



## **INFORMATION AND ASSISTANCE FOR RESIDENTS' ASSOCIATIONS**

Dear Members, we hope that you will find our June Newsletter interesting and informative in relation to the National Planning Policy Framework and Grey Belt, and the raft of other changes being proposed, mainly through the Planning and Infrastructure Bill.

The article from Highfield Residents' Association demonstrates how effective a RA can be when working with a Local Council.

Best wishes,

**NORA Committee**

### **The Planning and Infrastructure Bill**

Whilst the recent changes to the National Planning Policy Framework and Grey Belt have been well publicised, there is a raft of other changes being proposed, mainly through the Planning and Infrastructure Bill. In summary the changes being sought include the following:

#### **Streamlining Decision Making**

The Planning Reform Working Paper tries to address three perceptions the Government considers are slowing down planning decisions:

1. A lack of clarity on which applications go to planning committee.
2. The excessive time spent by local politicians considering applications which are in line with Local Plans.
3. Insufficient understanding of planning law on the part of committee members.

The Government's objective is to produce quicker quality decisions in line with local plans.

By removing trivial applications, this will allow planning committees to focus on applications which are not in line with Plans.

## National Scheme of Delegation

The Planning and Infrastructure Bill will

1. Give the Secretary of State new powers to produce regulations requiring delegations to a committee, subcommittee or officer in given circumstances ie the Government will decide what applications can go to committee. The aim will be to stop minor schemes such as householder applications clogging up committee agendas.
2. Standardise the size and composition of planning committees. The aim is for smaller committees.
3. Make provisions for the training of committee members and Mayors, who will now be empowered to exercise planning duties.

Those without a training certificate will be unable to make decisions.

## Fees

Local authorities will be empowered to set fees such that they are able to recoup the cost of assessing the application. The Secretary of State reserves the right to intervene if they believe the fee is unreasonable, including having the power to dictate the fee. Any income from fees is to be ringfenced for planning purposes.

Whilst the changes will be welcomed by the development industry the devil will be in the detail. Preventing certain applications from going to the planning committee will put added pressure on the chief planner who will be lobbied by members to make a certain decision. Not all local authorities have a conveyor belt of major planning applications and the small householder schemes can be their most controversial schemes. This loss of local democracy will hit local community groups who want to ensure an application is considered by their elected representatives. The Government is also being naïve in thinking most applications comply with the local plan, the reality is most applications, however minor, are likely to be contrary to some policy in the plan.

Bar the opportunity to bring in more officers via the increase in planning fees, this does not address the reluctance of many councils to bring forward local plans that allocate enough sites for their housing and employment needs.

## Development and Strategic Scale Nature Recovery

Nutrient neutrality and water neutrality requirements have stopped many new housing developments from starting. The Government wants to unlock this blockage and streamline the costly surveys that are required where there are on-site habitats for protected species requiring on-site mitigation efforts.

The Government's objective is to mitigate environmental harms at a strategic scale, and achieve better outcomes, whilst also allowing greater development. It is therefore proposed that

## Environment Development Plans (EDPs)

Natural England (NE) will be required to prepare Environment Development Plans (EDPs) which are tailored to specific forms of development in set areas. They will identify the environmental features, be they landscapes or features, likely to be harmed by the development and the conservation measures to be taken by, or on behalf of, NE to protect and improve those features.

## Charging Schedule

The plan will include a Charging Schedule which is to be paid by developers through the Nature Restoration Fund. Should developers contribute to the Nature Restoration Fund and pay the levies in the EDP, they may be able to circumvent set elements of the Habitats Regulations on site.

EDPs must be approved by the Secretary of State and will only come into effect if 'made' by the Secretary of State. The EDPs must meet the 'overall improvement test' which will seek to assess whether the conservation measures set out in EDP are likely to sufficiently outweigh the negative environmental impacts of development

EDPs can be subsequently revoked if the Secretary of State finds that conservation measures are proving ineffective at the mid-EDP stage gate. EDPs must include rational monitoring processes for this purpose

## Natural England CPO Powers

EDPs can disregard on-site harm if environmental features are conserved elsewhere. Natural England will be given the power to Compulsory purchase land for conservation purposes

## Levies

The levies in the Charging Schedule of each EDP can be mandatory which works to effectively remove the power of developers to opt for the existing Habitats Regulations on certain sites. The Secretary of State will assess the levies in an EDP to ensure they do not make the development economically unviable. Developers will still have the Right to Appeal the amount of levy charged on a site. Levy funds will be ringfenced for the conservation measures set out in the EDP

The EDPs will take time to be produced and are very dependent on resources at NE. These measures have the potential to fix water and nutrient neutrality issues but there is plenty of scope for legal challenge.

## Compulsory Purchase Orders (CPO)

The Levelling-Up and Regeneration Act 2023 set in place certain circumstances in which the prospect of planning permission, the Hope Value, could be ignored. The Planning and Infrastructure Bill will extend the CPO power to Parish and Community Councils however it can only be used for affordable housing schemes.

Authorities will be able to confirm their own CPOs in some instances rather than obtain approval from the Secretary of State.

## National Policy Statements (NPSs)

NPS will have to be updated at least every five years to reflect changes in government strategy and priorities. As part of this process all NPSs will be updated by July 2025.

## Development Consent Orders (DCOs)

The Secretary of State will have the power to make a direction on a case-by-case basis whether a

project requires a DCO, opening the door for Mayoral Development Orders on regional infrastructure decisions. This change will also allow for solar farms that produce over 49MW of power to go through the local planning authority rather than the DCO process.

## Credits for Neighbours

Those living near energy infrastructure will be eligible for credits, paid through their energy bills. I think many local opposition groups will see this as a way of trying to “buy” a planning permission.

## Judicial Reviews

The Government plans to tighten up the rules on applications for Judicial Review. Where they are found to be ‘totally without merit’ they will not have the right to appeal to the Court of Appeal.

**John Walker**

**(Director at CT Group & previously Director of Planning at Westminster City Council)**

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## SELF-HELP

In 2003 I founded NORA as a self-help service when the new Licensing Act led to problems for residents. Having attracted a cohort of resident groups, I set up the system for members to send me an email describing their problems, which were circulated anonymously to all members to find out their experience of the problem. Members’ responses were then circulated to all members, hoping that Best Practice, if it existed, had been revealed. A sizeable directory of solutions soon grew, and problems with licensing were joined by planning and traffic problems. When new legislation was introduced, new solutions were sought.

In time fewer problems were being raised by resident groups in spite of profound changes in planning legislation. It is not clear whether this is due to members becoming more self-reliant or to a feeling of despair as successive governments have made it easier for developers but more difficult for residents to influence decisions



being made by councils. So we would very much appreciate to hear from members whether this is the case.

The current government is now introducing serious changes to our local democracy system in order to fulfil policies made in their manifesto, and in his article John Walker highlights those that will affect residents. It would also be helpful to NORA to know whether the proposed changes are of concern to members, so that we can use our voice on your behalf. NORA with its members representing around two million residents will have more influence on Government than any single resident group. Accordingly we are seeking feedback from members on these key issues. Please email the secretary ([info@nora-uk.com](mailto:info@nora-uk.com)) with your responses, which we hope will enlighten us so we can provide the quality of service you expect from us.

**Alan B Shrank, NORA committee member**

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## Seagull Update:



Further to our piece in December's newsletter: the Seagulls have arrived to breed (and to disturb our sleep). Local Authorities have held meetings with Councillors and residents to prepare for this, and report that Natural England (NE) are issuing Organizational Licences to permit limited non-lethal control measures to be carried out. Worcester is said to have negotiated with NE to designate 'gull sensitive zones', where gulls can be prevented from nesting; with an equivalent area of the city identified where they will not be disturbed.

## Eco-Friendly Heating of Historic Houses:

We last wrote about Eco-Friendly Heating of Historic Houses in April 2021; in particular due to doubts about the relevance and efficiency of Heat Pump technology for old houses

(and especially if they are Listed). Since then, Zero Emission Boilers (ZEB) have emerged. These are all-electric but are about the same price to run as a conventional gas boiler because they can store heat overnight in a ferrite core, using cheap-rate electricity, and use it to run the existing radiators in the house during the day (thereby avoiding the need to replace pipework and radiators, as is often required with Heat Pumps). ZEBs are made by Tepeo Ltd and can cope with 3-4 bedroom houses. Cost is about the same as a new gas boiler, and, moreover, the Government announced (only this month) that it is proposing to expand the Boiler Upgrade Scheme (BUS), under its Warm Homes Plan, to include ZEBs.

**Robin Kerr**

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## Highfield Residents Association Empowering its Members

### A Bus-gate Story

In 2020 Southampton City Council was awarded £57m under the Transforming Cities Fund from Central Government. The Portswood Corridor Scheme evolved as part of this. Initially presented to Portswood Ward residents in an online Consultation, it appeared to be a scheme to revive a fading local shopping high street with promises of a greener, cleaner District Centre. Highfield Residents Association (HRA) encouraged members to take part in the consultations.

The scheme was further developed. The concept of improving bus journey times became a prime focus and a Bus-gate was introduced to the scheme outline to prevent cars and vehicles using the main thoroughfare, Portswood Broadway. It was expected that through traffic would transfer to use an existing by-pass and that 'measures' to deter cars and create an Active Travel Zone (ATZ) in a Highfield residential area would result in more bus use, more cycling, more walking and cleaner air. Portswood Broadway itself would be 'greened'. A second consultation was a more serious affair with officers conducting several live public consultations with plans, maps and also online forms. The Project Team produced 'modelling' of traffic in local residential roads and along the by-pass for a fulltime, permanent Bus-gate.

The Project Team was invited to present an information session to members before the HRA AGM in November 2022. However, from this time there was an erosion of trust as it became clear the direction of the project was not what residents felt they had signed up to.

The Scheme for Portswood Broadway was called in by the Council Scrutiny and Management Overview Committee for review, mainly because the consultation data was not robust enough. A third consultation round in 2023 resulted in mixed views for and against the project. When the Council went ahead and approved the scheme in January 2024, the HRA Chair called for a Steering Group (SG) to be set up to oversee the process, representing residents, businesses, organisations etc. and the establishment of published Key Performance Indicators so that the success or failure of the Trial could be

publicly monitored and measured. The first SG meeting was held in May 2024, 8 months before the Trial began. Several HRA members became active in the SG discussions around KPIs.

In January 2024, the Council Cabinet approved the Portswood Bus-gate and the local ATZ. Without any advance notification, this suddenly became a 6-month Trial of a peak-time Bus-gate (7am-10am; 4pm-7pm). No modelling of the effect on local roads of a peak-time Bus-Gate was ever conducted.

HRA Committee had been active throughout, informing members of developments as they unfolded. Engagement with the process would prove fundamental to future decisions. Before the Trial started, Co-Design Workshops for the ATZ between residents and Council representatives were planned. These were slow to materialise so HRA held its own ATZ Workshop with fully briefed volunteer facilitators, set questions, a shared plenary session and fully recorded responses. This event, attended by 65 members, raised the bar and expectations. The Council-led workshops held a few months later were different. Many residents reported that the questions were leading and were recorded on scraps of paper posted onto maps. Again HRA members felt that they were not listened to nor were their views recorded accurately.

The Trial started on 27 January 2025, 5 years after the award of the TCF grant. HRA members were enlisted and encouraged to report observations to the Secretary, near misses with cars misusing new buildouts, cyclists meeting cars head-on when they had priority, electric scooters using the pavements because the traffic was so backed-up due to the Bus-gate road closure. HRA members set up a LiDAR (Light Detection and Ranging) counter outside their houses to count the vehicles displaced by the Bus-gate that were now using their residential road. This data was published in real-time on a website and was much more comprehensive than data produced by the Council.

Monthly Interim reports were published which showed some slight overall improvements in bus punctuality and in pedestrian footfall along Portswood Broadway. However by far the most serious issue which led to the eventual downfall of the project was the increase in traffic along a residential road from an average of 3,000 vehicles a day to 6,000. Pollution along that residential road rose. The By-pass route was not used as an alternative route as had been expected, a result that the council found mystifying.

Residents began to challenge Ward Councillors, the Cabinet Member responsible for the scheme and the Project Team. Their contact information was regularly published by HRA to members via e-news, and HRA social media.

A 3-month Interim Report, commissioned by the Project Team pub showed an unsustainable rise in residential traffic. At the Full Council Meeting on 14 May, the Cabinet Member for Transport leading the project announced a pause in the Trial and the very next day the Bus-gate was gone and Portswood Broadway was opened to through traffic. It was an honourable and the only possible decision. He also announced that he hoped that

discussions on the future of the Portswood Corridor Scheme could now be held with residents' groups to see what would work.

What part did Highfield Residents Association play leading up to and during the first months of the trial? We were fully engaged in the process and worked together, drawing in expertise from others. Our position was that we were unconvinced of the benefits the scheme would produce; we challenged without openly opposing and this approach was crucial. We researched and enlisted advice, for example from experts at the university on air quality. We remembered things that the Project Team forgot or later omitted. We measured and counted. Members took photographs, an incident log was kept by a member and copied each month to the HRA Committee and the Police. The HRA WhatsApp Crime Reporting Group reported incidents of anti-social behaviour to Community Safety Officers, as reduction in anti-social behaviour was a KPI. Other Committee members liaised with businesses and reported on their behalf.

The day before the decision was made to pause the Trial, a campaign group in West Dulwich won a court case against the Lambeth Council over the implementation of a Low Traffic Neighbourhood (similar to an ATZ) in a significant victory for residents. The West Dulwich Action Group (WDAG) argued that the council had failed to adequately address residents' concerns during the consultation period, and the court agreed, ruling that the council hadn't taken residents' concerns into consideration.

There are some positive parts to the Scheme including a Highfield 20mph zone, reduction in on-street parking on the Broadway to allow more efficient bus use and better bus stops. HRA aim to continue to facilitate the process so that residents and the Council achieve the overall objectives of the scheme without a Bus-gate. We hope for an Active Travel Zone that is more ambitious and wider, which does not divide Highfield with physical barriers which were objected to by so many HRA members at the Workshop. Maybe use of some smart technology will eventually be acceptable to the Council.

*“... what's important now is that we are, we are going to go back to those local communities .... at this point we are not going to commit on the sum of money that is available but there is a sum of money that is available for future works. I think at this point we are not making any decisions. It's important that we engage with those local communities and understand what their views are. At this stage we are not making any pre-conditions.”*

*Cabinet Member for Transport Southampton City Council, Full Council Meeting in response to questions 14/05/25*

Link to Portswood Project: <https://transport.southampton.gov.uk/portswood>

Link to 3-Month Report: <https://transport.southampton.gov.uk/media/3846/portswood-interim-report-final.pdf>

Link to Live traffic counting : <https://www.portswood-funnel.co.uk/>

**Barbara Claridge HRA HonSec**



## **STOP PRESS: Lambeth case. "wake-up call to councils everywhere."**

The judge found the Lambeth Council guilty of "serious failing" and displaying a "masterclass in selective partial reporting", while also denying it the permission to appeal the "humiliating" ruling

**A Labour council in London has been ordered to scrap an "unlawful" low-traffic neighbourhood (LTN) in West Dulwich, south London, after losing a High Court battle that campaigners say could become a landmark decision for active travel policies across the UK.**

The decision, delivered in May and finalised today with the rejection of Lambeth Council's appeal, marks the first time an LTN has been scrapped by the courts. The council must now pay £35,000 in legal fees and comply with the judge's order to quash the West Dulwich LTN.

In a scathing ruling, Justice Smith said allowing the council to merely "revoke" the scheme would fail to properly "reflect the reality" of the battle waged by the West Dulwich Action Group (WDAG).

"Revoking the orders after I have made a finding of unlawfulness leaves the same impression as would an attempt to resign immediately after one has been fired," he wrote.

The WDAG, formed by residents who argued that the scheme displaced traffic and worsened air quality on boundary roads, welcomed the decision.

A spokesperson said: "This ruling is definitive – the LTN was unlawful. The council has lost, has been denied permission to appeal, and must now face the consequences of what that means. At the top of that list is the £1 million in fines it issued while the unlawful scheme was in place.

"We now call on Lambeth Council to clarify whether it will refund those fines. This is not just about legality — it's about fairness and public trust. If the law was broken, the money should be paid back."

They also urged the council not to pursue further appeals. "Doing so would further waste taxpayers' money and signal that its priority is protecting revenue, not engaging with the community it serves."

The group added: "Let's be clear: this case should never have gone to court. It could have been resolved through proper, respectful dialogue. Instead, Lambeth chose to defend litigation over listening — and the public has paid for it."

The ruling comes after a protracted legal battle in which WDAG argued that the council acted "unlawfully" by not consulting residents "genuinely and with an open mind" before implementing the trial, while also failing to follow [draft statutory guidance on LTNs introduced by the Conservative government in March 2024](#), which called for councils to "put local consent first" when devising so-called "anti-driver schemes".

### **“It’s a wake-up call to councils everywhere”**

In his May ruling, Justice Smith said that the council was guilty of “serious failing”, stating that it had shown a “masterclass in selective partial reporting” and failed to take seriously the concerns raised by residents during consultations. He noted that an “impressive” report warning of increased congestion and pollution on surrounding roads had been ignored. The judge also rejected the council’s argument that campaigners were only partially successful because they won just one of three legal claims. “Here, the claimant came to court seeking a quashing of the [traffic] orders. It has gone away, having achieved that objective. It has therefore been completely successful,” he wrote.

### **Campaigners raise £37,000 for a legal challenge to stop Tower Hamlets mayor from ripping out low-traffic neighbourhoods**

The atmosphere of opposition to the LTN was laid bare in a six-hour meeting at West Norwood Library in April 2023, detailed in a High Court hearing in February this year. Some council staff were left “in tears” and offered a “wellbeing” day off after the meeting, which anti-LTN campaigners described as “challenging” but “not in any way abusive.” Charles Streeten, representing WDAG, told the court that while there was, “considerable hostility and anger shown by residents,” the council had simply failed to listen to legitimate concerns.

WDAG argued that the LTN trial, introduced in late 2023 for an 18-month period, forced more traffic onto boundary roads like the A205 South Circular, exacerbating congestion and pollution. The group cited figures showing up to 200 additional vehicles per hour using roads such as Lancaster Avenue, Rosendale Road and Norwood Road — where more than 6,000 school children live or commute.

A spokesperson for the campaigners told The Standard in February: “Throughout this case, Lambeth council has sought to portray us as irrational, whilst it is they who have been consistently obstructive, dismissing legitimate concerns with generic, oversimplified arguments that do not address the realities for West Dulwich.”

The council’s original defence, presented in court by barrister Heather Sargent, argued that while some criticisms were made, they did not prove the consultation was so unfair as to be unlawful. “The consultation was obviously not so unfair as to be unlawful. Indeed, when the process as a whole is considered, the council does not accept that it was unfair at all,” she said. However, Justice Smith noted that the council had acted irrationally by ignoring significant data and presenting a one-sided picture of public opinion.

WDAG have celebrated this latest ruling as a “powerful precedent”. The statement added: “It’s a wake-up call to councils everywhere: to not impose blanket schemes ignoring genuine concerns and issues, and to work with your communities.

“We again invite Lambeth to return to the table and help co-create fairer, smarter approaches to car use, pollution, road safety, and sustainable travel – with data, community support, and clear success measures at the heart of every decision.”

Anti-LTN campaigners, meanwhile, have taken to social media to hail the ruling as “excellent news” and describing it as a “humiliation” for the council, which sets a dangerous precedent for not just similar cases against low traffic neighbourhoods, but also other active travel and traffic calming measures, like cycle lanes, low-emission zones, and quiet streets.

Ref: <https://road.cc/content/news/court-orders-council-scrap-low-traffic-neighbourhood-314281>