



Planning Committee

12th July 2011

Report from the Assistant Director, Planning & Development

Wards affected:
All

Report Title: Localism Bill & Neighbourhood Plans

1.0 Summary

- 1.1 This report provides an update on the Localism Bill and in particular anticipated changes to local plan-making as a result of the proposal for Neighbourhood Plans. The report also provides details of an emerging neighbourhood plan proposed for Sudbury.

2.0 Recommendations

- 2.1 That the Planning Committee notes the key legislative and planning policy changes as set out in this report and is mindful of the likely resource implications of future neighbourhood plan proposals. The Planning Committee are also invited to take note of the proposals for a Sudbury Neighbourhood Plan and comment on the proposed boundary.

3.0 Detail

Introduction

- 3.1 The Localism Bill introduces wide ranging changes to the powers and responsibilities of local government in a push to decentralise power from central government. The Bill is currently being considered by the House of Lords, amendments will then be considered before the Localism Bill becomes an Act of Parliament. The Localism Bill includes changes to general powers of competence, local government funding, governance arrangements, the right to challenge and buy community assets, housing reform and planning reform. This report focuses on the proposed planning reforms and provides an update to the report to Planning Committee on the 9th March 2011 which set out the key provisions of the Localism Bill affecting the planning system including; abolition of regional strategies, a new National Planning Framework and

Neighbourhood Plans. Since then, revisions to the Bill have been made and the government has introduced a Neighbourhood Planning Front Runners scheme to explore how neighbourhood plans are likely to work in practice.

- 3.2 Amendments made to the Localism Bill, include a new clause (124) which states that a planning authority is to *have regard to material considerations in dealing with planning applications including any local finance considerations, so far as material to the application*. Local finance considerations are taken to mean payment of either the New Homes Bonus or Community Infrastructure Levy. The amendment raises concerns that financial considerations are being given prominence and that this goes against a fundamental principle of planning that unacceptable development should not be permitted because of inducements or financial benefits. The amendment could lead to public suspicion that permissions are being bought and sold.
- 3.3 The new National Planning Framework will consolidate and streamline existing national planning policy. A consultation draft National Planning Framework is expected this summer and the finalised framework will be published in Jan 2012. The consultation draft will be reported to Planning Committee later this year.

Neighbourhood Plans

- 3.4 A key element of planning reform is the introduction of Neighbourhood Plans as a new tier to the planning system. While the new Neighbourhood Plans will have equal status as other parts of the development plan such as the Core Strategy, they will need to be in line with strategic policies. For example, the Neighbourhood Plan will have to incorporate the strategic housing targets for the area as a minimum, but may propose additional development.
- 3.5 Proposals for a Neighbourhood Plan must come from a Neighbourhood Forum which must comprise a minimum of 21 people who live, work or are Councillors in a neighbourhood. The local authority is responsible for deciding the boundary of the plan that a Neighbourhood Forum wants to prepare. The local authority must provide support and advice to neighbourhoods undertaking neighbourhood planning which might include gathering relevant evidence or advising on consultation. This will have implications for officer time. The requirement to provide support does not include financial support.
- 3.6 Neighbourhood Plans will undergo an independent examination, undertaken by an examiner who is agreed by the Forum and the Council. The local authority will be responsible for meeting the costs of the examination. The examination will check whether the Neighbourhood Plan conforms with:
- The strategic content of the local plan
 - The National Planning Framework or other national guidance, including the proposed 'presumption in favour of sustainable development';
 - European Directives;
 - National and international designations (e.g. Listed Buildings, Green Belts);
 - Neighbouring neighbourhood plans.
- 3.6 Alongside Neighbourhood Development Plans, neighbourhood forums will also be able to introduce Neighbourhood Development Orders (NDO). These effectively grant

permission for specified developments in a neighbourhood area. Where there is a NDO in place, there will be no need to apply for planning permission for development specified in the Order.

- 3.7 The Localism Bill also introduces 'Community Right to Build Orders' whereby local communities will be able to identify land for small scale development without the need for planning permission. The benefits of the development must remain within the community and Community Right to Build Orders will also be subject to independent examination and referendum.
- 3.8 The original drafting of the Localism Bill included a provision for a local referendum on a Neighbourhood Development Plan or Order once it had passed the examination. However, recent amendments proposed in the House of Lords include making local referendum discretionary. Should the requirement for referendum be retained, the Neighbourhood Development Plan or Order will be 'approved' if more than 50 per cent of those voting vote in favour of it. If the referendum is positive, then the local authority will have to adopt the Neighbourhood Development Plan or Order.
- 3.9 The Planning Advisory Service has produced a guide to Neighbourhood Planning for councillors; this is highlighted as a background document to this report.

Emerging Sudbury Neighbourhood Plan

- 3.10 Officers in the planning department have been approached by members of Sudbury Town Residents Association (STRA) who wish to develop a Neighbourhood Plan and apply for the government's Neighbourhood Planning Frontrunners scheme. £20,000 grant is available for assisting communities in creating a Neighbourhood Plan. An application for the Frontrunners scheme will be made by the council on behalf of STRA. Should it be successful, the council will receive the grant which will then be available for STRA to fund production of the plan, including professional fees.
- 3.11 STRA is keen to develop a Neighbourhood Plan which will address the retail offer in Sudbury Town. Planning officers have recommended a boundary for the neighbourhood planning area which will be included in the Frontrunners application (Appendix 1). Should the application be successful, the boundary will need to be formally agreed by the council.

4.0 Financial Implications

- 4.1 Local authorities will be responsible for organising and covering the cost of independent examinations and undertaking a local referendum for a proposed Neighbourhood Plan or Order. The cost of the examination is unlikely to be of the scale of recent Development Plan Document examinations (Core Strategy, Site Specific Allocations) as they require a less involved process. The cost of a referendum will vary according to the area affected by the plan.

5.0 Legal Implications

- 5.1 If a Neighbourhood Plan or Order passes the examination and referendum, the local planning authority will be under a legal duty to bring them into force.

6.0 Diversity Implications

- 6.1 Neighbourhood Planning could be at risk of representing the interests of a vocal few. In the council's role to support neighbourhoods undertaking neighbourhood planning, it will be important to ensure proper consultation takes place and that as many people as possible are invited to be involved.

7.0 Staffing/Accommodation Implications

- 7.1 Local authorities are required to help and advise forums undertaking neighbourhood plans. This will have resource implications in terms of officer time.

8.0 Environmental Implications

- 8.1 Neighbourhood Plans and Orders will need to conform with European Directives. This may include Strategic Environmental Assessment and Sustainability Appraisal. Recent government guidance on SEA/SA states that these should be proportionate to the proposals being assessed.

9.0 Background Papers

Planning Committee Report 9th March 2011 – Proposed changes to legislation and planning policy

Neighbourhood Planning - a guide for ward councillors, Planning Advisory Service, May 2011 available from <http://www.pas.gov.uk/pas/aio/1256514>

Contact Officers

Any person wishing to inspect the above papers should contact Amy Tyler-Jones, Planning & Development 020 8937 5318

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Appendix 1 – STRA Neighbourhood Plan Draft Boundary

Sudbury Town - Neighbourhood Plan

