

**28<sup>th</sup> June 2016****Agenda Item:5****REPORT OF CORPORATE DIRECTOR – PLACE****SUMMARY OF THE HOUSING AND PLANNING ACT 2016 AND ITS IMPLICATIONS FOR  
THE COUNTY COUNCIL'S PLANNING WORK****Purpose of Report**

1. To advise Members of the implications of the Housing and Planning Act 2016 for the County Council's planning work.

**Information and Advice**

2. Members will recall that in April a report was brought to this Committee setting out the County Council's response to the Department for Communities and Local Government (DCLG) on the technical consultation on the implications of planning changes.
3. The consultation period on this document closed on 15<sup>th</sup> April and DCLG are now analysing the responses they received from relevant parties, including representatives from both the public and private sectors. They are expected to publish a summary of the responses shortly.
4. The purpose of the technical consultation was to seek views on the proposed approach for implementing the planning provisions in the Housing and Planning Bill. Running concurrently with the DCLG consultation the Housing and Planning Bill was going through Parliament. It has now completed all its parliamentary stages and has passed into law, having received Royal Assent on 12th May 2016.

**What happens next?**

5. The majority of the Housing and Planning Act relates to housing matters, particularly increases in house building and home ownership, which are not directly relevant to the planning work of this authority, albeit that an increase in house building would have implications regarding the supply of minerals.
6. The key areas relevant to planning generally are as follows;

Powers to intervene in Local plan making

The Secretary of State will have the power to prepare a local development scheme for a local planning authority and direct an authority to bring that scheme into effect. This would apply to designated authorities that do not have a plan or up to date policies, and those that have higher housing pressure and /or where intervention would have the greatest impact in accelerating local plan production. This provision came into effect on 26<sup>th</sup> May 2016 and enables the Secretary of State to direct a local planning authority not to take any steps in connection with the adoption of a development plan document pending possible use of other intervention powers. The Government has already used this power putting the Birmingham Development Plan on hold to allow for proper consideration of Green Belt issues.

7. At the time of the DCLG consultation clarification was sought as to whether minerals and waste local plans would be included in this proposal. Initial advice was that they would be excluded but definitive guidance on this is awaited.

#### Permission in principle

8. This provision, which is expected to come into force in July, relates to housing-led developments only. The Act specifically states that “permission in principle may not be granted for development consisting of the winning and working of minerals”. In addition, at various stages during the progression of the Bill an amendment was agreed explicitly excluding fracking development from being capable of being granted permission in principle.

#### Alternative provision of planning services: pilots

9. This provision of the Act, which takes immediate effect, introduces regulations to allow for pilot schemes to be set up to test the use of competition from alternative providers for the processing of planning applications. This would apply where an applicant chooses to use a “designated person” rather than the local planning authority to process their application. The determining, i.e. the decision making stage, of applications will remain with the local planning authority. Clarification on the Act confirmed that no advice from designated persons will be binding on the authority. An agreed amendment to the Act provides that the pilots will last for a maximum of five years.
10. The next stage for this will be for the Secretary of State to consult on the regulations for the pilots and bring an evaluation of the pilots back to Parliament when it is complete. Further details on how this will work in practice, and associated fee levels are awaited.

#### Other planning related measures

11. Other planning measures in the Act coming into immediate effect include setting timescales for neighbourhood planning decisions and requiring councils to keep registers of certain types of land (brownfield). These do not directly apply to the planning work of the County Council.
12. No further information is available about any proposed changes to planning fees and whether they will be linked to performance as indicated by the DCLG

consultation. This and other elements of the Act will come into force following the publication of future regulations.

13. County Council Members will be kept informed of any significant changes to the Council's planning processes or any financial implications for the County Council as a consequence of the Act.

### **Other Options Considered**

14. There are no alternative options to consider as the report is for information only.

### **Statutory and Policy Implications**

15. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Implications for Service Users

16. If the proposals for "alternative providers" are taken forward following the pilot scheme there may be implications for applicants who currently submit applications to the County Council for determination.

#### Human Rights Implications

17. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.
18. There are no finance, public sector equality, human resources, crime and disorder, safeguarding of children, sustainability and the environment implications.

### **RECOMMENDATIONS**

19. It is RECOMMENDED that Members note the contents of this report which sets out the implications of the Housing and Planning Act 2016 for the County Council's planning work.

**TIM GREGORY**

**Corporate Director – Place**

**Constitutional Comments (SLB 15/06/2016)**

20. This report is for noting only.

**Comments of the Service Director – Finance (SES 08/06/16)**

21. There are no specific financial implications arising directly from this report.

**Background Papers Available for Inspection**

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

**Electoral Division(s) and Member(s) Affected**

All

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For any enquiries about this report, please contact the report author.