

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

21 February 2012

Report of the Director of Planning, Transport and Leisure

Part 1- Public

Matters for Information

1 NEWS ON THE UPDATING OF THE PLANNING SYSTEM

To update Members on the recent changes in the planning system and to indicate that further detail will emerge in the future.

1.1 Localism Act 2011

1.1.1 As Members will be aware the Act became law late last year.

1.1.2 Two matters of direct relevance to the world of Planning were enacted and on 15 January the Secretary of State obtained powers to create secondary legislation to bring forward detailed provisions in due course.

1.1.3 The two matters that are now in the hands of the Secretary of State are:

- The introduction of neighbourhood planning and
- The ability of a Local Planning Authority to refuse to consider a retrospective planning application if an Enforcement Notice has already been served against that development.

1.1.4 At present we do not have an indication of the likely introduction of the draft Regulations and as members of the Board will be aware, from our report as long ago as February last year, much needs to be fleshed-out before we can be clear as to the day-to-day impacts of the detailed changes that flow from the Localism Act. As soon as we have an indication of, for instance, further information on Neighbourhood Planning Regulations (following earlier consultations that ran in parallel with Parliamentary consideration of the then Localism Bill) we will brief Members further. I am mindful that there is a commitment to hold a session for Parish Councils on this topic following an initial discussion at the Parish Partnership Panel.

1.1.5 One other aspect of the Localism Act that will have an impact on the way in which planning matters are handled by the Council, especially by the Area Committees, is the new provisions with regard to the Standards regime and in particular

declarations of interest and pre-determination. The Chief Solicitor will provide a separate briefing on these matters on the evening of 22 February.

1.2 National Planning Policy Framework (NPPF)

1.2.1 The Board will be aware that the Council has responded in detail on the consultation on both the draft NPPF itself and also on the likely sub-section dealing specifically with Planning for Traveller Sites.

1.2.2 Since those comments were submitted the House of Commons Communities and Local Government Select Committee reported, in late December 2011, on its concerns with regard to draft NPPF, especially with reference to factors such as:

- Definition of sustainable development
- The weight to be attributed to economic benefits of development
- The relationship between the NPPF and local policy especially in plan-making
- The importance of viability considerations

1.2.3 It seems clear that Ministers intend to respond positively to the Committee's Report. Greg Clarke MP, the responsible Minister has said:

"I warmly welcome the DCLG select committee's constructive recommendations to the draft Framework consultation. I invited the Committee to make specific suggestions to the draft framework and am grateful for the practical and measured way they have approached the exercise."

"The Government will consider carefully each of the suggestions that have been made, along with all responses to the consultation."

"We are determined that the National Planning Policy Framework will put power into the hands of local people, through a simpler, clearer system, which safeguards our natural and historic environment while allowing the jobs and homes to be created that our country needs."

1.2.4 The expectation within the Planning profession was that NPPF would be published in April 2012. Given the Select Committee Report and the Government's initial response it is not clear as to whether this will now be achieved, especially if it is considered necessary to carry-out further consultation on a revised draft NPPF. There is no indication as to how the issue of Gypsies and Travellers will be dealt with in the NPPF context. We will brief Members as and when things become clearer.

1.3 Community Infrastructure Levy

- 1.3.1 Some Members will have been involved with the Community Infrastructure Levy Panel that met on 19 December 2011.
- 1.3.2 Some Regulations are in place, further Draft Regulations have been published and the Council has commented thereon. The Localism Act further changed the context in which the Draft Regulations need to be assessed and this has been dealt with in the responses.
- 1.3.3 We must now await the Government's response to latest consultations. In the meantime staff are engaged in assessment and preparation work to enable any further changes to be monitored effectively.

1.4 Legal Implications

- 1.4.1 None until Regulations are published.

1.5 Financial and Value for Money Considerations

- 1.5.1 None until Regulations are published.

1.6 Risk Assessment

- 1.6.1 None until Regulations are published.

1.7 Equality Impact Assessment

- 1.7.1 Responsibility of Government in approving legislation and national policy.

FOR INFORMATION

Background papers:

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Nil

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