

Local Government Association Briefing

Neighbourhood Planning Bill

House of Lords, Committee Stage

31 January and 2 February 2017



KEY MESSAGES

- Local government shares the Government's ambition to increase housing supply. Local government wants to play a leading role in building new homes and we support measures that will enable councils to capture the value from increased land prices on land they acquire for development. The Bill could do more to help the Government achieve its ambitions on speeding up the delivery of new homes, particularly those that have already been granted planning permission.

Neighbourhood planning (Clauses 1 to 5)

- It is important that any proposals do not have the unintended consequence of undermining the ability of a local planning authority to meet the wider strategic objectives set out in an emerging or adopted Local Plan. **Any new requirements on local planning authorities, such as those in amendment 6 led by Lord Bourne, must be fully funded.**
- Local planning authorities were under-funded by £195 million in 2015/16. **As such we support amendment 12 led by Lord Kennedy and Lord Beecham**, which would allow local planning authorities to recover reasonable costs for assistance provided to the community in neighbourhood planning.
- Local planning authorities and their communities should have a greater say on new development falling within existing permitted development rights. In particular this could include taking into account the impact on the sustainability of existing provision, for example office space, in the local area. **Therefore, we support amendment 14 led by Lord Kennedy and Baroness Cumberlege.**
- **We also support amendment 44 led by Lord Porter, Lord Kennedy, Baroness Cumberlege, and Lord Tope**, which would allow a local planning authority to consider the cumulative impact of development taking place under permitted development rights.
- **We support amendment 15 led by Lord Kennedy and Baroness Bakewell**, which would give local authorities greater powers over land where planning permission has lapsed.

Local development documents (Clauses 6 to 11)

- **We support amendment 20 led by Baroness Cumberlege**, which would require the Secretary of State to uphold a local planning authority's decision to refuse planning permission where development would be contrary to the local plan or neighbourhood plan.
- We are concerned about provisions that would give the Secretary of State new powers to intervene in the local plan-making and plan revision process.

Briefing

A sector-led approach that seeks to resolve the blockages will be more beneficial in the long-term than the imposition of a plan on an area. **As such we support Lord Kennedy, Baroness Cumberlege, and Lord Shipley's intention to oppose Clause 7 and Lord Kennedy, Lord Shipley, Baroness Bakewell and Baroness Cumberlege's intention to oppose Clause 8.**

Planning conditions (Clause 12)

- Councils approve almost nine out of 10 planning applications and there is little evidence to suggest development is being delayed by planning conditions. **Therefore we support Lord Kennedy, Lord Beecham, Baroness Parminter, and Baroness Cumberlege's intention to oppose Clause 12.**

Planning fees

- Year-on-year, taxpayers are subsidising approximately 30 per cent of the estimated cost of processing all planning applications in England because nationally set planning fees do not cover the full costs.¹ **Therefore we urge the Government to accept amendment 45 led by Lord Kennedy, Lord Scriven, Lord Shipley, and Baroness Cumberlege and amendment 57 led by Lord Kennedy and Lord Beecham.**

Amendment statements

Neighbourhood planning (Clauses 1 to 5)

Amendment 6 led by Lord Bourne

Councils are responding positively to neighbourhood planning and are engaging and providing support accordingly to those areas wishing to take forward a neighbourhood plan or order. We support the intention of the Bill to streamline the process for reviewing and updating neighbourhood plans.

It is important that any proposals do not have the unintended consequence of undermining the ability of a local planning authority to meet the wider strategic objectives set out in an emerging or adopted Local Plan. Any new requirements on local planning authorities must be fully funded.

Amendment 12 led by Lord Kennedy and Lord Beecham

It is vital to the success of neighbourhood planning that the Government undertakes a full review of the financial support provided to councils. This should ensure existing funding is adequate to allow local authorities 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.

Amendment 14 led by Lord Kennedy and Baroness Cumberlege

Local planning authorities and their communities should have a greater say on new development falling within existing permitted development rights. In particular this could include taking into account the impact on the sustainability of existing provision, for example office space, in the local area.

Amendment 44 led by Lord Porter, Lord Kennedy, Baroness Cumberlege, and Lord Tope

¹ LGA media release, December 2016

http://www.local.gov.uk/media-releases/-/journal_content/56/10180/8115844/NEWS

A local planning authority should be able to consider the cumulative impact of development taking place under permitted development rights.

Amendment 15 led by Lord Kennedy and Baroness Bakewell

We support this amendment which would give local authorities greater powers over land where planning permission has lapsed. Up to 475,000 new homes in England and Wales have planning permission but are yet to be built. The number of unbuilt homes with planning permission is 25% higher than five years ago.²

Local development documents (Clauses 6 to 11)

Amendment 20 led by Baroness Cumberlege

We support, which would require the Secretary of State to uphold a local planning authority's decision to refuse planning permission where development would be contrary to the local plan or neighbourhood plan.

Intention to oppose Clause 7, led by Lord Kennedy, Baroness Cumberlege, and Lord Shipley

Clause 7 enables the Secretary of State to direct two or more local planning authorities to make a joint local plan. The LGA is concerned about provisions that would give the Secretary of State new powers to intervene in the local plan-making and plan revision process. A sector-led approach that seeks to understand and resolve the blockages will be more beneficial in the long-term than the imposition of a plan on an area.

Intention to oppose Clause 8, led by Lord Kennedy, Lord Shipley, Baroness Bakewell and Baroness Cumberlege

Clause 8 and Schedule 2 further enable the Secretary of State to invite a county council to prepare a local plan where a district council had not done so. Councils have made significant progress with plan-making and, at the end of November 2016, almost 90 per cent of local planning authorities had a published Local Plan. Getting these plans in place requires significant time and effort and it is vital that the local plan process is not undermined by national policy changes.

Amendment 26 led by Baroness Cumberlege

It is important that where communities say yes to new development that this is supported by the necessary infrastructure. However, any reforms to the Community Infrastructure Levy should ensure that the ability of local authorities to deliver wider strategic infrastructure investment in local areas is not undermined.

Planning conditions (Clause 12)

Intention to oppose Clause 12, led by Lord Kennedy of Southwark, Lord Beecham, Baroness Parminter, and Baroness Cumberlege

An effective, democratically-led planning system is critical to good place-making that boosts growth and prosperity. Councils approve almost nine out of 10 planning applications and the number of homes granted planning permission by local authorities in the rolling year to 30 September 2016 was 277,000. This was up by 9 per cent on the previous year and was the highest figure since 2007.³

There is little evidence to suggest development is being delayed by planning conditions. Planning conditions provide a vital role by enabling planning

² LGA and Glenigan research, January 2016

<https://www.theguardian.com/society/2016/jan/07/number-of-unbuilt-homes-with-planning-permission-hits-record-levels-lga-says>

³ DCLG: Planning Applications in England July to September 2016

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/577548/Planning_Applications_July_to_September_2016.pdf

permissions to go ahead which would otherwise be refused or 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.

The NPPF, and the associated national planning practice guidance, already clearly sets out expectations on use of planning conditions. There is no need for primary legislation to specify new duties on local planning authorities beyond this.

There is a risk that these proposals may have a number of unintended consequences including the potential for increased number of planning application refusals and/or statutory timescales for processing planning applications being missed, if agreement cannot be reached on pre-commencement conditions between an applicant and the local planning authority. 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 would like the Bill to make clear that local authorities are still able to make necessary pre-commencement conditions on developers.

Planning fees

Amendment 45 led by Lord Kennedy, Lord Scriven, Lord Shipley, and Baroness Cumberlege

Amendment 57 led by Lord Kennedy and Lord Beecham

The Bill provides an opportunity for the introduction of locally set planning fees, including those for dealing with permitted development applications and discharge of planning conditions. Developers, builders and councils are united in their call for adequately resourced planning departments that can deliver housing growth through active planning and locally set fees will enable this. A British Property Federation survey found two thirds of its private sector respondents would be willing to pay increased fees to help under-resourced planning departments keep providing an effective service.⁴

It is crucial that planning services are properly resourced. Year-on-year, taxpayers are subsidising approximately 30 per cent of the estimated cost of processing all planning applications in England because nationally set planning fees do not cover the full costs.⁵ Recent figures from the Department for Communities and Local Government show that there was a deficit of £195 million in 2015/16.⁶

⁴ BPF survey results, October 2015

<http://www.bpf.org.uk/media/press-releases/planning-system-brink-local-authorities-suffer-lack-resource>

⁵ LGA media release, December 2016

http://www.local.gov.uk/media-releases/-/journal_content/56/10180/8115844/NEWS

⁶ Local authority revenue expenditure and financing, 2015/16

<https://www.gov.uk/government/statistics/local-authority-revenue-expenditure-and-financing-england-2015-to-2016-individual-local-authority-data-outturn>