



EVERYTHING MATTERS

"PLANNING AND LOCALISM: A BRAVE NEW PLANNING WORLD"

Saturday 22 October 2011, Raunds, Northamptonshire

Northamptonshire County Association of Local Councils

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- Localism Bill and Neighbourhood Planning
 - an Overview of the Bill, what Neighbourhood Planning is and what it will mean for local communities
- Draft National Planning Policy Framework

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"A Bill will be introduced to develop greater powers to councils and neighbourhoods and give local communities control over housing and planning decisions"

The Queen's speech 25 May 2010

The planning and regeneration provisions will:

- abolish Regional Spatial Strategies
- abolish the Infrastructure Planning Commission and return to a position where the Secretary of State takes the final decision on major infrastructure proposals of national importance
- amend the Community Infrastructure Levy
- provide for neighbourhood plans, which would be approved if they received 50% of the votes cast in a referendum
- strengthen the enforcement regime

Neighbourhood planning - process



1. Submission to LPA of a draft order / plan prepared by a qualifying body
2. Proposal considered by LPA to ensure procedural requirements have been met
3. Document submitted for independent examination conducted by a person independent of the relevant body and LPA
4. Examiner provides report to LPA setting out whether legislative tests have been met
5. LPA will consider each of the examiner's recommendations and then, provided they are satisfied, submit document for referendum
6. Where greater than 50% vote in favour, the Council will then adopt it

- The proposed process for drawing up a NDP has been criticised as too complex, but it is difficult to see how it could be simplified
- Many towns and parishes have already drawn up Village Design/Character Statements and, more recently, Town or Parish Plans. Some may have supplementary planning guidance status.
- Parish Plans could probably form the basis of a NDP, which would then be part of the Development Plan
- *"The proposed neighbourhood planning system remains overly complex and this may mean that neighbourhood planning will not be as visionary, inclusive, widespread or effective as intended....**Government amendments did not deal with many of the key issues"** - RTPI*

Neighbourhood development orders (NDO)



- NPAs will be empowered to require LPAs to make NDOs. An NDO will effectively grant planning permission to the relevant neighbourhood area for a specified development or class or development. NDOs will have to comply with national planning guidance and the local authority's development plan - but not - oddly - the NDP



Community consultation for large applications



- Requirement for prospective developers to consult local communities before submitting large applications
- Opportunity for communities to shape development before the application stage



Community right to build



- Give local communities the power to take forward developments in their area without the need for planning permission
- Communities will need to meet certain safeguards and secure 50% of local support through a referendum
- Communities will need to identify suitable land, sources of finance and secure support for their proposals

Abolition of regional spatial strategies



- Most PC's welcome the Government's intention to abolish the regional tier of planning, seen as undemocratic, with the top-down imposition of housing targets resented. Nevertheless some facilities and strategic infrastructure will continue to require discussion and agreement on a wider scale
- The new Duty to Cooperate raises similar issues. The mechanisms for this (Local Enterprise Partnerships?) need to be put in place swiftly if there is not to be a policy vacuum

Abolition of the Infrastructure Planning Commission (IPC)



- IPC powers returned to the Planning Inspectorate, with the decisions taken by the Secretary of State

National planning policy statements

- National policy documents dealing with various classes of infrastructure development will in future require Parliamentary approval before they take effect

Community infrastructure levy

- LPAs may be entitled to use CIL funds not only for the provision of new infrastructure but for its ongoing maintenance, and, a proportion of CIL funds are to be spent in the neighbourhood in which the development in question is taking place

Reform of the Community Infrastructure Levy



- Already a hot topic!
- CIL Regulation 122:
 - i. necessary to make development acceptable;*
 - ii. directly related to development; and*
 - iii. fairly and reasonably related in scale and kind*
- 3 proposed changes:
 - introduction of regulation requiring funds to be passed to neighbourhoods where development has taken place
 - provisions to make clear that funds can be spent on ongoing costs of infrastructure, as well as initial costs of new infrastructure
 - empowerment of Local Authorities to have greater control over levels of charging tariffs

New rules on predetermination and bias



- This issue has been a problem in recent years, especially at district council level, where councillors have feared legal challenge as a result of predetermination or bias.
- Until there is more detailed guidance it is difficult to be sure how it will work in practice.

- Presumption in favour of sustainable development
- A "Developers" Charter?
- Interaction with local development plan
- Environmental; economic and social requirements

Questions for you?



- Do local communities - especially very small ones - actually want these responsibilities; although, the Bill does not distinguish between communities of different sizes?
- Do you have sufficient expertise, time and resources to make the proposed new system work?

Questions for you?



- Could "top down" sometimes be necessary?
- Could the proposals be divisive within communities?
 - accusations of favouritism, bias, NIMBYism etc
 - difficulties of recruitment of parish councillors, due to additional responsibilities?
 - funding opportunities and potential for unfairness

Over to you ...





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