

Decision Maker: **Development Control Committee**

Date: **8 September 2011**

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

Title: **LOCAL PLANNING REGULATIONS**

Contact Officer: Mary Manuel, Head of Planning Strategy and Projects
Tel: 020 8313 4303 E-mail: mary.manuel@bromley.gov.uk

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 'Local Planning Regulations'. This proposes revisions to the regulations which govern the process by which local councils prepare their development plans in response to anticipated reforms in the Localism Bill.
- 1.2 The report advises that it is not planned for Bromley to make an individual response to the consultation but will contribute to London Councils response, as appropriate. The consultation was issued in July inviting responses by 7 October 2011. The Government's response to the consultation is expected by 1 November. This together with proposals for how the current preparation of Bromley's Core Strategy can take into account the expected changes will be reported to Members.
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2. **RECOMMENDATION(S)**

That Development Control Committee:

- 2.1 Note the publication of the suggested changes to the Local Planning Regulations by the Government.

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 residents and those employed in and visiting the Borough.
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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

3. COMMENTARY

- 3.1 The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2004 as amended set out the current process for preparing local development plan documents. The Localism Bill intends to amend the 2004 Act and the Government's proposal is to amend the regulations to reflect the changes to the Act.
- 3.2 Key changes in the regulations include removing the powers of the Inspector at the public examination of the plan to impose changes as currently allowed. Instead the Inspector will only be able to recommend modifications to the plan to overcome any conflicts between the plan and national policy or the regulatory process. In addition councils will be able to suggest their own modifications and they can decide to accept the Inspector's recommendations and adopt the plan or resubmit a new plan. This is meant to encourage a more collaborative approach and for increased local ownership of the plan.
- 3.3 A new duty to co-operate is proposed with a list of public bodies to whom this applies. This is particularly relevant outside London as regional strategies for areas outside of London have been removed. The duty to co-operate will apply to London local authorities.
- 3.4 Other changes are intended to streamline the process, including removing the detailed prescription for public participation in the preparation of a statement of community involvement and the requirement to prepare an Annual Monitoring Report for the Secretary of State. Instead councils will be required to make a report for local people on key issues to be determined locally. There will be some prescribed minimum information which has to be included such as Community Infrastructure Levy receipts, the number of neighbourhood plans that have been adopted, action taken under the duty to co-operate and net additional affordable housing. This is far less onerous than current requirements.
- 3.5 There is a simpler definition of development plan documents and the terminology of Local Development Frameworks is dropped with reference made to local plans and not core strategies, and area action plans. This allows local councils to decide what they want to include in their local development plan documents and increase the pace at which policy can be reviewed. Also the requirement to produce a Local Development Scheme is removed giving councils the flexibility to report the information they think most relevant to local people regarding the plan making process.
- 3.6 It is not proposed to make a Bromley specific response to this consultation but contribute, as appropriate, to any response from other bodies.
- 3.7 The Government states that it aims to issue its response to this consultation by 1 November 2011. This will provide increased clarity of the changes expected to be brought in. Bromley already has several documents adopted within its Local Development Framework, including the Bromley Area Action Plan, Supplementary Planning Documents on Planning Obligations and Affordable Housing and an agreed Statement of Community Involvement and Annual Monitoring Reports. However, the current consultation on Core Strategy Issues and timescale for preparing a draft plan should allow scope for the Council to prepare the plan in alignment as far as possible with any Government proposed changes and create a robust and sound plan which meets local requirements. This should minimise costs to the Council of the new regulations and requirements and contribute to ensure a strong up to date plan as early as possible. The intention will be to report further Government announcements on changes to the plan making process and seek agreement from the Local Development Framework Advisory Panel, Development Control Committee and the Executive as appropriate.

4. POLICY IMPLICATIONS

- 4.1 The Council is currently consulting on its Core Strategy Issues Document as a key stage in preparing its Core Strategy, the overarching policy document within the Local Development Framework. There is scope for the preparation of this document to take into account proposed changes as they become clearer and more certain later in the year. This would assist in preparing a robust and locally owned development plan document which is an important strategy in achieving Building a Better Bromley. In particular, it contributes to the priorities of a Quality Environment, Vibrant and Thriving Town Centres, and a Safer Bromley.

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