

Decision Maker: **Development Control Committee**

Date: **17th November 2011**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **NEIGHBOURHOOD PLANNING REGULATIONS
CONSULTATION LOCAL PLANNING REGULATIONS**

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Chief Officer: Bob McQuillan, Chief Planner

Ward: Borough-wide

1. Reason for report

- 1.1 This report draws the Committee's attention to the publication of the Government (Department for Communities and Local Government) consultation on 'Neighbourhood Planning Regulations'. This consultation seeks views on proposed new regulations governing aspects of the powers proposed within the Localism Bill, in particular the process for establishing neighbourhood areas and forums, and the preparation of neighbourhood plans and neighbourhood development orders together with community right to build orders.
- 1.2 The consultation was issued on 13th October and responses required by 5th January 2012. A draft response is attached as Appendix 2.
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2. **RECOMMENDATION(S)**

That Development Control Committee:

- 2.1 Agree Appendix 2 as the basis of the Council's response to the Neighbourhood Planning Regulations and the formal response to be finalised by the Chief Planner in consultation with the Committee's Chairman
- 2.2 Agree that officers provide a briefing for the Committee after the Localism Bill is enacted and the regulations adopted with respect to the planning implications.

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Quality Environment. Vibrant Thriving Town Centres
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: £N/A
 5. Source of funding: N/A
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Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough-wide.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

COMMENTARY

- 3.1 The Government's Department of Communities and Local Government (DCLG) issued 'Neighbourhood Planning Regulations' for consultation on 13th October with responses sought by 5th January 2012.
- 3.2 Neighbourhood Planning is a central element of the Government's localism and decentralisation agenda (and has been discussed at previous Committee meetings). The Localism Bill leaves various procedural and technical requirements of the neighbourhood planning system to regulations. The Localism Bill would also significantly amend the Town and Country Planning Act 1990. Parliament is currently considering amendments to the Bill with Royal Assent expected within the next few months. This consultation seeks views on whether the proposed neighbourhood planning regulations are fit for purpose. This includes arrangements for referendums and the Director of Legal and Democratic Services has been asked to respond to this section of the consultation.
- 3.3 Appendix 1 comprises a copy of the DCLG's introduction to neighbourhood planning for information.
- 3.4 The consultation focuses on the approach to taking up the regulation making powers and asks if the right balance is taken between standardising the approach to neighbourhood planning and providing sufficient local flexibility to reflect local circumstances. The Government is not taking up all the regulation making powers within the Localism Bill but leaves scope to do so at a later date.
- 3.5 The regulations refer to proposed amendments to the Town and Country Planning Act 1990 within the Localism Bill which may still change prior to Royal Assent. On this basis a draft response to the consultation is included in Appendix 2 but will need to be reviewed prior to submission by the 5th January deadline. Adjustment may be required to reflect the final or latest wording in the Localism Bill.
- 3.6 The regulations focus on the processes involved in neighbourhood planning. For instance, the requirements for an application by an organisation to be designated a neighbourhood forum for a neighbourhood area, and the manner in which the authority is required to give notice and publish its decision in relation to this along with proposals for neighbourhood plans, neighbourhood development orders and community right to build orders.
- 3.7 Experience from 'front runner' authorities indicates that many neighbourhood and community forums exploring potential neighbourhood plans for their areas and wishing to be involved in the planning of their areas, are not seeking the levels of growth behind the Government's rationale for neighbourhood plans. Neighbourhood plans aim to involve communities in how growth is managed and delivered, and to ensure they share in some of the benefits. Many local groups and residents are seeking to protect the character of their areas and are finding that being more involved in the borough level planning process can achieve their objectives as these have to be sufficiently robust to meet the often very varied needs and opportunities of different localities within an authority's boundary. The importance of an 'up to date' local plan is emphasised in the draft national planning policy framework (discussed at the Committee's September meeting) and this is reinforced by the introduction of neighbourhood planning.
- 3.8 The Council will need to consider carefully how the Local Development Framework, and in particular, the Core Strategy or any emerging Local Plan reflects the localism and neighbourhood planning agenda.
- 3.9 A key concern is that local authorities are given sufficient flexibility to respond to their local circumstances. London, is different from the rest of the country in that the London Plan provides a broader spatial plan while regional spatial strategies have been abolished

elsewhere. In this context there is already an additional layer of requirements and the importance of securing and maintaining an effective and up to date borough level should be the priority. Neighbourhood planning has the potential to be very resource hungry with substantial requirements placed on authorities to respond to, and support the neighbourhood planning process.

- 3.10 In areas, such as Bromley where there is limited scope for development the number of areas where neighbourhood planning may be appropriate is likely to be small. This needs to be reflected in the local plan-making process and communicated effectively with local residents and the wider community. The Government has made clear that the presumption in favour of development in the draft national planning policy framework applies to neighbourhood planning and neighbourhood plans are only appropriate in areas where communities are seeking growth greater than that identified within the LDF or Local Plan.

POLICY IMPLICATIONS

- 4.1 The Council has to meet the requirements of the Localism Bill when enacted as the local planning authority and to apply all relevant regulations. Its role as local planning authority is central to achieving Building a Better Bromley and in particular, the priorities of a Quality Environment, Vibrant and Thriving Town Centres, and a Safer Bromley. A strong borough plan and policy framework is required for any potential neighbourhoods plans , neighbourhood orders and community right to build orders.

Non-Applicable Sections:	Financial, Legal and Personnel
Background Documents: (Access via Contact Officer)	Department of Communities and Local Government ‘ Local Planning Regulations July 2011 http://www.communities.gov.uk/publications/planningandbuilding/localregulationsconsultation