

ITEM 8-REPORT TO SHEVINGTON PARISH COUNCIL POLICY AND GENERAL PURPOSES COMMITTEE OCTOBER 6TH 2016.

CHANGES IN PLANNING LAW

This report expands on the letter sent out under item 8

The new provisions are in the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 and the Neighbourhood Planning Bill.

NEIGHBOURHOOD PLANNING BILL

Only the first section of this Bill is directly related to Neighbourhood Plans

Neighbourhood Plans

• **Duty to have regard to post-examination neighbourhood development plan**

The Local Planning Authority (LPA) has to take account of a Neighbourhood Plan which has achieved a positive referendum result when considering planning applications.

• **Status of approved neighbourhood development plan**

This makes the Neighbourhood Plan part of the Development Plan.

• **Modification of Neighbourhood Development Plan**

• **Changes to neighbourhood areas**

This facilitates the alteration of a Neighbourhood Plan boundary.

• **Assistance in connection with neighbourhood planning**

LPA to include a statement in their Statement of Community Involvement what assistance they are giving Parish Councils in their preparation of Neighbourhood Plans

Planning Conditions

LPA cannot apply pre-commencement conditions on a planning application without the consent of the applicant to its terms

..

Planning Register

Prior approval applications and notifications for permitted development rights should appear in the planning register.

Compulsory Purchase (CPO)

Sets out procedures for temporary possession of land and compensation when a scheme involving a CPO is withdrawn

NEIGHBOURHOOD PLANNING (GENERAL) AND DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) REGULATIONS 2016

Neighbourhood Area Designation

The implication of this for Parish Councils is that the current requirement of 4 weeks publicity and the need to make the decision within eight weeks would no longer apply. The LPA has to approve the application once they consider the application to be valid and complete.

Appendix A

Neighbourhood Forum Designation

Forum applications must now be determined within 13 weeks (20 weeks where cross boundary).

Examiner's Recommendations

The LPA now have to make a decision as to whether or not they believe the draft neighbourhood plan meets the legal tests and whether or not a referendum should be held within five weeks of receiving the examiner's report. The final decision should be issued within five weeks of the end of the consultation period.

Setting the Referendum Date

LPA's must hold the referendum within 56 working days of the date that a decision to hold one has been made.

Making the Neighbourhood Plan

The LPA now have to 'Make' (bring into legal force) the plan within 8 weeks of the result of the referendum unless there are unresolved legal challenges.

Secretary of State Intervention

The Secretary of State (SoS) can only intervene in exceptional circumstances. The LPA will not be able to hold a referendum until the SoS has decided whether to intervene or not, The SoS will seek representations as to whether or not to intervene and will appoint a Planning Inspector to deal with the matter.

Consulting on Planning Applications

LPAs are required to notify designated Neighbourhood Forums of any planning applications within their designated neighbourhood area if requested by the Forum. The Forum then has to let the LPA know if they intend to comment on the application (This is already a requirement with respect to Parish Councils).

Engagement in Local Planning

Neighbourhood forums will be classified as consultation bodies that LPA's must notify and invite representations from where they consider the forum may have an interest in the preparation of a Local Plan.

Barry King
5th October 2016