

Report No.
DRR/10/00148

London Borough of Bromley

PART 1 - PUBLIC

- Info on notices, orders or directions

Decision Maker: **Development Control Committee**

Date: **13 January 2011**

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

Title: **THE LOCALISM BILL**

Contact Officer: Bob McQuillan, Contact Officer's Title Chief Planner
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Chief Officer: Bob McQuillan

Ward: N /A

1. Reason for report

This report provides a summary of the parts of the Localism Bill which deal with planning issues.

2. **RECOMMENDATION(S)**

Members may wish to comment.

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Quality Environment.
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Financial

1. Cost of proposal: Estimated cost £1k
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £3.3m
 5. Source of funding: Existing revenue budget
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Staff

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

1. Legal Requirement: No statutory requirement or Government guidance.
 2. Call-in: Call-in is not applicable.
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Customer Impact

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

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

3. COMMENTARY

3.1 The Localism Bill was published on 13th December 2010. Included in the Bill are the Government's intentions to bring forward a number of changes to the planning system. Part 5 of the Bill relates specifically to planning. Other parts which also have implications for planning are Chapter 4 of Part 1-predetermination and Part 7 which deals with London.

3.2 The Department of Communities and Local Government summarise the changes as follows.

3.3 Part 1 Chapter 4 Predetermination

"Councillors should be free to campaign, to express views on issues and to vote on those matters, without fear of being unjustly accused of having a closed mind on a particular issue because of it. Predetermination and bias have proved to be difficult and controversial issues for many local authority members in the past. We will be legislating in the Localism Bill to make it clear that the normal activities of a councillor; campaigning, talking with constituents, expressing views on local matters and seeking to gain support for those vies should not lead to an unjust accusation of having a closed mind on an issue that can lead to a legal challenge. The fear of being accused of bias and consequently having a decision challenged or overturned has prevented councillors from speaking up, denying the public their representation in council. The Bill will give councillors the assurance that they can campaign, discuss and vote on issues with confidence. Press notice at: <http://www.communities.gov.uk/news/newsroom/1768611>"

3.4 Part 5 Planning

Community Infrastructure Levy

The Community Infrastructure Levy allows local authorities to set charges which developers must pay when bringing forward new development in order to contribute to new infrastructure. The Bill introduces three changes to the Community Infrastructure Levy. Firstly, the Bill includes provisions to make regulations requiring some of these funds to be passed to neighbourhoods where the development has taken place. Secondly, it makes clear that funds can be spent on the ongoing costs of infrastructure, as well as the initial costs of new infrastructure. Lastly, it gives local authorities greater control over setting their charging levels – while independent examiners will still consider whether the charging schedule is unreasonable, it will be for the authority to decide how to make it reasonable. Press notice at: <http://www.communities.gov.uk/news/communities/1772640>

Local Plan Reform

Minister wish to give local authorities and communities greater choice and control by removing the ability of the Planning Inspectorate to re-write local plans - and by removing procedures on timetabling and monitoring, which many authorities have found bureaucratic. Planning inspectors will continue to assess local plans at a public examination, and authorities will only be able to adopt plans judged 'sound' by the inspector, but inspectors will only be able to suggest changes at the request of the local authority. Local authorities will be able to suggest changes during the examination and withdraw development plan documents before their adoption, without seeking clearance from central Government. Local authorities will also have to publish up to date information direct to the public on what planning documents they are preparing, while central government powers to direct changes will be more limited.

Neighbourhood Planning

The Bill will introduce a new right for communities to shape their local areas. Neighbourhood plans will enable communities to permit development – in full or in outline – without the need for planning applications. The current planning system is too centralised and bureaucratic. This complexity makes it inaccessible to communities. Top-down enforcement of housing targets has alienated communities and stoked up local opposition to development. This will lift the burden of centralised controls and give neighbourhoods and local areas the flexibility to innovate, be

creative, access new resources and control their own futures. Reforms will streamline decision-making and remove barriers to development. Press notice at:

<http://www.communities.gov.uk/news/newsroom/1788714>

Community Right to Build

This measure will give local communities the power to take forward development in their area without the need to apply for planning permission, subject to meeting certain safeguards and securing 50 per cent support of the community through a referendum. It will be for communities to identify suitable land, sources of finance and secure support for their proposals, but we will put in place arrangements to provide help and guidance. This right aims to tackle the lack of development coming forward in rural areas where local planning authorities are resistant to development and consequently restrict expansion despite communities themselves expressing a wish to see new housing and other facilities built. Communities will be able to safeguard the future of rural villages for future generations by providing the framework to develop without being told that it does not fit with their local council's plans and should not go ahead. Press notice at:

<http://www.communities.gov.uk/news/newsroom/1722128>

Duty to cooperate

We are introducing a duty to cooperate to ensure that local authorities and public bodies cooperate with each other. The duty will be a key element of our proposals for strategic working once Regional Strategies are abolished. Working alongside the incentives that we are implementing, such as the New Home Bonus and Business Rates, it will act as a strong driver to change the behaviour of local authorities.

Pre-application consultation

To strengthen the role of local communities in planning, the Bill will introduce a new requirement for prospective developers to consult local communities before submitting planning applications for very large developments. This is intended to give local people a real chance to comment on proposed developments which may have an impact on them, and to collaborate on issues such as design at an early stage, when they still have a real chance to influence proposals before they are finalised. Developers will be required to have regard to any opinions raised during this consultation when deciding whether to make any changes before submitting their planning applications.

Enforcement

In order to engage in the planning system individuals and communities need to know that – where people try to flout the system – local planning authorities have the ability to take action. These proposals will tackle abuses like making deliberately misleading planning applications and running retrospective planning applications and enforcement appeals simultaneously.”

3.6 Part 7 London

“The full range of powers to strengthen London's governance includes:

- The devolution of executive powers over housing investment from the Homes and Communities Agency to the Greater London Authority so it can be fully aligned with the Mayor's own funding pot and the London Housing Strategy;
- The abolition of the London Development Agency, with its city-wide roles on regeneration and management of European funding to be transferred to the Greater London Authority so that the Mayor is directly accountable. The Government has already announced the end of the Government Office including London and the Regional Development Agencies;
- New powers for the Mayor of London to create Mayoral Development Corporations to focus regeneration where it's needed most, such as to help secure East London's Olympic legacy, in partnership with London Boroughs;

- Boroughs will be given control over more of the major local planning decisions that affect their local communities. The Mayor will only consider the largest planning applications in future;
- Streamlining consultation on Mayoral strategies, so there is a single environmental strategy. The Assembly will also gain a new power to reject the Mayor's final strategies by a two-thirds majority.

Press notice at: <http://www.communities.gov.uk/news/newsroom/1785519>"

Non-Applicable Sections:	POLICY, FINANCIAL, LEGAL, and PERSONNEL
Background Documents: (Access via Contact Officer)	The Localism Bill