

FIONA BRUCE MP



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr N Light, Ms J Unsworth, Mr S
Jackson

28 February 2014

Our Ref: C/ProtectCongleton/FB/HC
Please quote the reference on any correspondence

Dear Nick, Jenny and Steve

**Re: your e-mail 17th January 2014
Amendments to Planning Act**

I have conducted research in the House of Commons following receipt of your e-mail requesting information about the above and this is attached.

As you appreciate I would have to have sight of specific legislation put forward in a draft bill before commenting conclusively but in principle I can absolutely assure you that I am opposed to any further dilution of the input and influence of local people into planning decisions relating to their own locality.

I continually – virtually weekly, ~~to~~ speak with Planning Ministers, challenging them as to the negative effect of the NPPF on planning proposals in the Congleton Constituency.

My own view is that the NPPF should now be reviewed in light of the impact it is having; in addition, and I have written to both the Secretary of State and the Planning Inspectorate to this effect, the draft Local Plan and the proposed

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housing supply numbers now produced by Cheshire East Council should be treated as emerging and carrying weight on planning appeals.

With kind regards,

Yours sincerely,

Fiona Bruce MP
Member of Parliament for the Congleton Constituency
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Judicial Review

On 6 September the Government published a *consultation* which included proposals to create a new specialist “planning chamber” for challenges relating to major developments to be taken only by expert judges using streamlined processes.³⁷ The Government believes that judicial reviews have created “unacceptable delays to the development of crucial infrastructure and housing projects.”³⁸ The Consultation explained that the aim was to allow planning cases to be better prioritised and allow specialist judges to maximise their specialist skills to ensure that cases proceed quickly to a determination.

The Government’s response to the consultation was published in February 2014 and said that Government would create a specialist Planning Court within the High Court to deal with judicial reviews and statutory appeals relating to Nationally Significant Infrastructure Projects and other planning matters. The *Criminal Justice and Courts Bill 2013-14* now contains this provision.

Local Plans: statutory requirement

In the *National Infrastructure Plan 2013* the Government said that would consult on introducing a statutory requirement for local authorities to have a local plan in place:

7.42 Local Plans provide certainty for developers, while supporting locally-led sustainable development. Three quarters of planning authorities now have a published Local Plan, but further progress can be made. The government will consult on measures to improve plan making, including introducing a statutory requirement to put a Local Plan in place.³⁹

Planning conditions

The power to impose conditions when granting planning permission is very wide. They can be used to enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission.⁴⁰ They can cover a wide range of issues such as design and landscape to restricting hours of operation of a business. Under the National Planning Policy Framework planning conditions should “only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”

In the *National Infrastructure Plan 2013* the Government expressed concern about delays with local planning authorities discharging planning condition and committed to making changes to the system:

7.43 Delays associated with the discharge of planning conditions can hinder the effective delivery of development. The government will legislate so that where a planning authority has failed to discharge a condition on time, it will be treated as approved, and will consult on using legislative measures to strengthen the requirement for planning authorities to justify conditions that must be discharged before any work can start.