

Local Government Association briefing

Neighbourhood Planning Bill

House of Commons Public Bill Committee

Tuesday 25 October 2016



KEY MESSAGES

- **We support Amendment 23 to remove Clause 7** tabled by Dr Roberta Blackman-Woods MP, Teresa Pearce MP and Jim McMahon MP. This would remove from the Bill all the provisions relating to restrictions of the use of planning conditions by local planning authorities. There is little evidence to suggest development is being delayed by planning conditions. The National Planning Policy Framework (NPPF) and the associated national planning practice guidance, already sets out expectations on use of planning conditions and the new primary legislation is unnecessary.
- **Amendment 15 to Clause 7** tabled by Dr Roberta Blackman-Woods MP, Teresa Pearce MP and Jim McMahon MP would give councils flexibility to apply conditions that have been restricted by the Secretary of State where they are deemed necessary to address specific local circumstances and impact. Councils have raised concerns that restriction of the imposition of certain planning conditions by the Secretary of State could also reduce the ability of local planning authorities to include conditions that are necessary to address issues which might be specific to a local area or an individual development site. We broadly support this amendment.
- **Amendment 16 to Clause 7** tabled by Dr Roberta Blackman-Woods MP, Teresa Pearce MP and Jim McMahon MP would ensure that local authorities are consulted on the draft regulations for provisions to restrict the power of local authorities to impose planning conditions. We broadly support this amendment.
- **Amendment 22 to Clause 7** tabled by Dr Roberta Blackman-Woods MP, Teresa Pearce MP and Jim McMahon MP would ensure that local authorities are not restricted from applying necessary pre-commencement conditions to granted planning permissions. The proposals in Clause 7 risk that, should agreement not be reached on pre-commencement conditions between an applicant and the local planning authority, the number of planning application refusals may increase and/or statutory timescales for processing planning applications may be missed. We broadly support this amendment.
- **We are cautious about New Clause 2** tabled by Dr Roberta Blackman-Woods MP, Teresa Pearce MP and Jim McMahon MP, which proposes that areas with an adopted neighbourhood plan should benefit from a locally agreed share of New Homes Bonus and an enhanced Community Infrastructure Levy payment. Whilst we support the principle of incentivising communities to create neighbourhood plans, it is important that the proposed clause does not risk impacting on local housing and infrastructure investment plans.
- **We have some concerns that New Clause 4 tabled by the Minister of State for Housing and Planning, Gavin Barwell MP** would give powers to the Secretary of State to force two or more local planning authorities to prepare a joint development plan. We support the Government's efforts to streamline the local plan-making process. However, we are concerned about provisions that

Briefing

would give the Secretary of State new powers over local plans, including to intervene in the local plan-making and plan revision process.

- **New Clause 5 tabled by the Minister of State for Housing and Planning, Gavin Barwell MP** would give powers to the Secretary of State to invite a County Council to prepare or revise a local development plan document where the Secretary of State thinks that a district council in the county council's area is failing to prepare, revise or adopt such a document. This would remove the ability of a district local planning authority to prepare or revise its own local development plan documents. Instead we would advocate an approach that seeks to understand what the blockages are and seeks to resolve them, for example through a mutually agreed sector-led support approach, which will be more beneficial in the long-term than the imposition of a plan on an area.
- **We would welcome further detail on New Clause 7 tabled by the Minister of State for Housing and Planning, Gavin Barwell MP**, which would give powers to the Secretary of State to force a local planning authority to review its local development documents at prescribed times. The national planning practice guidance already sets out expectations for revisions and updates to local development plans, any additional reviews required by the Government must be fully funded.
- **We would welcome further detail on the provisions in New Clause 6, tabled by the Minister of State for Housing and Planning, Gavin Barwell MP**, which would give the Secretary of State powers to set data standards for local development schemes and documents. The LGA has called for the Government to reduce the burden of local plan evidence gathering and this amendment could provide an opportunity to address this. Draft regulations should be published as soon as possible to allow for effective scrutiny.

FURTHER INFORMATION ON KEY CLAUSES

We support Amendment 23 tabled by Dr Roberta Blackman-Woods MP, Teresa Pearce MP and Jim McMahon MP

This amendment would remove from the Bill all the provisions relation to restrictions of the use of planning conditions by local planning authorities.

The National Planning Policy Framework (NPPF) and the associated national planning practice guidance, already clearly sets out expectations on use of planning conditions and the new primary legislation is unnecessary.

There is little evidence to suggest development is being delayed by planning conditions. Planning conditions provide a vital role by enabling planning permissions to go ahead which would otherwise be delayed while the details are worked out. They can also save developers time and money as they do not need to invest in detailed submissions until after the principle of the development is granted.

Joint working between councils and developers is the most effective way of dealing with any concerns about planning conditions and the LGA strongly advocates the use of early, collaborative discussions ahead of planning applications being submitted for consideration.

An advice note on best practice principles for using and discharging conditions was developed in 2015 by the Planning Advisory Service, with support from a cross-

sector group, the LGA and DCLG to help planning authorities, developers and statutory consultees.¹

We support Amendment 9 tabled by Dr Roberta Blackman-Woods MP, Teresa Pearce MP and Jim McMahon MP

This would enable local authorities' to recover the full costs of assisting with the development of a neighbourhood plan. It is crucial that local authorities are adequately funded to meet their statutory duties in relation to neighbourhood planning.

The Government should also work with local planning authorities to establish whether additional assistance, beyond the minimum level of support required by regulation, would deliver neighbourhood plans more effectively. Any resulting additional requirements on councils must be fully funded on a cost-recovery basis.

Amendment 15 tabled by Dr Roberta Blackman-Woods MP, Teresa Pearce MP and Jim McMahon MP

Notwithstanding our view that the provisions on conditions in Clause 7 of the Bill are unnecessary, this amendment would give councils flexibility to apply conditions that have been restricted by the Secretary State, where they are deemed necessary to address specific local circumstances and impact. We broadly support this measure.

There is little evidence to suggest development is being delayed by planning conditions. Planning conditions provide a vital role by enabling planning permissions to go ahead which would otherwise be delayed while the details are worked out.

Councils have raised concerns that restriction of the imposition of certain planning conditions by the Secretary of State could also reduce the ability of local planning authorities to include conditions that are necessary to address issues which might be specific to a local area or an individual development site.

Amendment 16 tabled by Dr Roberta Blackman-Woods MP, Teresa Pearce MP and Jim McMahon MP

Notwithstanding our view that the provisions on conditions in Clause 7 of the Bill are unnecessary, this amendment would ensure that local authorities are consulted on the draft regulations for provisions to restrict the power of local authorities to apply planning conditions to granted planning permissions. We broadly support this measure.

Councils have raised concerns that restriction of the imposition of certain planning conditions by the Secretary of State could also reduce the ability of local planning authorities to include conditions that are necessary to address issues which might be specific to a local area or an individual development site.

Amendment 22 tabled by Dr Roberta Blackman-Woods MP, Teresa Pearce MP and Jim McMahon MP

Notwithstanding our view that the provisions on conditions in Clause 7 of the Bill are unnecessary, this amendment would ensure that local authorities are not restricted from applying necessary pre-commencement conditions to granted

¹ [Using and Discharging Conditions – Ten Best Practice Principles](#)

planning permissions. We broadly support this measure.

The National Planning Policy Framework (NPPF) and the associated national planning practice guidance, already clearly sets out expectations on use of planning conditions and the new primary legislation is unnecessary.

There is little evidence to suggest development is being delayed by planning conditions. Planning conditions provide a vital role by enabling planning permissions to go ahead which would otherwise be delayed while the details are worked out.

Councils have raised concerns about the provisions in the Bill that pre-commencement conditions can only be used by local planning authorities where they have the written agreement of the applicant. There is a risk that, should agreement not be reached on pre-commencement conditions between an applicant and the local planning authority, the number of planning application refusals may increase and/or statutory timescales for processing planning applications may be missed.

We are cautious about New Clause 2 tabled by Dr Roberta Blackman-Woods MP, Teresa Pearce MP and Jim McMahon MP

This clause proposes that areas with an adopted neighbourhood plan should benefit from a locally agreed share of New Homes Bonus and an enhanced Community Infrastructure Levy payment. Whilst we support the principle of incentivising communities to create neighbourhood plans, it is important that the proposed clause does not risk impacting on local housing and infrastructure investment plans.

We have concerns with New Clause 4 tabled by the Minister of State for Housing and Planning, Gavin Barwell MP

This would give powers to the Secretary of State to force two or more local planning authorities to prepare a joint development plan.

We support the Government's efforts to streamline the local plan-making process. However, we are concerned about provisions that would give the Secretary of State new powers over local plans, including to intervene in the local plan-making and plan revision process.

Councils have made significant progress with plan-making, and getting plans in place requires significant time and effort. It is vital that the local plan process is not undermined by national policy changes. An approach that seeks to understand what the blockages are and seeks to resolve them, for example through a mutually agreed sector-led approach, will be more beneficial in the long-term than the imposition of a plan on an area.

We have concerns about New Clause 5 tabled by the Minister of State for Housing and Planning, Gavin Barwell MP

This would give powers to the Secretary of State to invite a County Council to prepare or revise a local development plan document where the Secretary of State thinks that a district council in the county council's area is failing to prepare, revise or adopt such a document. This would remove the ability of a district local planning authority to prepare or revise its own local development plan documents.

We support the Government's efforts to streamline the local plan-making process. However, we are concerned about provisions that would give the Secretary of State

new powers over local plans, including to intervene in the local plan-making and plan revision process. An approach that seeks to understand what the blockages are and seeks to resolve them, for example through a mutually agreed sector-led approach, will be more beneficial in the long-term than the imposition of a plan on an area.

We would welcome further detail on New Clause 7 tabled by the Minister of State for Housing and Planning, Gavin Barwell MP

This would give powers to the Secretary of State to force a local planning authority to review its local development documents at prescribed times. The national planning practice guidance already sets out expectations for revisions and updates to local development plans. Any additional reviews required by the Government must be fully funded.

We would welcome further detail on the provisions in New Clause 6, tabled by the Minister of State for Housing and Planning, Gavin Barwell MP

This would give the Secretary of State powers to set data standards for local development schemes and documents. It would also require the documents or the data they contain to comply with specified technical specifications.

A number of local authorities have identified compiling the evidence base in the development of local plans as one of the most time consuming elements of plan making. This is a particular burden in relation to housing numbers and the need to ensure the evidence base is kept up to date throughout plan preparation.

We have called on the Government, through our evidence to the Local Plans Expert Group, to consider reducing the burden of local plan evidence by reviewing the extent of current evidence being collected and assessing how this might be streamlined.² This amendment could provide an opportunity to address this issue.

However, it is difficult to determine the full implications of the new clause as there is much detail that will be determined in regulations that have not been published alongside the Bill. Draft regulations should be published as soon as possible to allow for effective scrutiny. It is crucial that these proposals do not add new burdens to the local plan-making process. New requirements should also not frustrate the ability of local planning authorities to shape and approve developments so that they are backed by local communities and serve to improve places and economies.

² [LGA response to Call for Evidence – Local Plans Expert Group, October 2015](#)