



DISTRICT COUNCILS' NETWORK

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District Councils' Network (DCN) - Neighbourhood Planning Bill

Bill Committee briefing

General Comment

The DCN has welcomed the aims of the Neighbourhood Planning Bill, especially measures:

- to help identify and free up more land for new homes to give communities as much certainty as possible about where and when development will take place
- to speed up the delivery of new homes, in particular by reducing the time from planning permission being granted to building work starting on site and new homes being delivered.

However the DCN has significant concerns relating to

- new Clause 5 and New Schedule 1, which has been tabled since the introduction of the Bill and would enable the Secretary of State to invite a county council to prepare or revise a development plan document in a case where the Secretary of State thinks that a district council in the county council's area is failing to prepare, revise or adopt such a document.

New Clause 5 and New Schedule 1

This new clause and NS1 enable the Secretary of State to invite a county council to prepare or revise a development plan document in a case where the Secretary of State thinks that a district council in the county council's area is failing to prepare, revise or adopt such a document.

The DCN opposes this new clause and schedule.

County Councils are not local planning authorities and therefore do not have the planning expertise required to discharge this proposed function which could lead to increased delays in the overall local plan process, in direct contrast to the Government intention. Our understanding is that the expenditure incurred by County Councils in discharging this function would fall to the district councils concerned. **The financial costs of preparing local plans are already very significant and this**

proposal could lead to further additional costs which would adversely impact on the existing planning capacity of district councils.

District Councils have made significant progress with plan-making, and getting plans in place requires significant time, effort and expenditure. The DCN recognises that there are still some districts who are yet to agree a local plan and would **recommend that peer support from Districts that have successfully adopted a Local Plan could be requested by the Secretary of State, to fulfil the need for adopted plans across the country.**

The DCN would also highlight the Local Plan Expert Group¹ report recommendations in relation to local plans. The LPEG recommended that the Government makes clear that where there is insufficient agreement on meeting and distributing housing needs the Government should be prepared to use powers to direct the preparation of a Joint Local Plan for the relevant area. But rather than suggesting that County Councils take on these responsibilities the LPEG considered that as far as possible, local plans should be prepared by their local authorities.

Discharge of Planning Functions

In relation to planning conditions, the DCN would also like to provide some further context to our earlier Second Reading briefing in relation to the discharge of planning functions, which have been noted in earlier Parliamentary Debate. The DCN would emphasise that a central reason for delay in the discharge of planning functions is that statutory consultees requires a significant number of conditions, and play a key role in the discharge of these conditions. A key concern has been the slowness of statutory consultee responses and the impact this is having on timely decision making which can influence significantly the speed at which the conditions are discharged.

One potential solution to both this issue and to minimise the risks of slow delivery on sites with planning permission, could be for the current arrangements for Planning Performance Agreements to be expanded into Planning Delivery Agreements, with the PDA setting out arrangements to secure actual delivery of new homes. For PDAs to work effectively, they would need to be binding on all parties, including the developer/housebuilders, statutory consultees and utility companies. The DCN would welcome legislation to deliver this proposals even through this Bill or through existing secondary legislation.

For further information about this briefing please contact the District Councils' Network on dcn@local.gov.uk or 0207 664 3049.

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¹ <https://www.gov.uk/government/publications/local-plans-expert-group-report-to-the-secretary-of-state>