

Localism Bill Committee Summary

Overview

The Localism Bill was introduced in the Queen's Speech of 25th May 2010 with the ambition of enacting some of the most far-reaching reforms of the planning system since the original Town and Country Planning Act of 1947. The Bill seeks to deliver on the Government's pledge to "*radically reform the planning system*". The Bill was not preceded by a White Paper, but rather mirrors the *Open Source Planning Policy* Green Paper launched by the Conservatives just prior to the general election. The Green Paper indicated the possibility of a policy 'presumption in favour of sustainable development' and the introduction of third-party right of appeal, but these aspects of the reforms have not been included in the Bill – albeit the latter is a source of an amendment tabled by Lib Dem MP's Stephen Gilbert and David Ward.

The Bill contains wide-ranging measures in regards to planning; [Part 5](#) introduces ambitious but complex reforms to the planning system.

Key Points

Regional Spatial Strategies

As expected, the Bill abolishes Regional Spatial Strategies. Ministers believed that RSSs did not work effectively and that the target-driven approach to development was undemocratic and added unnecessary bureaucracy to the planning system. As a replacement, Clause 90 of the Bill introduces the Duty to Co-operate. This is a significant new duty that will prescribe a passive requirement from authorities to respond if consulted and provide information to assist the planning process. Concerns were raised throughout the evidence sessions and the Localism Bill Committee itself that this duty, with its current level of clarity, does not go far enough to ensure effective and proactive cooperation between local authorities and other partners to achieve a strategic and spatial approach to sustainable development. It has been suggested that the Secretary of State may issue more detailed guidance, and one suggestion that has gained some currency is that Local Enterprise Partnerships, should be charged with the policing of the Duty to Co-operate.

Neighbourhood Planning

The Localism Bill decrees that a minimum of three people can apply to their local authority to become a neighbourhood forum. Having passed a series of criteria, these forums will be able to publish Neighbourhood Development Plans; a community based planning document that will ultimately be adopted by the local authority. The Localism Bill states that the Neighbourhood Plan must be in "*general conformity*" with the local development plan. Some issues such as housing numbers will be enshrined in the Core Strategy and

Neighbourhood Development Plans will not be able to overturn them.

Jack Dromey, Shadow CLG Minister, raised the concern that the requirement of only three people was potentially undemocratic and unaccountable; he proposed a minimum of twenty with one an elected local councillor. Greg Clark, Minister for Decentralisation, agreed to think about this particular amendment.

Pre-application consultation

To strengthen the role of local communities in planning, the Bill introduces a new requirement for prospective developers of schemes above a certain criteria to consult local communities before submitting planning applications. This is intended to give local people an opportunity to comment on proposed developments which may have an impact on them, and to collaborate on issues such as design at an early stage. Developers will be required to have regard to any opinions raised during this consultation. The planning applications must be accompanied by a statement setting out what consultation has been undertaken and how the applicant has listened and responded to the community's views.

Further details are expected from CLG in due course but for now the threshold for undertaking such pre-application consultation is set:

- Residential developments of 200 or more new residential units, or (where the number of residential units to be constructed is not specified) with a site area of four hectares or more.
- Any non-residential developments providing 10,000 square metres or more of new floorspace, or with a site area of two hectares or more.