touched on the need for housing. We understand how people in a given area may feel that they do not necessarily want to expand, and their views certainly should be heard. However, who hears the voices of those people who were cleared from the slums of London and moved to the new town of Peterborough, where my father was a Member of Parliament, who were overwhelmed by the fact that they had a wonderful new house in a new place that met their and their family’s future needs?

Mr Raynsford: My hon. Friend makes a good point. That is the real tension. We as serious politicians—not as simply peddlers of slogans and rhetoric—have to recognise that there are national, regional and local needs, all of which must be taken into account. The planning system as it has evolved has been a serious attempt to try to grapple with those issues and tensions, and define mechanisms for dealing with them.

Several hon. Members rose—

Mr Raynsford: I have obviously set people off, so I will give way to the hon. Member for Great Yarmouth.

Brandon Lewis: I thank the right hon. Gentleman for putting me at the head of an illustrious queue of interventions. Surely the point he has just made is actually the strength of the Bill in general and particularly on this point? The hon. Member for Birmingham, Erdington made the point in the evidence session about how planning has evolved and needs to evolve. That is the strength of the Bill—the flexibility and ability to evolve. What may have been right for those who are now noble Friends in the other place is one matter but this Bill is about looking at what is right for our country now and in the future. It is about trusting local communities, rather than having central control and believing that because we sit in a building in Westminster, we must know best. We simply cannot say that that is true.

Mr Raynsford: The hon. Gentleman might wish to make a speech himself on the subject in due course, but he is fundamentally wrong. It is absolutely the case that his predecessors from his party recognised the need for evolution, and the need for handling the planning system with care. The planning system does not deliver quickly.
Changes to the planning system have an impact over several years. It is probably a period of five to 10 years before their full impact is felt. If one fiddles with that system without thinking about what one is doing and introduces changes that are ill thought-out, they can be hugely disruptive.

Brandon Lewis: Will the right hon. Gentleman give way?

Mr Raynsford: No. I have given way to the hon. Gentleman and told him he can deliver his own speech later. I will give way to one of his hon. Friends in a moment. He should listen now—he might learn something. The system has been painstakingly evolved over a period of 60 years, from its beginnings in 1947, through changes that both major political parties have introduced and together have worked to make successful. That has been put at risk by a view of planning based on a year zero approach: everything that went before is wrong; everything that is to come from now on is right. That year zero approach to planning is precisely the kind of thinking that will damage it—not irretrievably because planning will recover eventually—cause serious upheaval and damage in the short term, and result in this Administration being known as the one that will have delivered the lowest level of housing of any five-year period since the end of the war. That I say with careful regard. I shall come back to the figures and remind hon. Members exactly what the position is, where we have come from and where we are going. Coalition Members do not realise that what they are doing is seriously damaging and destabilising. The system requires change to be handled in an extremely thoughtful, careful and sensitive way. The damage that they can do will have untold consequences for hundreds of thousands of our fellow citizens, and I warn them that they will pay a heavy price when the consequences are seen.

5.30 pm

Gavin Barwell: The hon. Gentleman’s argument was not about election but about whether people should be persuaded or ultimately, in certain cases, told. In London, the Mayor will be able to tell boroughs what is required, and the hon. Gentleman’s Government accept that. If they believed that the old planning system was that bad, they would dismantle it in London as well. I accept entirely that the Mayor has additional authority because he is elected, but there will nevertheless remain a regional tier of government, and if the Conservative party really believed that that was the problem and that people would not respond if they were told what to do by a regional authority, they would change the powers in London.

Mr Raynsford: The hon. Gentleman reinforces my case. I believe that London will survive the proposals reasonably well because there is continuity here, but in many areas outside London we will see considerable problems because of the absence of a wider perspective from either regional spatial strategies or Government guidance, which would help to ensure that need was met in those areas. The danger is that in many areas we will see unpopular needs ignored or overridden simply in the interests of the short-term priorities of resident populations that do not want new housing. That will be a breach of the balance that we have to achieve in our planning policy, and I am delighted that the hon. Gentleman has accepted that that is necessary.

Iain Stewart (Milton Keynes South) (Con): The right hon. Gentleman kindly mentioned Milton Keynes, and I want to use my area as an example of why the system under the previous Government was wrong. Milton Keynes has pretty much attained the size that was planned for it when it was designed as a new town in the late 1960s, reaching both its population and geographical limits. The previous Government wanted to add about 70,000 houses—to just dump them there because it was an easy part of the south-east in which to build new homes. Milton Keynes is not against growing; we want to grow and build new houses, but we want to do it on our terms, with the planning decided locally. New settlements should be complementary to what we have, not just new housing estates bolted on around the periphery, which is what was going to happen under the previous Government.

Mr Raynsford: I strongly disagree with the hon. Gentleman’s pejorative view about bolting on additional housing, because there was always an understanding that the housing would be properly developed. Milton Keynes has been an exemplar in many ways. It was the first town to take the whole climate change and environmental agenda really seriously when considering new housing, and it adjoins the east midlands region.
where there is further scope for growth. Northampton and Milton Keynes clearly have a common interest in ensuring well-planned development. There could not be a better example of the need for co-ordination across traditional boundaries so that one gets the best development and not isolated developments in individual areas.

Iain Stewart: The point is this: why will locally elected representatives on Milton Keynes council and its neighbouring authorities not be able to get together to plan sensibly? That is exactly what will happen.

Mr Raynsford: That is precisely because the present Government propose dismantling the framework that allows councils to work together.

The Parliamentary Under-Secretary of State for Communities and Local Government (Robert Neill): The right hon. Gentleman relies too much on the linkage between Northampton and Milton Keynes. He might like to reflect on the fact that they are in different regions and that they are encompassed by two regional strategies. In fact, we are making things easier by removing that unnatural obstacle between linked areas.

Mr Raynsford: If the Under-Secretary thinks back, he will remember that the previous Government put arrangements in place to ensure growth corridors, including the Northampton-Milton Keynes area, the corridor from London to Cambridge and the area around Ashford in Kent. Those were seen as natural growth centres, because existing transport linkages made it possible to achieve a sustainable level of development of the form that should be promoted. I am sorry to say that he is undermining the Government’s case by emphasising that one needs to plan on a wider level than the individual atomic local authority, which is the basis for the Government’s proposals—except, of course, in London, as he knows.

The Parliamentary Under-Secretary of State for Communities and Local Government (Andrew Stunell): I remind the right hon. Gentleman that the local enterprise partnership that encompasses Milton Keynes, Northampton and Bedford is, as he recognises, a sensible economic unit. It comprises towns in three regions, and was set out by the previous Government. Does that not thoroughly show that the sub-regional approach that we are taking to enterprise partnerships is the right way to go?

Mr Raynsford: I entirely agree about the importance of appropriate sub-regional or other cross-regional organisational structures in those parts of the country where natural economic linkages cross regional boundaries. That was very much the case for all the development area proposals of the previous Government, and it is not incompatible with having regional spatial strategies.

I hope that this will be familiar to the Under-Secretary, even though he represents a different part of the country, but the Thames Gateway embraces three regions. Nevertheless, a sensible planning framework was put in place to ensure that the common interests of authorities within the area were recognised. All Members who are interested in ensuring effective economic development will be troubled at the lack of progress in the Thames Gateway and in many other development areas.

I spoke about the false premises on which the Government’s policies are based. One is that the planning system is bust, but it is not. It needs reform and change, but that should be handled in an incremental way, as has been done in the past, to avoid disruption. Unfortunately, the Government have not learned that lesson. The second of their flawed analyses is the assumption that the old system was not delivering the necessary housing, and that it was incapable of doing so.

The Minister of State will recall that during the Committee’s evidence-taking sittings, I reminded him and his colleagues of the net additions to the housing stock, which is the Department’s favoured measure of housing output. I remind the Committee that, from 2001-02 until 2007-08, every year saw between 10,000 and 15,000 net additions to the housing stock per annum. From 130,500 net additions in 2001-02, we saw the figures increase to 143,680 in 2002-03, 154,770 in 2003-04, 169,450 in 2004-05, 186,380 in 2005-06, 198,770 in 2006-07 and 207,370 in 2007-08—six years of continuous growth, taking us closer to the target of 240,000 homes a year set by Kate Barker in her review. The idea that the system was not delivering is nonsense. The argument is completely false, and I am surprised that Government Members have continued to peddle something that is simply untrue.

The truth is that there was delivery of housing, the numbers were going up and we were approaching the level at which we would have satisfied the level of need, all of which was halted, of course, by the recession. The recession had a catastrophic impact on the housing market, not only in this country but in Ireland, much of the rest of Europe and certainly north America. That is why we are now back in a position of housing numbers being drastically down. In 2009-10, we saw only 120,000 net additions to the housing stock. However, that was a consequence not of the planning system but of the recession. We now need the correct approach to bring us out of the slump that we have got into, to build confidence, to build new homes and to ensure that we get back on track to increase housing.

Henry Smith: In a minute, I am expecting the right hon. Gentleman to claim that the US sub-prime mortgage market has held down house building in this country. Is it not the case that his party was elected in 1997 and the economic downturn hit in 2007? Why was house building in that decade not as high as the top-down method would suggest it should have been?

Mr Raynsford: This is not the right occasion to answer that. We will have an opportunity later in our proceedings to debate housing policy, when I will tell the hon. Gentleman about the inheritance of the Labour Government in 1997. As all fair-minded people would say, the overwhelming priority in the first three to four years of that Government was to tackle the backlog of disrepair, in particular in the social housing stock. The decent homes programme was, therefore, the overriding priority for the early years of the previous Government and, because it took a large proportion of the resources, not enough money was spent on developing new social housing. As time wore on, we saw the change and the trend I described from 2001 onwards—a rising trend in new housing output, both housing for sale and social housing. There is a rational explanation, but now is not the right time to expand it.
The point that I want to make is that, above all, the right policies are required to ensure that we come out of recession, achieve recovery and rebuild the housing programme as quickly as possible, because the current level of output is massively below what is required. Increasing numbers of our fellow citizens are denied a decent home or a home without gross overcrowding because of a shortage of new homes being built. It is in everyone’s interest to get the right policies in place to achieve that increased output.

What have we seen since the general election? We have seen the present Government introduce a series of measures which, far from building confidence and recovery, has damaged the market. I remind hon. Members what the figures show. From the end of 2009 until the second quarter of 2010, we saw recovery in the housing market—numbers of site visits and starts were increasing, with a modest rise in house prices and growing confidence. All the agencies, whether house builders or estate agents, were reporting that.

Since the summer, however, that recovery has stalled. We have seen a halt to the rising trend not only of site visit numbers but of house prices, which have begun to fall. We have seen worrying evidence that the number of visits to house builders is falling. Everyone confirms that there is a problem of confidence. Why is that? One element straddles both the previous and current Governments, which is the mortgage-lending situation, where, because of the consequences of the recession, mortgage lenders have been much more cautious, and their terms are not helpful to first-time buyers, who play an important part in the market.

5.45 pm

On another occasion, I will go into the rather mixed messages that the Government have sent to both mortgage lenders and the Financial Services Authority, which are probably not helping, but I will not blame them for the mortgage famine. I will, however, blame them for two things.

First, I blame them for the intemperate action taken in the summer of 2010 to supposedly revoke regional spatial strategies, which, as everyone knows, caused considerable alarm and concern in the house building industry and which turned out to be unlawful and was struck down by the High Court. That was a serious error of judgment. It undermined confidence in the market, and it did not help the recovery.

Secondly, they drastically cut social housing investment. That meant not only the building of new social housing, but support for schemes such as Kickstart and HomeBuy Direct, which were incredibly useful for house builders to get through the difficult times. Those two programmes had made an enormous contribution in helping house builders through the worst period of the recession. Cancelling them in the summer of last year and cutting back on the national affordable housing programme were serious errors of judgment, and they have had damaging consequences on the housing market.

We have a situation where a new Government have come in, pledging to build more homes, but actually acting in a way that has damaged confidence in the market. They are now driving through a series of ill-thought-out proposals to change the way in which the planning system operates without any testing. Is that not extraordinary? For people who believe that their view is right and that others are wrong, one would think that they might have tried to test, in one area or another, whether it works. We might then have heard the hon. Member for Henley saying that he has proof, rather than belief. There is no proof; there has been no testing; and there is no empirical evidence behind it. It is based on heroic, and in my view misguided, assumptions. It is a huge gamble at the expense of hundreds of thousands, if not millions, of people, whose homes depend on a decent planning system. I fear that the consequence will be a long period of time in which we do not produce the homes that the country needs. The Government parties will be responsible for that, and it will be our job to ensure that the public understand their culpability.

Mr David Ward (Bradford East) (LD): I hate planning. I really do. In 26 years, it was the one committee that I refused to be on. Although I attended it many times, I managed to avoid it as best I could.

As a coalition and a Government, we are in danger of making the same mistake several times. We are doing that, because we are doing it in different areas. I have heard the expression of throwing the baby out with the bathwater many times. Whether it is the regional development agencies, the primary care trusts or the regional spatial strategies, we are trying to get rid of things about which there is a great deal of concern and complaint without putting their successors in place. Earlier, someone mentioned that the systems were broken, but if we are into sustainable policy development, we should be trying to mend things, rather than replacing them.

In many ways, we are trying to centralise our decentralisation. I am reminded of a story about a couple of people in an art gallery looking at a portrait from opposite ends of the room. Both swore blind that the portrait was looking directly at them. Of course, they were both right, and they were both wrong. What governed their view was their standpoint—where they came from and what their view was on it. That is evident in what is taking place in so many elements of the discussion of this. We know that there is a common picture, but we are looking at it from different standpoints. We are all fashioned on the anvil of experience, and we have different experiences that govern our view on the Bill.

A couple of illustrations came from the hon. Member for Croydon Central, who raised the issue of housing in Birmingham. The people of Birmingham would love to be able to say what their housing should be, and would not want anyone outside Birmingham to decide what housing should be and where it should be. If I can yet again be parochial, and reference my experience as a ward councillor, my ward grew by 30% in the 26 years I was a councillor. Year after year, I fought a succession of planning applications for sizeable developments—more than 2,500 in those 26-odd years. I never won one, but I got a lot of thanks for trying. What happened was that as soon as a new development was built, those residents then formed the next action group to stop the next development. That is the way it goes. Nimbyism exists—it is not a bad thing but a natural thing—in a village towards the town, in the town towards the county or district, in the county or district towards the region and...
in the region towards the country. As a nation, we tend to be that way inclined as well. Something needs to be in place to counter that, and it is question of what form it should take.

**Gavin Barwell:** Does the hon. Gentleman agree that his story about his experiences as a councillor illustrates the point that, under our current system, residents’ interaction with the planning system tends to come only when there is an application for something they do not want? We need to turn that around and engage them in developing the plans for their area.

**Mr Ward:** That is spot on, although to me, that is mending the system, rather than replacing it, which is where the focus should be. The hon. Member for Birmingham, Erdington made a solid case on the need for a strategic view on the big issues that we face. Of course, we all share that mood, do we not? The duty to co-operate is in the Bill, and it is in there for a reason, because it recognises that something is needed. It is wrong to include the duty to co-operate, however, without making it meaningful other than as a tokenism towards some sort of understanding of the need for a strategic view. It needs to be meaningful and beyond half measures. We seem to be replacing something that is unpopular for some with something that is uncertain for everybody. That is wrong.

Because of the comprehensive nature of the contribution from the hon. Member for Birmingham, Erdington, mine can be somewhat shorter than it otherwise would have been. I will confine myself to the amendments that are in my name and that of my hon. Friend. The Member for St Austell and Newquay. We have tabled a batch of amendments that seek to strengthen the duty to co-operate, while also extending the duty to marine planning authorities. I will return to that later. We are trying to expand the scope of the planning documents that authorities can jointly draw on. The degree to which the duty to co-operate is effective at achieving strategic planning will depend on the nature of the joint planning effort that it brings about. It is by no means clear that the duty will be meaningful in its current form. The language is, to say the least, at times vague and lacks force. Where two authorities prepare separate development plan documents, the duty may simply be about providing delivery and exchange of information. The heart of the duty is a passive requirement to respond if consulted and provide information to assist a planning process. That is hardly a rigorous or robust part of the Bill.

I touched on some amendments about co-operating in relation to the marine plan authority. That seems to be an omission from the Bill. The marine plan authority is a burning issue in Bradford. We have the River Aire, which flows into the sea and is thereby a connection, although it is 70 miles away. Of course, many people go to Blackpool and Scarborough for their holidays. I shall now be inundated by people from Filey, Whitby, Scarborough and Southport who will also point out that people from Bradford go to the seaside sometimes. The new marine planning regime comes into force this year, with the Marine Management Organisation drawing up spatial plans for the use and protection of marine resources. There is a clear need for the newly created authority to co-operate with terrestrial authorities on cross-cutting issues, some of which have been mentioned: climate change, flood defences, conservation and renewable energy.

Our amendment 197 would establish sustainable development as the ultimate objective of the duty to co-operate and puts that in place. There is a concern that where planning authorities do not set up a planning board and they are not under an obligation to do so, we need to reinforce sustainability where they prepare separate development plans. Amendment 199 would remove subsection (4), which is wishy-washy and passive. In our view, the measure requires more teeth.

Amendment 200 would give greater force to future guidance on how the duty to co-operate should operate, so that it can be strengthened or, indeed, refined if it proves inadequate. Amendment 201 provides that people may enter into an agreement on how the duty is to be exercised and how disputes may be resolved. Where the electorate is expected to increasingly hold the planning authorities to account, it seems to be essential that the information available enables them to do so effectively. Information should therefore be available on a local authority’s performance in working to develop joint solutions to cross-boundary issues.

Amendment 202 would put in place stronger reporting obligations and refers to how local authorities carry out the duty to co-operate. Although there are existing provisions for local authorities to draw up local development documents, they are limited to core strategies. New clause 9 would amend section 28 of the Planning and Compulsory Purchase Act 2004 to extend the scope of the plans, renaming them strategic development plans. It sets out some of the cross-border planning issues to which those should apply, such as housing and climate change. Amendments 203 to 205 would require local planning authorities to take strategic development plans into account in place of the regional spatial strategy. What we tried to do, from what we considered to be a weak position, with the duty to co-operate, is to reinforce that. It is not where we would have started, but to enable us to get to a position which can be accommodated on both sides, it requires strengthening, reinforcement and far more clarity, in our view.

6 pm

**Heidi Alexander** (Lewisham East) (Lab): I apologise for not being here for the duration of this debate; I had to attend an important constituency meeting. Unlike the hon. Member for Bradford East, I genuinely like planning and I think that it has a huge amount to offer the development of the country. Unlike the hon. Member for Croydon Central, who says that the only time people are genuinely involved in the planning system is when they are agitated or against a development, I accept that it can be at its most acute at that point, but also think that good local authorities across the country—I seem to be making a habit of saying this—that have conducted the process of putting local plans together properly will have been out there consulting and talking to their residents on their planning policies.

I accept that it is hard for people to get their heads around some of these things. It is much easier to get your head around a particular planning application, when the drawings are on the table in front of you, rather than the idea that, at some point, perhaps over the next five to ten years, there may be these sorts of developments, x number of homes. It is very difficult for people to engage at that stage. Understandably, people will have a number of other things going on in their
lives and the interest in engaging with the planning system comes when there is a particular application on the table. It is harder to get that engagement around planning policy.

I accept that it is very difficult to get my constituents in Lewisham East excited about regional spatial strategies, the London Plan or the local development framework, but with a lot of effort, we did that. I recognise that when members of the Government say that there was perhaps, a lack of democratic accountability in the RSSs, they are making something of a valid point. RSSs were not perfect, but they enabled us to look at some big issues that we have to address as a country. I will not repeat our debate on housing and the need for many more homes and, indeed, many more affordable homes, but I associate myself with the remarks of my right hon. Friend the Member for Greenwich and Woolwich in this respect.

What we need to achieve in the planning system is a balance between the carrot and the stick. I am not sure that the incentives that the Government propose will result in the number of homes that we need, or—let me develop this example—the type of energy that we need to be generating. I want to focus now on new clause 3 and our proposals to put sustainable development in the Bill and to speak more specifically about renewable energy generation.

Sustainable development as a concept means many things. Some people think that it means putting solar panels on the top of buildings, but it is not that. That might contribute to it, but it is actually about where development happens in this country. How are people going to get to work? Are they going to use public transport or their cars? What about the scale of development in locations across the country? An argument could be made that larger-scale developments can be more environmentally friendly. If we think about the way in which decentralised energy may be provided, a large development, perhaps on the outskirts of a town, may enable something like an energy services company to be introduced—a great example of localism. We need to get that presumption in favour of sustainable development in the Bill, which is why I welcome the proposed new clause and the amendments put forward by our Front-Bench team.

I said that I would talk about renewable energy generation. With the abolition of the regional spatial strategies, we lose not only housing targets but the targets for renewable energy generation. I ask Ministers to consider their claim of being the greenest Government ever when I put to them the following scenario. In 2009, the previous Government published their renewable energy strategy and, by and large, the targets that were set out in that were accepted by this Government when they published their renewable energy action plan last year. The lead scenario in that strategy suggested that by 2020, 14 GW of onshore wind energy would be needed across the UK. At the moment, we have 3.8 GW of capacity. Knowing how controversial wind farms are, my concern is exactly where such developments will go. Is it not the case that the Government should show some leadership over this? I fear that if we leave the matter to every community—I know these things are not easy to deal with—we will not get the sum total of what is needed. That point has been made about the Bill by the Town and Country Planning Association. I am concerned that we will see contractors putting the buck and leaving someone else to do it. We cannot take that risk when it comes to meeting our carbon reduction targets, tackling climate change and delivering new homes.

Let me beg the Committee’s indulgence for a couple of minutes. Members may think that my example would be better discussed under the neighbourhood planning section of the Bill, but I want to exemplify a wider point. I was a candidate in a council by-election and so had not even been elected when I was involved in my first campaign. There was a controversial housing development for about 35 flats of affordable housing. It was on a piece of parkland, although the definition of the land was complicated. The community—the people living in immediate proximity to that park—said, “We don’t want it. We want that piece of concrete to stay as it is.” It was a bomb site from the second world war.

I said, “Hang on a minute, there are 35 families who could be housed in this new development. There are additional benefits that could be provided in this area.” The issue was not black and white and there were no rights and wrongs. It was about the planning system and how we balanced the competing objectives of retaining open space and providing new housing. I took a stand. I was worried about it and feared that I would not get elected. This was a massive issue. There were banners saying, “Save Deptford park” over the road. None the less, I decided to say that, on balance, the development was appropriate. I thought that I was demonstrating leadership. I had seen thousands upon thousands of people who said, “I need to live in a bigger property and I need to live in a decent property.” There is a big question for this Government about leadership around housing and the provision of affordable housing. I will say no more at this stage. Suffice it to say that when we come to the neighbourhood planning section of the Bill, I will have a lot more to say.

Fiona Bruce: May I speak briefly against the fixed definition of sustainable development as proposed by Opposition Members? I will give one example of the dangers of such a fixed definition with its inevitable omissions. To some, such omissions are considered vital for the development of strong, healthy local communities. I speak of the needs of faith groups, and their immensely valuable contribution to local community life. In so doing, I also seek reassurance from the Minister on the issue.

I understand that faith communities have faced difficulties in the planning process in recent years because the importance of considering and making provision for places of worship and associated activities is now omitted from many local plans and core strategies. That has caused faith communities repeated failed applications, costly appeals and a great deal of concern. I would therefore appreciate an acknowledgement from the Minister that it is right to recognise the needs of faith communities and their important contribution to community life—they often care for the most vulnerable in our communities on a long-term and committed basis—when considering what sustainable development means within our local communities.
The Minister of State, Department for Communities and Local Government (Greg Clark): We have had a wide-ranging, interesting and sometimes passionate debate. My hon. Friend the Member for Bradford East says that he hates planning, and I thought that members of the public shared that sentiment when the gallery emptied as we came on to the subject. We have attracted some people back in the meantime. Perhaps it was the prospect of a history lesson from the hon. Member for Birmingham, Erdington that had that effect.

I feel that I owe an apology to the right hon. Member for Greenwich and Woolwich, whom I encouraged to serve on the Committee. I thought that we would benefit from his scrutiny and debate, but I fear that I have done a disservice to his blood pressure. I am not sure whether these proceedings will be good for his health. He talked about seriousness. I do not think that anyone in the Committee, or the House, is under any illusions about the seriousness with which he takes himself. I realise that it was perhaps a little cruel; he is a veteran of such proceedings, and I think that he as a Minister introduced some of the measures that we are repealing today. That is an unusual position. We can understand the passion that he brings to measures that he introduced. If that means that he gets a little batey from time to time, we understand the context.

Heidi Alexander: Will the Minister join me in thanking the right hon. Member for Greenwich and Woolwich and the hon. Member for Birmingham, Erdington for bringing a bit of life to this debate and waking up Government Members from a permanent reverie over the past couple of days?

Greg Clark: The hon. Lady does herself a disservice. Her contributions provide life, as do those of the right hon. Member for Greenwich and Woolwich. He has been invited to be a tricoteur at the guillotining of his own measures, and we can understand how that might induce a sudden dyspepsia from time to time. However, we have had life, and I am grateful for the right hon. Gentleman’s presence and his characteristic robustness.

We have managed, despite surface appearances, to reach a degree of mutual understanding about the clauses and amendments before us. Everyone, with the possible exception of the right hon. Member for Greenwich and Woolwich, has been invited to be a tricoteur at the guillotining of his own measures, and we can understand how that might induce a sudden dyspepsia from time to time. However, we have had life, and I am grateful for the right hon. Gentleman’s presence and his characteristic robustness.

We have managed, despite surface appearances, to reach a degree of mutual understanding about the clauses and amendments before us. Everyone, with the possible exception of the right hon. Gentleman, agrees that regional spatial strategies have had their time. Whether or not they were the wrong approach to begin with, as we think, I do not believe that Front-Bench Members on either side of the Committee think that they should be kept. The hon. Member for Birmingham, Erdington and his hon. Friend the Member for Worsley and Eccles South signalled that clearly. That view is confirmed by the evidence that we have heard.

6.15 pm

We have heard a lot of evidence. The hon. Member for Birmingham, Erdington is right that people had things to say about issues of transition and detail. Adrian Penfold from British Land said:

“There has been a sense that development has been imposed on local people. In many cases...it causes a feeling of imposition on local communities...regional government is often seen as an arm of central Government. So the situation is seen as central Government imposing on local people...The best situations are where we work with local authorities and communities to get around the feelings of imposition, and developments happen.”

[Official Report, Localism Public Bill Committee, 25 January 2011; c. 106, Q179.] That is the view that we have heard. I cannot recall a single piece of evidence that argued for the retention of regional spatial strategies. My hon. Friend the Member for Croydon Central pointed out that some of the foremost opponents of regional spatial strategies are Labour Members. I think the hon. Member for North Durham (Mr Jones) described them as Stalinist in their practice, if not their intent.

Alison Seabeck: Just to ensure that the record is entirely straight and one of our witnesses is not taken out of context, the gentleman from the Home Builders Federation was clear about his support for regional spatial strategies.

Greg Clark: Well, I will correct my understanding if I am wrong. I did not think that he was in favour of continuing them.

Mr Raynsford: I cannot resist teasing the Minister; as he knows, regional spatial strategies will survive in London.

Greg Clark: With an elected representative who can set them and be endorsed or removed as necessary.

My hon. Friend the Member for Greenwich and Woolwich, whom I encouraged to entertain contributions earlier. There was more consensus there than he found it convenient to acknowledge at the time. We are agreed that the regional strategies as the basis for our planning system have had their day. The perfectly reasonable question is what should replace them. That is the question before the Committee and the question that the Bill needs to address.

I have been clear, and I was clear when I gave evidence to the Committee, that this approach of requiring co-operation between authorities is important. It replaces an administrative way of reconciling larger than local interests with a more natural, more democratic and more organic means whereby people can recognise their common interests across borders. We have had some examples of how the previous administrative arrangements put barriers in the way of that, whether that is dividing Kent, Essex and London into three separate regions that then required further arrangements to overcome that or the same in Milton Keynes.

The approach that we are taking to allow and to expect some greater bottom-up co-operation is a very important principle. It is consistent with the approach that we have taken to local enterprise partnerships and I am grateful for the hon. Gentleman’s recognition that that has produced in many cases some striking examples
of a natural economic geography that was submerged by the previous arrangements. Whether it is in great cities like Manchester or Birmingham, which is another example of a promising partnership, or in areas such as Kent, Essex and East Sussex that recognise that they have some common features, enabling people to recognise their issues of common concern and come together to address them is the right approach.

The question is whether the duty to co-operate as expressed in the Bill is the best expression of that very important measure that we are introducing. As I said to the Committee when I gave evidence, I am willing to take representations and to reflect on them. I have said that to Members. I have also been in discussion with many of the trade bodies and interested parties. From the time of the Bill’s publication, I have been clear in saying to them, “This is the approach that we are minded to take. We very much welcome your expert advice on how this can be tweaked and strengthened and how it can be made to work optimally.”

I am grateful to some of the bodies that have promoted the amendments that we are discussing today. Perfectly reasonably, the Opposition’s amendments are closely modelled, as the hon. Member for Birmingham, Erdington mentioned, on some suggestions that the Town and Country Planning Association has made. As it happens, the amendments tabled by my hon. Friends the Members for Bradford East and for St Austell and Newquay are also promoted by the TCPA, and I think it recognises that there are different approaches.

Jack Dromey: Just for the record, there are 20 organisations in that coalition on the one hand, and what they are proposing accords with all the evidence given to the Committee on the other.

Greg Clark: As I say, I am grateful for the opportunity to reflect on those. I hope that members of the Committee have seen the late set of amendments suggested by the Royal Town Planning Institute, of which I think the right hon. Member for Greenwich and Woolwich is a vice-president. It reflected seriously on these matters and shared with us a set of amendments.

I will give some commentary on the range of amendments tabled by the hon. Member for Birmingham, Erdington and for Worsley and Eccles South, and my hon. Friends the Members for Bradford East and for St Austell and Newquay, and also the RTPI’s suggested amendments. As on the abolition of regional strategies, there are grounds to divine a consensus as to how the matters should be approached. We have had a wide-ranging group of amendments, so let me refer to them in groups according to their theme and reflect on that.

The first theme is the question of whom or which bodies should be subject to the duty to co-operate. That is reflected in the Opposition’s amendments 153 and 154 and amendments 195, 196 and 198 tabled by my hon. Friends. The Opposition suggest that integrated transport bodies ought to be subject to the duty to co-operate. My hon. Friend the Member for Bradford East mentioned the idea that marine planning authorities should be subject to the duty. All those are perfectly sensible. It always was our intention that those bodies should be subject to the duty to co-operate. We had it in mind to prescribe those bodies in regulations. They will include, for example, the Environment Agency, and bodies that could also be on the list if we were taking a more comprehensive set of amendments, but are not. It is our intention to capture those bodies and more besides. This should be a very general duty to co-operate, not confined to local authorities but extending to all the relevant public bodies that have a contribution to make on spatial planning.

I suggest to the hon. Member for Birmingham, Erdington and my hon. Friends the Members for Bradford East and for St Austell and Newquay that we will consider the list. If we can, we will publish in draft form before we get to Report a list of the bodies that we have in mind for the requirement. I am sure that we can come to a common view as to which bodies should be there.

Let me turn to the next theme—the next set of amendments—which are the activities covered by the duty to co-operate. Amendments 155 to 157 were tabled by the hon. Member for Birmingham, Erdington, while new clause 9, amendments 203 to 205 and amendments 199 to 202 were tabled by my hon. Friend the Member for Bradford East. The provisions represent different approaches, and it is interesting that the TCPA considers that there are two possible approaches, presumably both of which it considers to be valid. One approach is to prescribe in great detail the activities and types of plans and documents that should be promoted, while the other set of TCPA and other bodies’ amendments suggest a lighter touch approach, but with a requirement for a proper degree of co-operation to be reflected if the plan is to be adopted. That is also the essence of the Royal Town Planning Institute’s suggested approach. The RTPI’s suggestion reflects some of our discussions on earlier clauses. Giving an example in the Bill of one particular means of discharging the duty to co-operate—in other words, responding to the request for information—is dangerously narrow. It is meant to be helpful, but it might be interpreted as the only thing that is necessary to discharge that duty to co-operate. The RTPI feels that it is unhelpful to have that duty to exchange information.

Barbara Keeley: I want to ask the Minister straightforwardly if all members of the Committee have seen the RTPI amendment to which he refers. If that is not clear, people should have a copy.

Greg Clark: I received it as a member of the Committee as well as a Minister. It was published yesterday, so I assumed that it had been e-mailed around. Members might have received it—I think some have. Since it is not a Government amendment, I do not know whether it is proper for it to be supplied.

Barbara Keeley: I just make the point that the Minister is referring to it.

Greg Clark: I am referring to it because it was sent—I think to all members of the Committee.

Brandon Lewis: Just to confirm, the document was sent to all members of the Committee on 14 February. It came to my office as part of a pack.
Barbara Keeley: I just make the point that it should be supplied.

The Chair: Order. There cannot be an intervention on an intervention.

Greg Clark: Well, I think the amendment is widely available, but it should not be necessary for Members to have it in front of them because I will refer to some of its features, given that they are worth mentioning.

The amendment suggests that we should insert into clause 90(2) that the duty to co-operate should apply “where issues or impacts cross administrative boundaries”. On the face of it, that seems to be a sensible approach that is quite wide in scope. The amendment suggests: there should be “a duty to consider the preparation of joint development documents”; a duty to consider the preparation of joint local infrastructure plans; and “a duty to consider consulting on and publishing such agreements or other documents prepared jointly”; and the fulfilment of these duties should “be regarded as a consideration by an independent examiner in carrying out functions under section 20”.

The essence of the RTPI’s approach is very similar in its effect to that of the set of amendments tabled by my hon. Friend the Member for Bradford East, which were suggested by the TCPA.

Rather than detain the Committee too long about detail, I acknowledge the opportunity that we have to strengthen that duty to co-operate, to make it bite and to make it more encompassing that it is. From the amendments that have been tabled to the amendments that have been shared, there is the opportunity to establish a set of changes to this duty that will provide a good basis on which to replace the regional strategies with something that reflects that approach.

Alison Seabeck: May I make a quick point before the right hon. Gentleman concludes his speech? With no disrespect at all to the hon. Member for Henley, he is a foot soldier in the Department. When I asked a question about the national planning policy framework and its current format, the hon. Gentleman offered advice, but I would welcome direct confirmation from the Minister that there is no draft of that particular document at the moment.

Greg Clark: The hon. Lady raises a perfectly reasonable point. We have made a commitment to publish a draft of the national planning policy framework by July. My hon. Friend the Member for Henley advises me on this issue because he produced the document on it when we were in opposition. Suggestions are being made from a number of different quarters, not only by my hon. Friend but by many of the organisations that have proposed amendments. We have put out a consultation for suggestions. I certainly do not have a draft comprehensive national planning policy framework in my back pocket that I am not sharing with the Committee. It will be reasonable for the hon. Member for Plymouth, Moor View to ask for indication about the contents and principles of the framework at various points later in the Bill’s passage.

Jack Dromey: Just for clarity, is what the Minister has said an indication that the Government will bring back their own proposals on Report?

Greg Clark: The convention on these matters, as the right hon. Member for Greenwich and Woolwich knows better than me, is that amendments proposed by third parties need to go through a process of due diligence to make sure that they are legally watertight. I accept the thrust of much of what has been said about the duty to co-operate, so I undertake to return during the Bill’s passage with a set of Government amendments with the objective of achieving as much consensus as possible.

Mr Raynsford: The Minister gives a welcome commitment that he will come back to the matter, which implies that the issue will be dealt with by this House, not the other place. Will he confirm that that is his intention?

Greg Clark: I hesitate to do that in a strikingly clear way. We have not yet reached the agreement or drafted the amendments, so I do not know how long that will take. However, I will use my best endeavours to get that done as quickly as possible. I hope that that will be possible but if it does not get done in quite that way, the right hon. Gentleman and the Committee have my assurance that I will operate in the spirit that I have described.

Let me say a little about the question of the purpose of planning and the role of sustainable development in the Bill. I have no objection in principle to the idea of referring to sustainable development. My only caution—we will need to discuss this further—is that, so far, we have made a distinction in all previous legislation between planning policy and the structural aspects of planning. I am clear that sustainable development needs to be kept up to date as a principle, and it is my intention to elevate its role and increase its clarity in the national planning policy framework. I want to do that, but I also want to make sure that, for example when responding to new technological developments, we do not end up being constrained by an encapsulation of some of the practice of sustainable development that would actually be an impediment to that.

Such a situation would be perfectly possible with the development of electric vehicles. I have test driven a new electric vehicle called the Leaf, which is produced in Washington and will go on sale this year. If there was a mass take-up of electric vehicles, our approach to traffic management would be very different. At the moment, vehicles are predominantly powered by fossil fuels, so it is important to have the flexibility to adapt policy to take account of changing technological conditions. I will certainly reflect on that point and also on the suggestion that there should be a reference to the national planning policy framework in the Bill.

Jack Dromey: I believe that the right hon. Gentleman was referring to new clause 3 in relation to the purpose of planning. He says that he will reflect. Do the Government intend to come back to Parliament during the passage of the Bill on the question of whether the matter should be set out in the Bill?
Greg Clark: Yes, I will come back to Parliament on that. I am very clear that there should be a strengthening of the duty to co-operate. We have heard some helpful suggestions. There is a clear suggestion that we should put sustainable development and its definition in the Bill. I have no objection in principle, although I am not persuaded that it would prove to be inimical to our joint purposes, but I will approach the matter with an open mind. If it seems possible to capture the suggestion in a way that does not preclude sustainability from having a major role to play, I will certainly do that.

The same applies to putting the framework in the Bill. It is clearly established in planning law that guidance is an important part of the ecology of planning. There are some suggestions that a reference to the significance of the NPPF would be helpful. Against that, however, I have heard some concerns in our discussions that link to the points made by the right hon. Gentleman the Member for Greenwich and Woolwich about not taking a year zero approach to things and completely designing the system from scratch. One of the features of the present regime with which the right hon. Gentleman is familiar is the importance of section 38(6) of the Planning and Compulsory Purchase Act 2004. That provision establishes the primacy of the development plan, which obviously needs to be consistent with national policy. If we were to establish in the Bill a new primacy for national policy that is different from how we have managed in recent decades, I would want to be cautious that we did not introduce something, albeit with the best of intentions, that changed the accepted understanding of the importance of the primacy of the development plan and that, in effect, interferes with section 38(6) without good purpose. If there is a balance of advantage in the approach, I think we can contemplate it, but it behoves us to reflect carefully on the representations that have been made, which I undertake to do.

Jack Dromey: In the light of the Minister’s constructive response, it would be churlish for me to respond as I had intended to—rather robustly—to some of the earlier contributions. We genuinely welcome the Government’s response. We asked that they should hear not just the Opposition and the hon. Member for Bradford East, but the wide body of evidence adduced before the Committee. In fairness, the Government have said that they are prepared to reflect. Obviously, I cannot speak for the hon. Member for Bradford East, however supportive I was of the very good points he made in his contribution.

We are looking at three categories of amendments: first, our amendments 153 and 154, which address who should be covered; secondly, our amendments 155 to 157—I accept that there are variations between the proposals that have come from the RTPI on the one hand and those from the coalition of 20 organisations in the TCPA-led coalition on the other—and, thirdly, new clauses 3 to 5, 7 and 9, on which we would not vote at this stage anyway. In the light of the Minister’s genuinely constructive response, we will not press amendments 153 to 157 to a Division.

We have had a good debate in which there has been a robust exchange of views. I very much hope that we will see action on what the Minister has promised today in his genuinely constructive response, because we all want to strengthen the Bill so that we have a planning system that is fit for purpose.

Question put and agreed to.

Clause 89 accordingly ordered to stand part of the Bill.

Schedule 8 agreed to.

Ordered, That further consideration be now adjourned.

—(Bill Wiggin.)

6.41 pm

Adjourned till Thursday 17 February at half-past Nine o’clock.