

GROWTH & PROSPERITY OVERVIEW SCRUTINY PANEL

Briefing Note: Government Policy Changes

January 2011

Decentralisation & Localism Bill The Local and Neighbourhood Planning System

NOTE: This Briefing Note has been written in advance of the publication of the Localism Bill and is based on the RTPI's best understanding of what the new system to be contained in the Bill will look like – but this may be wrong! On this basis, the new local planning system will be as follows:

- There will be statutory local plans and Neighbourhood Plans.
- Designated bodies such as Town and Parish Councils and neighbourhood forums will be allowed to prepare Neighbourhood Plans.
- Where there are no parish or town councils, the local authority will adjudicate on the boundary of the plan that a neighbourhood forum wants to prepare.
- It is recognised that not all areas will want to do a Neighbourhood Plan and, therefore, there will not be a statutory duty to prepare one – but there will be a right to do so (a 'right to plan').
- A local plan authority will have a duty to provide support to neighbourhoods undertaking planning.
- It is assumed that those preparing a plan – or the local planning authority - will be required to consult on it but this is not yet certain.
- Neighbourhood Plans will undergo an independent examination. This will be more of a paper exercise checking whether the Neighbourhood Plan is in conformity, or aligns, with:
 - o The strategic content of the local plan
 - o The National Planning Framework or other national guidance;
 - o The presumption in favour of sustainable development;
 - o European Directives;
 - o National and international designations (e.g Ramsar sites);
 - o Neighbouring neighbourhood plans.
- Subject to passing the independent examination, the plan will be put to a local referendum and will be 'approved' if more than 50 per cent of those voting do vote for it.
- If the referendum is positive, then the local authority will have to adopt the Neighbourhood Plan.
- The local plan will take on a strategic role and will contain e.g. housing numbers, strategic infrastructure etc. The Neighbourhood Plan will have to accommodate these strategic proposals – and can accommodate more if they want to (but not less e.g. housing than is specified in the local plan).

- The Neighbourhood Plan may designate areas where ‘Neighbourhood Development Orders’ will apply – areas where certain types of development will no longer require planning permission or where different planning rules will apply.
- Neighbourhoods will also, apparently, be enabled to grant outline permission for complex schemes – possible only where sites are allocated in sufficient detail in a Neighbourhood Plan. Further details on this are awaited.

Localism Bill

<http://www.communities.gov.uk/localgovernment/decentralisation/localismbill/>

Members of the Panel may also wish to review the information on the following internet links;

Sustainable Communities Act Changes

<http://www.communities.gov.uk/publications/localgovernment/scainvitation2010>

DCLG Barrier Busting Teams

<http://www.communities.gov.uk/communities/big society/barrierbusting/>

Right to Build

<http://www.communities.gov.uk/news/corporate/1795399>

Right to Run Services

<http://www.communities.gov.uk/news/corporate/1794152>

Neighbourhood Planning Vanguard Scheme

<http://www.communities.gov.uk/planningandbuilding/planningsystem/neighbourhoodplanningvanguards/>

Updated DCLG Structural Reform Plan

<http://www.communities.gov.uk/publications/corporate/structuralreformplan>