

19 January 2011

Borough Plan Advisory Committee

The Localism Bill

Overview of Localism Bill

- Part of government's 'Big Society' agenda
- Aims to devolve greater powers to councils and neighbourhoods
- Includes:
 - changes to planning system
 - changes to affordable housing system

Part 5: Planning

- LDF system will continue
- Introduction of a new tier of planning and new role for councils in delivering this
- Greater freedoms for councils to set Community Infrastructure Levy (CIL) charges
- New enforcement powers
- Duty on developers to carry out pre-application consultation and take account of responses
- Changes to pre-determination

Neighbourhood Planning

- Local plans (LDF) will have a strategic role in a tier above Neighbourhood Plans
- 'Neighbourhood Forums' will be formed to prepare Neighbourhood Plans
- Neighbourhood Plans can set out more development than LDF plans but not less
- Neighbourhood Development Orders (NDO) will grant planning permission for specific classes of development
- **Community Right to Build Orders are NDOs** where development is brought forward by the community itself
- Neighbourhood Plans/Orders will be approved subject to over 50% support through a referendum

Neighbourhood Planning

Ten steps for neighbourhood planning (from the government's Chief Planner)

1. Defining the Neighbourhood
2. Applying to be a Neighbourhood Forum
3. Undertaking pre-application consultation/assessment
4. Local Authority Duty to Support
5. Submit draft plan/order for independent examination
6. Local Authority Validation Check
7. Independent examination – written representations the norm
8. Examiner's Report
9. Referendum on (modified) plan/order
10. Adoption by Local Authority – part of development plan

Neighbourhood Planning

The council's responsibilities for neighbourhood planning will include:

- Adjudicating on and designating the boundary of neighbourhood areas
- Designating and advising Neighbourhood Forums,
- Providing technical support, expertise and resources
- Validating neighbourhood plans and ensuring compliance
- Paying for and undertaking the referendum on neighbourhood plans
- Choosing a 'suitable person' to conduct the examination
- Funding the examination
- Adopting the plan

Community Infrastructure Levy (CIL)

- Requirement to pass a proportion of the funds to local neighbourhoods
- Greater flexibility for councils over some aspects of the process
- CIL Charging Schedule
- Mayor's charges
- Amended CIL regulations expected in April 2011

Enforcement

- New power to decline retrospective planning applications where development is subject of enforcement notice
- Changes to appeal of enforcement notices
- Planning enforcement orders
- Higher fines for breaches of planning conditions
- New power to remove and dispose of 'display structures'
- New power to deal with unauthorised advertisements and signs
- Ability to take action and charge landowner for removal costs

Implications for Merton

- New role to facilitate and administer Neighbourhood Plans/Orders
- Important to have LDF in place to act as a strategic framework for Neighbourhood Plans
- Costs and resources associated with new duties but as yet no details of funding sources
- Regulations due in April will provide more details on implementation

Localism Bill Timetable

- First reading 13 December 2010
- Second reading 17 January 2011
- **Current stage:** Scrutiny by Public Bill Committee and call for written evidence
- Committee stage complete 10 March 2011
- Third reading ??
- Regulations April 2011
- House of Lords
- Consideration of amendments
- Royal assent

