

localism, local pressures



Trying to catch the breeze of the 'new localism' mantra of the current Coalition Government, I will not have been the only planning consultant to advise people now to do things in a way that is seriously 'bottom up', in order to garner the support of the local community.

One of the first runs at this was in advising a client who was brewing a scheme for a beautiful new home for his family in a very sensitive location. Under the sinking star of the planning system now being demolished by the Coalition, it would be a 'PPS7 exception' case, taking advantage of what people childishly call 'Gummer's Law' to create an exquisite architect-designed residence in the countryside, with approval against normal policy objections excused by the merits of the design.

Under the old system one might try to persuade the local planning officials, but expect them to be too unsure of themselves to recommend approval. The angry selfish voices of the countryside lobby are not only ugly to see, but scary for an officer to hear. Attempts to talk to English Nature (now Natural England) would be difficult because they hide behind their 'landscape character' maps of England to argue that any change is bad (missing the blindingly obvious point that the landscape character of the moment is only described, not assessed for merit, in their ossifying maps). They can be expected to object, and quangos like that spook planning officials too. And any case which rests primarily on aesthetic judgement is just too difficult: few local planning authorities have access to distinguished and respected architectural advisers capable of speaking in Plain English to planning committees.

So a snappy refusal can be expected, and then a real analysis at appeal. Several good schemes have survived that ordeal, and our countryside is better for it.

The PPS7 exceptions policy will be abolished once the napkin-sized National Planning Policy

Framework is approved. Now, spurred by the Pickles rhetoric that 'top-down' policy was being abandoned, it seemed we should start local.

At the formative stages of the project – while the architect's design ideas were still in sketch form – I suggested to my client that he should approach his local parish councillors. The idea was to share his thoughts and ambitions with them, and invite their comments and advice as elected representatives of the local community. It was also to personalise the project, for this is now to be a local political culture.

What a shocking, dismal experience this turned out to be. The parish councillors were just not interested. None would speak face to face or meet on site. I can report that this aspect of the 'new localism' is a blank dead end.

One e-mailed to say that she was not 'permitted' to speak to people who were thinking of making a planning application, and that my client should approach the District Council and pay a fee for one of their useless 'pre-application consultation' services (you know the form – I've written about it here: pay a load of money to an officer who in several weeks' time will say things which you can read in the Local Plan all by yourself, with the rider that their advice is worthless because they cannot actually speak for the Committee). The other parish councillor said it was 'contrary to the law' to talk to people preparing to make planning applications.

Roughly the same reaction was experienced when it came to elected district councillors. They believed it was against the law for them to talk to anyone about a prospective planning application, and evidently felt in fear of being trapped into having to say – face to face – that they agreed or did not agree with what their constituent was brewing. Their response was almost wholly unhelpful, at best uninterested and at worst evasive, lazy and cowardly.

The restraints upon elected councillors are something of an old chestnut. Standing Orders for members of development control committees (note: only development control committees) typically say (and I quote from a current example, with my emphasis): 'Insofar as is possible [development control committee] members should avoid contact with applicants, agents, objectors and – in particular – decline all offers of gifts and hospitality. Before an application is made they should have an officer

present if possible when meeting any of the above and keep a record of the meeting... members should not offer any opinion on a planning application until it has come to Committee and they are satisfied that they have all the relevant planning information... this includes all applications arising within their wards – which should be handled by other councillors... members are advised not to allow themselves to be lobbied but, when they are, they must give equal time and opportunity to both applicant and objector.’ There’s more. Much more.

It is common for the evolution of this completely dysfunctional type of local democracy to be blamed upon ‘Nolan’. Let’s unpack that for a moment. The Committee on Standards in Public Life was established by John Major in 1994, under the chairmanship of Lord Nolan, initially to deal with concerns about unethical conduct among MPs, including accepting financial incentives for tabling Parliamentary questions, and issues over procedures for appointment to public bodies.

‘The local plan is to say what we, the local people, want it to say’

As an independent advisory body to the Government, the Committee monitors, reports and makes recommendations on all issues relating to standards in public life. It is a ‘standing’ committee, not linked to a specific inquiry or report. It is formed of ten people – in addition to the Chair, there are three political members appointed by the Prime Minister on the recommendation of the leaders of the Labour Party, the Conservative Party and the Liberal Democrat Party and six independents appointed by the Prime Minister.

Under Lord Nolan, the ‘Seven Principles of Public Life’ (aka the ‘Nolan Principles’) were defined as follows:

- **Selflessness:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- **Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- **Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for

rewards and benefits, holders of public office should make choices on merit.

- **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.
- **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership:** Holders of public office should promote and support these principles by leadership and example.

Over several years we seem to have migrated from these principles, through some sort of collective Health and Safety style regulatory frenzy, to turn local democracy into a parallel universe in which we are asked to vote for people who are not permitted to communicate with us, and who will make decisions about everything except that which affects the locality they represent, and who will approach every decision-making moment with a brain free of any relevant information whatsoever. I can’t see that world as being the objective of the Committee on Standards in Public Life.

If there is to be an end to ‘top-down’ planning and a reliance on ‘bottom-up’ considerations, we must be able to talk to our elected councillors about our plans while they are still being shaped. Our elected councillors should meet to discuss our proposals, having familiarised themselves with us as well as with the documentation, and they should hear our voice as clearly as they allow other voices to be heard. There is to be no hiding place in national planning policy guidance any more. The local plan is to say what we, the local people, want it to say, and our agents are our elected councillors.

If that isn’t the deal, then entry level localism is a con. If elected local councillors are obliged to be as inaccessible, unresponsive, and insensitive as many seem to believe themselves to have to be, it is evident that the Committee on Standards in Public Life has a lot of baggage to clear away from the world of planning.

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