Appendix B

REPORT TO SHEVINGTON PARISH COUNCIL POLICYAND GENERAL PURPOSES COMMITTEE – FEBRUARY 2ND 2017

Neighbourhood Planning Bill-Update

The Neighborhood Planning Bill was introduced in the House of Lords on 14 December 2016. It completed the report stage in the House of Commons on 13 December 2016 and was passed at third reading without a division. The Neighbourhood Planning Bill has two primary aims:

- To help identify and free up more land to build homes on to give communities as much certainty as possible about where and when development will take place; and
- To speed up the delivery of new homes, in particular by reducing the time it takes to get from planning permission being granted to building work happening on site and new homes being delivered.

On January 17th the Bill had its Second Reading in the House of Lords and will begin its Committee Stage in the Lords on January 31st.

The Bill makes a number of changes to planning and compulsory purchase law. This report summarises the main clauses of the Bill and amendments made to them since its publication.

Neighbourhood Planning

There are various clauses in the Bill to improve the neighbourhood planning process. Clause 1 increases the weight to be attached to a neighbourhood plan once it has passed a successful referendum. Clause 3 makes it easier to amend a neighbourhood plan.

Clause 5 reinforces the obligation on local planning authorities to support communities in undertaking Neighbourhood Plans. Whilst preparing http://www.rtpi.org.uk/media/1495775/investing_in_delivery_rtpi_research_briefing_11_october_2015.pdfrecommendations on planning applications at least carries an element of cost recovery there is no direct income coming to councils for plan making. This is of particular importance now, as the government has put a March 2017 deadline for local planning authorities to have up to date local plans.

Councils receive £5000 for each neighbourhood plan area designated (up to a maximum of 5 areas only) and £20,000 for each neighbourhood plan referendum, irrespective of the number of electors. In some cases these funds may not reflect the total costs of support plus holding the referendum. Furthermore the support of neighbourhood planning must take place at the times determined by the neighbourhood planning process, and the Bill tightens these obligations. If this coincides with critical dates in the local plan process there could be very difficult choices faced by managers. Moreover neighbourhood planning is a somewhat unpredictable draw on resources

Planning Aid continues to advise and support groups in areas of deprivation and has also written a number of guidance documents covering every area of neighbourhood planning as well as using a range of innovative techniques

Strategic Planning

During the course of the Bill, a new Clause was inserted in S19 of the Planning and Compulsory Purchase Act 2004 (preparation of local development documents) to require an LPA to identify the strategic priorities for the development and use of land in the authorities' area.

Joint Local Plans

Clause 7 provides for regulations to allow the Secretary of State (SoS) the power to direct joint preparation of development plans.

Data standards for Development Plan documents

Clause 9 allows the SoS to prescribe data standards for development delivery standards, if properly researched and tested, would help ensure a level playing field and ensure smoother local plan processes.

Planning Conditions

Clause 12 provides for "pre-commencement conditions" to require the written agreement of applicants for planning permission. Whilst it may not be appropriate for planning permissions to be burdened with unnecessary conditions. "Pre-commencement" conditions are those requiring the local authority to agree details of the scheme (e.g. brickwork) before construction commences. These have certain advantages to applicants, who may not be in a position to finalise details of a scheme but wish to secure a planning permission as soon as possible. They have advantages to local authorities because councils may have in practice limited legal ability to enforce

conditions once a scheme is underway. Conditions are useful to the development industry in general because they enable schemes to be permitted which otherwise might have to be refused.

Concerns have been raised regarding delays to starts of schemes while such details are signed off ("discharged"). Furthermore, good practice in planning departments involves discussion with applicants around conditions. The imposition of obligatory written consent from applicants means that in order to cure a problem in the worst cases and planning departments a system of extra red tape is being imposed on hard pressed local planning authorities (and indeed on applicants themselves) everywhere.

Clause 12 also provides the SoS with the power to make regulations about the kinds of conditions which may or may not be imposed. His power is limited to regulations which are necessary for making planning conditions comply with policy in the National Planning Policy Framework. In an accompanying consultation (Improving the use of planning conditions) there was a list of the kinds of conditions that the SoS may consider restricting. Local planning authorities are best placed to understand the nuances of a particular application and best placed to decide, objectively, why a condition should or shouldn't be imposed. However conditions which duplicate requirements under other legislation could be added to a list of "unnecessary" or "unreasonable" conditions. There is also a responsibility on the part of specialists and statutory consultees not to recommend conditions which could reasonably be required by other regulations or British Standards. E.g. building regulations, environmental health standards or requirements under the Habitat Regulations.

Compulsory Purchase

The existence of a planning system and the ability of public bodies to be able to acquire land go hand in hand. In certain circumstances this may have to take place compulsorily; or at east the threat of compulsion should be credible. The Bill takes further steps to reform the system for compulsory purchase. No landowner should be able to claim compensation for compulsory purchase so as to constitute private gain from public investment.

Clause 28 proposes repeal of part 4 of the Land Acquisition Act 1961. This is a vital step towards it being possible to assist the financing of infrastructure schemes by capturing the increase in value of surrounding land which occurs as a result of a scheme.

Appendix B

Planning Register

A growing volume of planning activity is being covered by "prior notification" regimes. In that development activity is permitted without the need for a formal planning application. It is proposed that matters such as prior approval notices should appear on the planning register and therefore form part of a property search.

Intermediate review of development plan documents by SoS

Clause 10 would allow the SoS to make provisions to require review of local plan documents at prescribed times. It will allow guidance early on in the plan making process as well as an early warning system to address issues in advance of the plan making stage.

Recommendation

That this report is noted.

Barry King
January 27th 2017