
Meeting: General Purposes Committee
Date: 6 December 2012
Subject: Changes to Council's Constitution to reflect Planning Reform
Report of: Gary Alderson, Director of Sustainable Communities
Summary: The report proposes amendments to the Constitution relating to development planning following changes to legislation.

Advising Officer: Gary Alderson, Director of Sustainable Communities
Contact Officer: Sally Chapman, Development Plans Process Team Leader
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

The changes to the constitution relate to the development plan process which fulfils the following Council priorities

- Enhancing Central Bedfordshire – creating jobs, managing growth, protecting our countryside and enabling businesses to grow.
- Better infrastructure – improved roads, broadband reach and transport.
- Great universal services – bins, leisure and libraries.

Financial:

1. None

Legal:

2. The proposals contained in this report comply with the requirements in relation to development planning contained in the Localism Act 2011, the Town and Country planning (Local Planning) England) Regulations 2012 and the Neighbourhood planning (General) Regulations 2012.

Risk Management:

3. Not applicable

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. Public Authorities must ensure that decisions are made in a way which minimises unfairness and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision. When decisions are made, decision makers must have the relevant data, including the results of equality impact assessment, and of consultation and involvement, to ensure they reach an informed decision.

Public Health

6. Not applicable

Community Safety:

7. Not Applicable.

Sustainability:

8. Not Applicable.

Procurement:

9. Not applicable.

Overview and Scrutiny:

10. This matter has not been considered by Overview and Scrutiny.

RECOMMENDATION:

The Committee is asked to recommend to Council that they agree changes to the Council's constitution to reflect the changes to development planning process requirements.

Background

11. The Localism Act 2011 introduced a number of reforms to planning, including changes to the development planning system, previously known as the Local Development Framework and introduced the new tier of development planning at local level, Neighbourhood Planning, which in Central Bedfordshire will be carried out by Town and Parish Councils.

Local Planning

12. The previously named 'Local Development Framework' consisted of a series of documents which could be produced according to individual timescales. One of the documents was a 'Core Strategy' which set the strategic direction for development in the area. Other documents could be produced at the discretion of each local planning authority, which had to 'flow' from the Core Strategy. For Central Bedfordshire, these included the Site Allocations Development Plan Document and supplementary planning documents such as Design in Central Bedfordshire – A Guide for Development'
13. The Localism Act replaces these with a 'local plan' and the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the processes governing the production of the different types of planning document including local plans, local development documents and supplementary planning documents. The Local Plan can consist of more than one document, but there is no differentiation between them, i.e. a 'Core Strategy' does not have to be produced first. The status of 'local plans' is that once adopted, they become part of the 'development plan' which means that they are used to determine planning applications.
14. Currently, officers are producing the Central Bedfordshire Development Strategy (which is a Local Plan) and the Gypsy and Traveller Local Plan.
15. Other planning documents being produced which are not 'local plans' include the refresh of 'Design in Central Bedfordshire – A Guide for Development' which will be a supplementary planning document. There may also be documents which can be adopted by Executive as 'technical guidance' which do not have the formal status of supplementary planning documents, but can be a consideration in the determination of planning applications. Examples of this type of document include the recently adopted Houghton Regis North Framework Plan.
16. In addition there may be technical background documents which either inform the production of local plans/ other documents or help determine planning applications which may need to be subjected to public consultation during draft stages. Examples of this type of document include the Mid Bedfordshire Landscape Character Assessment and the planned Environmental Enhancement Strategy.

Neighbourhood Planning

17. The Localism Act also introduced powers for Town and Parish Councils in Central Bedfordshire to become involved in neighbourhood planning if they wish to do so. The benefits of neighbourhood planning is that it can help communities play a greater role in shaping the future of their area and can help locally specific planning issues to be addressed, giving greater detail compared to those within the Development Strategy.

18. Neighbourhood planning includes Neighbourhood Plans and Neighbourhood Development Orders. These documents set out policies on the development and use of land and buildings in the parish or neighbourhood area. A Neighbourhood Plan is a document which will set out local policies and allocations, and a Neighbourhood Development Order deals with a specific planning proposal on a specific site, or grants planning permission for a type of development such as change of use.
19. A Community Right to Build Order is a specific type of Neighbourhood Development Order allowing a local community group to bring forward a small development. This new development could include proposals for new homes, business premises and community facilities, but it must be small scale in comparison to the size of the settlement. The process for preparing and adopting a Community Right to Build Order is broadly the same as that for a Neighbourhood Development Order.
20. Once adopted, a Neighbourhood Plan will become part of the development plan, meaning that their policies will be used to determine planning applications alongside the local plan documents. A Neighbourhood Development Order effectively grants planning permission for the specific development or type of development.
21. The statutory processes associated with neighbourhood planning are set out in The Neighbourhood Planning (General) Regulations 2012. The first step for a town or parish council is to designate their Neighbourhood Area. Members will recall that the processes associated with neighbourhood planning were set out and approved by Executive on the 2nd October 2012.

Changes to the Constitution

22. Given the changes to the development plan system in these two areas, amendments will be required to the Council's Constitution. A 'tracked change' version of the relevant pages are attached at Appendix A.

Appendices:

Appendix A – Extract from Constitution

Background Papers: None