

The Localism Bill – will it deliver “power to the people”?

The forthcoming Localism Bill has wide-reaching implications for developers, planners and local communities.

This article focuses on the property implications of the Bill, specifically the changes to the planning system.

Plans & Strategies

Regional Spatial Strategies are to be abolished with decisions on housing supply and planning returning to local planning authorities (LPAs). A key element of the new regime will be a new statutory obligation on LPAs to co-operate actively with each other in relation to sustainable development and the use of land for strategic infrastructure. There will also be greater transparency with public publishing of up-to-date information on any local development scheme and monitoring reports.

Consultation

The Bill introduces a statutory requirement for developers to consult local communities before submitting planning applications for major developments. The thresholds of development will be specified by secondary legislation. The DCLG have stated that this requirement will initially apply to major planning applications, for example, residential developments of more than 200 units and other developments that provide 10,000 square metres or more of new floor space. This is intended to give local people an opportunity to comment on proposed development while they have a chance to influence proposals before they are finalised. Developers will be required to have regard to any responses received during the consultation when deciding whether to make any changes to the proposed development, before submitting their planning applications.

Community Infrastructure Levy

Introduced in Part 11 of the Planning Act 2008 to help Councils fund local infrastructure, this charge on certain new buildings is payable primarily by owners or developers and is based on a formula that relates to the size and character of the development.

The Localism Bill will give greater control to LPAs over the setting of charges. Independent examiners will still consider whether the charging schedule is unreasonable but it will be up to the LPA to decide how to make it reasonable. The Bill also includes the ability to make regulations requiring some of the levy to be passed to the neighbourhoods where the development occurred.

Neighbourhood Planning

To reduce central control and bureaucracy, the Bill will introduce new rights for local communities to shape their areas through Neighbourhood Development Orders (NDOs) and Neighbourhood Development Plans.

An NDO is an order granted to a qualifying body (a parish council or a neighbourhood forum) for planning permission in a particular neighbourhood area for development specified in that order. The concept is similar to Local Development Orders. An LPA **must** make an NDO if more than half of those voting in a referendum vote in favour, unless the LPA considers that making the order would be incompatible with any EU obligation or any right under the European Court of Human Rights. Certain specified developments are to be excluded from this procedure.

A community right to build order (CRBO) is a particular type of NDO which will give qualifying community organisations (meeting certain specified criteria) the ability to take forward

development in their area without the need to apply for planning permission, subject to certain qualifications.

A neighbourhood development plan will be made by LPA's and will set out policies in relation to the development and use of land in a particular neighbourhood.

The government has invited LPAs in England to apply to become Neighbourhood Planning Vanguard (NPVs). They are looking for approximately 12 areas to give an insight into how neighbourhood planning will work in practice.

The Bill puts in place a specific procedure to enable LPAs to recover their costs incurred in putting NDOs or neighbourhood development plans in place.

Compulsory notice requirements

Development consent orders will no longer need to be served on everyone whose land is to be acquired. Instead the notice must state where and when a copy of the order is available for inspection.

Comment

The Bill is causing concern to developers, planners and lawyers as it is difficult to assess accurately the likely impact of the proposals as many have not been fully detailed in the Bill. Not only is there concern that this could empower "NIMBYism" but also that parish councils and neighbourhood forums may not represent the majority view as the silent majority will not actively participate. LPAs may also struggle with the additional workload in times where they are under financial pressure.

Localism has enjoyed great publicity as a transformation of the way we go about securing planning permission. The days of tick box consultation processes are said to be behind us and the emphasis now will be on listening to local communities rather than on Government imposing its own ideas in a "top down" style. Whether in practice the Bill will deliver on such grand aims will be of great interest to us all as the coming months unfold.

The following link is to a plain English Guide to the Bill for anyone wanting greater detail on any aspect of the proposed changes: [Localism Bill Information](#)

Please note that the above is a summary only of the Bill and its planning law implications and is not intended to be fully comprehensive. Pitmans accepts no liability for any such reliance.

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