

PLANNING

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Pitt: transparency pledged

Pitt to resist interference

Infrastructure Planning Commission (IPC) chairman Sir Michael Pitt has vowed to stand firm against any political influence on the new body's decisions.

Speaking ahead of the commission's formal launch yesterday, Pitt pledged to maintain the IPC's independence. Only important issues involving national security will be treated as confidential, he insisted. "I can see no reason why the secretary of state should get details of a decision before anyone else," he added.

"We will be completely open and transparent. I would make it public if I felt I was being leant on by a minister or a civil servant," he told a press briefing. "Commissioners cannot be sacked because they make an unpopular decision."

The IPC expects to handle around 50 applications for major schemes in its first 12 months, the bulk of them motorway and trunk road upgrades, power stations and upgrades to the national grid. Pitt revealed that it will expand and reduce staffing levels in line with demand.

"There are no limits to the number of applications and the IPC has to be elastic, both in its secretariat and in the number of commissioners. We will recruit either permanent or temporary staff if the workload grows and lay people off if it shrinks," he said.

Draft plan faces legal test

By Mark Wilding

Government advice that considerable weight should be given to its draft changes to the South West regional plan is open to High Court challenge, according to experts.

It comes after the Government Office for the South West (GOSW) announced a further delay to the regional spatial strategy (RSS) to do more work on sustainability appraisals as a result of successful court action against the East of England Plan.

GOSW has advised planning authorities that until the plan is finalised, significant weight should be given to the secretary of state's proposed changes.

Francis Taylor Building barrister Gregory Jones responded: "Any decision-maker giving such weight to the proposed changes is open



South West: housing decisions in doubt after court fears

to High Court challenge. What the government office is proposing would drive a coach and horses through the strategic environmental assessment directive."

Challenges could be made to decisions which rely on the draft RSS but also the

advice given to councils, Jones added. Several decisions made on appeal by the secretary of state have cited giving significant weight to the proposed changes.

Burges Salmon planning partner Gary Soloman agreed that councils following the

advice may be open to court action. "It is premature for the secretary of state to be issuing such advice when he is not yet satisfied that the proposals are the most sustainable for the region."

It is not clear whether any authorities will seek to challenge the advice. Plymouth City Council wrote to GOSW after an earlier delay to the RSS, raising concerns about referring to the document in planning decisions. South Gloucestershire Council has also opposed the advice, stating that the process used to prepare the RSS is flawed.

But Barton Willmore partner Simon Prescott said: "The RSS may not be issued before the general election and the Tories have pledged to abolish regional planning policy. My concern is that councils will use this delay to avoid making decisions."

DCLG concedes green belt homes defeat

By Susanna Gillman

The government has decided not to defend policies for thousands of new homes on green belt in Oxfordshire and Surrey in the South East Plan after legal action.

The DCLG confirmed that it will not contest the challenges over the failure to carry out assessments of reasonable alternatives to

the green belt reviews for the south of Oxford and north-east of Guildford.

Campaign to Protect Rural England Oxfordshire, South Oxfordshire District Council and Guildford Borough Council were among five parties that had lodged challenges over failure to comply with strategic environmental assessment rules (*Planning*, 19 June, p2).

The government's concession means that it will avoid incurring further court costs. But it is likely to have to reconsider these parts of the plan, finalised in May, to ensure that housing numbers are maintained.

It also backs up predictions that a landmark ruling on the East of England Plan earlier this year, where the government unsuccessfully

defended its policies, would have major implications for other regional plans.

A DCLG spokeswoman responded: "The legal challenge to a small portion of the plan will now be considered by the legal system and therefore it would be inappropriate to comment further on the issue."

Story continues on page 2.

IN THIS ISSUE

SCOTS SPEED APPEALS 4
Faster written submission decisions are among process improvements outlined in Scottish directorate review

READING REVISION WINS 5
Plans for the town centre Station Hill redevelopment (right) beat their critics to secure council approval



BUSWAYS IN BUSINESS 14
Cambridgeshire is leading the way with its guided busway as a fresh approach to cutting traffic congestion as development pressure grows

JOB OF THE WEEK 31
London Borough of Brent seeks deputy enforcement manager, salary to £45,144

REGULARS
Transport news 6
Scottish news 7
Analysis 8
Legal report 9
Letters & Comment .. 10-11
Interview 13
Skill up 18
DC Casebook 19-23
RTPI News 24-26
Planning jobs 30-31