



In Focus

Direct Planning (Pilot) Bill [HL] HL Bill 20 of 2015–16

Key Provisions

The [Direct Planning \(Pilot\) Bill \[HL\]](#) is a private member's bill introduced by Lord Lexden (Conservative). The Bill received its first reading in the House of Lords on 3 June 2015 and is scheduled to receive its second reading on 20 November 2015.

The Bill would require the Secretary of State to make regulations to establish pilot schemes to enable “residents” (ie those acting as neighbourhood forums or a community organisation within designated areas) to participate “more directly in developing planning policy” (clause 1(1)). Residents would develop “form-based design codes” (ie a set of rules), according to which planning permission may be granted within the area to which the code applies (clause 1(2)(a)). These would define how streets and buildings would look and function.¹ A £2 million fund would cover any “reasonable” expenditure incurred by residents in carrying out the pilot schemes (clause 1(4)), and residents would be able to bid for grants from the fund under a rolling application, up to total individual grants of £100,000 (clause 1(5)). Local authorities could allow the full disbursement of money allocated for local planning purposes only when they received evidence that local planning authorities had provided support to neighbourhood forums and community groups; in the absence of such evidence, five percent of the planning budget would be distributed as a rolling grant to support such local groups.

The Bill provides that the form-based design codes must be developed by “charrette” and approved by referendum of the residents. A “charrette” is defined in the Bill as a “collaborative series of meetings conducted over a period of less than four weeks between those who have an interest in development in a designated area including but not limited to developers, architects, residents, local businesses and community groups and unincorporated associations, for the purpose of developing and agreeing to the master plan for a particular development” (clause 2(5)). A charrette would be conducted for—but would not be limited to—estate regeneration programmes and developments which required an Environmental Impact Assessment (clause 2(1)). Any expenditure incurred by virtue of conducting a charrette relating to an estate regeneration programme would be met by the local authority or registered social landlord who intended to undertake the development (clause 2(4)). Clause 6 provides that the substance of the Bill would be repealed five years from the day it became an Act.

Commentary

Create Streets—a non-partisan social enterprise and independent research institute focusing on the built environment which is supporting the Bill—has stressed what it sees as a fundamental issue with

regard to planning which the Bill addresses: that politicians “have been asking: ‘how do we build more homes?’, when they should have been asking ‘how do we make new homes more popular?’”.² While explaining, for example, that there is “an enormous opportunity to regenerate unpopular, unviable postwar estates back to traditional streets of houses and medium rise flats at higher densities” and that this “would provide up to 20 years housing for London and can in many (not all) cases be self-funding”, it notes: “too many estate regenerations are replicating too many of the errors of 50 years ago due to the disconnects between the planning system and artificially high land values on the one hand with what people want to live in and long-term value generation on the other”. Create Streets argues that the Bill’s proposals would help address issues such as: inadequate consultation processes—with suggestions that a “more genuine community engagement on enquiry by design” would encourage popular and walkable neighbourhoods; current funds for neighbourhood planning being “rarely sufficient” unless pro bono professional time is given which, it suggests, has resulted in “most neighbourhood plans coming from middle-class communities”; and a “widespread perception” that local planning teams are unsupportive of community planning.

A 2014 report by Shelter—a charity addressing housing and homelessness—in collaboration with KPMG, noted that: “[s]upport for new house building can all too easily wilt in the face of local opposition—particularly as, all too often, new homes are not matched with integrated social and transport infrastructure and can be densely planned with homogenous design without creating a sense of community. Local people need to know that new developments will work for both them and their children”.³ A 2009 report by the Royal Institute of British Architects (RIBA) highlighted surveys showing that “only a minority of active homebuyers would consider buying a new home”.⁴ Among the RIBA report’s recommendations were charettes to bring together design teams with local stakeholders and residents. Create Streets has suggested that Lord Lexden’s Bill would begin the process of “fixing” some of the issues raised above by: “empowering what citizens want over what planners think they should want; accelerating and extending the progress made by neighbourhood planning; encouraging more building and more popular support for building; reducing the cost of planning by engendering more popular consent; and improving the ability of normal citizens meaningfully to influence and support what gets built”.⁵

On 27 May 2015, the Government stated in its background briefing notes to the Queen’s Speech that it would “simplify and speed up the neighbourhood planning system, to support communities that seek to meet local housing and other development needs through neighbourhood planning”.⁶ The Housing and Planning Bill was introduced to the House of Commons by the Government on 13 October 2015. A government press release stated that the Bill was “kick starting a national crusade to get 1 million homes built by 2020”.⁷ Key provisions in the Bill—which include numerous reforms to the planning system—are summarised in House of Commons Library briefing [Housing and Planning Bill \[Bill 75 of 2015–16\]](#) (22 October 2015, CBP-7331).

¹ Create Streets, ‘[The Direct Planning \(Pilot\) Bill—Let’s Change the Question from “How Do We Build More Homes?” to “How Do We Make New Homes More Popular?”](#)’, Create Streets Blog, 30 May 2015.

² *ibid.*

³ Shelter and KPMG, [Building the Homes We Need: A Programme for the 2015 Government](#), April 2014, p 10.

⁴ Royal Institute of British Architects, [Improving Housing Quality Unlocking the Market](#), 2009, p 1.

⁵ Create Streets, *op cit.*

⁶ HM Government, [Queen’s Speech Background Briefing Notes](#), 27 May 2015, p 28.

⁷ Department for Communities and Local Government (DCLG), ‘[Historic Housing and Planning Bill will Transform Generation Rent into Generation Buy](#)’, 13 October 2015.

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