

Decision Maker: **Development Control Committee**

Date: **28th June 2012**

Decision Type: Non-Urgent Executive Non-Key

Title: **Changes to National and Local Planning System - update**

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Chief Officer: Bob McQuillan, Chief Planner

Ward: All Wards

1. Reason for report

This report outlines the main implications for Bromley resulting from the publication of the National Planning Policy Framework, the Local Planning Regulations 2012 and the Local Neighbourhood Planning Regulations 2012 and sets out the proposed timetable for the development of The Borough's Local Plan.

2. **RECOMMENDATION(S)**

Members note the changes to National planning policy and local planning regulations and agree the proposed revisions to Bromley's local plan development and timetable.

Corporate Policy

1. Policy Status: New Policy
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Supporting Independence Vibrant, Thriving Town Centres
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Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Planning – Local Plan Implementation
 4. Total current budget for this head: £31,900
 5. Source of funding: Existing revenue budget 2012/13
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Staff

1. Number of staff (current and additional): 4 FTE
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: 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? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

National Planning Policy Framework

- 3.1 The Government published the National Planning Policy Framework (NPPF) on 27th March 2012. This replaced virtually all Planning Policy Guidance and Statements (PPGs and PPSs), leaving only a few circulars and guidance, to be revised in due course. The Government has made it clear that this very strategic and streamlined document is in the spirit of the Localism Act 2011 and is a framework for the development of distinctive local and neighbourhood plans. The NPPF includes, broadly, the areas of planning policy that were covered by the PPG/ PPSs, although flood risk and minerals are dealt with in an accompanying technical document and waste planning is to be subsumed into a forthcoming National Waste Strategy. Gypsy and traveller policy is dealt with in a separate policy paper. Since the publication of the NPPF there has been concern about the loss of the guidance which accompanied the PPS/ PPGs and the Government has committed to looking at and consolidating this often useful supporting information.
- 3.2 Local Plans, as described in the NPPF, must be prepared with the objective of contributing to the achievement of sustainable development and should be consistent with the principles and policies set out in the national framework. Local Plans should set out the strategic policies for the area which will deliver:
- the homes and jobs needed
 - the provision of retail, leisure and other commercial development
 - the provision of infrastructure for transport, telecommunications, waste management, water supply, flood risk and the provision of minerals and energy
 - the provision of health, security, community and cultural infrastructure and other local facilities; and
 - climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.
- 3.3 Local Plans should be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.

Local Planning Regulations

- 3.4 The Local Planning Regulations 2012 set out the process for developing Local Plans, revising and replacing parts of the 2004 Town and Country Planning Act. They do not radically alter the fundamental elements of preparing a plan – collect evidence, consult, develop and test the plan, reconsult and submit it for independent Examination - but they do change some of the process and terminology that had been in use. Instead of a strategic Core Strategy with accompanying documents on Sites Allocations, Development Management and Area Action Plans, the NPPF and the regulations allow for the creation of a single Local Plan which can be revised in whole or in part.

Neighbourhood Planning Regulations

- 3.5 The Localism Act 2011 introduced new rights and powers for communities to prepare their own Neighbourhood Plans. All local planning authorities (LPAs) have a duty to support and advise neighbourhood groups considering taking forward such a plan for their area. The Neighbourhood Planning Regulations 2012 (NPRs) set out the legal requirement for the production of a plan, which, although not as rigorous as those for Local Plans, are intended to ensure that Neighbourhood Plans are robust and fit-for-purpose. Where Parish Councils still exist, they are expected to be central to the development of such plans, but elsewhere local groups of other kinds should take the lead, and may need to join together with others to show

that they are representative of a local community and apply to become a Neighbourhood Forum. The LPA must advertise the application to become a forum and approve or dismiss it in accordance with the criteria set out in the Localism Act.

- 3.6 A Neighbourhood Plan should be consistent with the Local Plan, the London Plan and the NPPF, and will require consultation and Independent Examination. In order for it to become a part of the Local Plan, it must be supported at a community referendum and then be adopted by the Local Council.

Implications of national changes for Bromley

- 3.7 The NPPF took effect on the day of its publication and applies both to plan making and decision taking. Where current local planning policy is not up-to-date and contradicts the NPPF, the latter will take precedent. Bromley's Unitary Development Plan (UDP) saved policies have not been withdrawn and still stand until replaced, but in planning applications and appeals, they are to be considered individually in terms of how consistent they are with the NPPF. It should be noted that the London Plan 2011 also remains part of Bromley's Development Plan along with its local planning policies and is to be revised to take into account relevant aspects of the NPPF.
- 3.8 On considering the Draft Local Planning Regulations in 2011, it was suggested that Bromley, as it was early in the process of development, should move towards a single Local Plan, rather than pursue the three separate documents of a Core Strategy, Site Allocations and Development Management plan. This change avoids having two additional periods of Examination and additional consultation which would be costly and time consuming. However, it is important to note that any site allocations and development management policies will need to be developed and included in the final Local Plan and, as such, it will be a larger and more complex document than previously envisaged for the Core Strategy.
- 3.9 The implications of Neighbourhood Planning are as yet uncertain for Bromley as becoming a forum and producing a plan is entirely voluntary. To date, two local groups have expressed an interest in neighbourhood forums and/ or plans. It is unclear what the resource implications would be in assisting forums and developing plans particularly as they may vary in their needs. In the meantime it is important that the Local Plan be developed as soon as possible to allow communities to take part in planning the future for the borough as a whole, and to provide a robust context for any Neighbourhood Plans that may come forward.

3.10 Local Plan development timetable

Core Strategy Issues consultation – July-September 2011

Development of strategic options – February-July 2012

Approval of consultation document by Executive – 12 September 2012

Consultation on options and preferred approach – September-October 2012

Production of Draft Local Plan - September 2012- March 2013

Final consultation on Draft Local Plan – March-April 2013

Independent Examination (dependent on Planning Inspectorate) – Summer 2013

Adoption of Local Plan – Winter 2013

4. POLICY IMPLICATIONS

The National Planning Policy Framework, The Local Planning Regulations 2012 and The Neighbourhood Planning Regulations 2012 (along with the London Plan) form the administrative and legal framework for the development and application of planning policies in the Borough.

5. FINANCIAL IMPLICATIONS

5.1 At this stage it is not possible to quantify what the potential additional financial impact will be directly related to assisting Forums and developing plans as highlighted in Para 3.9.

5.2 Planning have a specific revenue budget of £31,900 for Local Plan Implementation, It should be noted that a request has been submitted to the Executive to carry forward £60,000 from 2011/12 to fund the technical assessments required for the Local Development Framework.

Non-Applicable Sections:	Legal Implications Personnel Implications
Background Documents: (Access via Contact Officer)	National Planning Policy Framework 2012 The Town and Country Planning (Local Planning) Regulations 2012 The Neighbourhood Planning (General) Regulations 2012