

Report of	Meeting	Date
Director of Partnerships, Planning and Policy (Introduced by the Executive Member for Partnerships and Planning)	Executive Cabinet	15 December 2011

## LOCALISM ACT 2011 AND TRANSITIONAL ARRANGEMENTS FOR PLANNING

### PURPOSE OF REPORT

- To update members on the Localism Act in so far as it relates to progressing the LDF, and to seek authority to enter into discussions about transitional arrangements.

### RECOMMENDATION(S)

- That the Executive Member (Partnerships & Planning) and Director be authorised to enter into discussions with partner authorities and the DCLG about transitional arrangements for plan making.

### EXECUTIVE SUMMARY OF REPORT

- The report summarises the current position for plan making in relation to the Localism Act 2011, and seeks authority to enter into discussions on transitional arrangements.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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<b>Key Decision?</b> Please bold as appropriate	<b>Yes</b>	No
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<b>Reason</b> Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	<b>4, Significant impact in environmental, social or physical terms in two or more wards</b>

### REASONS FOR RECOMMENDATION(S)

#### (If the recommendations are accepted)

- To ensure that resources expended to date on plan making are not lost, and to ensure a robust platform for future decision making.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. Abandon the Core Strategy - in the absence of a plan, the draft NPPF provides for a presumption in favour of development. It is likely that RSS policies would retain reasonable weight in the absence of any other policy, especially as they had been subject to independent examination, were adopted, and also if they are considered to be based upon the most recent evidence.

## CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			/

## BACKGROUND

7. The Localism Bill received Royal Assent 15 November 2011. It is regarded as a core piece of legislation to deliver the government's intention to "rapidly abolish regional spatial strategies and return decision-making powers on housing and planning to local councils". The Secretary of State published a Strategic Environmental Assessment (SEA) of the intended revocation of the North West Regional Strategy (NWRS) on 20 October 2011. The SEA is subject to 12 weeks consultation, with a closing date of 20 January 2012. It is expected that at the end of this period that the Secretary of State will issue a revocation order.
8. The effect of a revocation order will be to remove Regional Spatial Strategy (RSS) as part of the statutory development plan, leaving the following:
- Chorley Borough Local Plan Review – Saved Policies
  - Sustainable Resources DPD
  - JLSP Saved Policy 29 – Gypsy and Traveller Provision
9. The coalition government intends to introduce a National Planning Policy Framework (NPPF) to replace existing national planning guidance/statements. Consultation on a draft NPPF closed 17 October. The draft NPPF seeks to expand the presumption in favour of development to include circumstances where the plan is absent, silent, indeterminate or out of date. Plans progressing to adoption are at risk of being considered not in conformity with the new NPPF.

## CURRENT SITUATION FOR CHORLEY

10. The Central Lancashire Core Strategy (CLCS) is currently in examination stage, with the examination scheduled to re-open 06 March 2012, following the publication of revisions to policy 4 on housing growth, which are currently out to public consultation until 13 December. Previously the policy sought a 20% reduction in housing requirements and an early review of the core strategy to enable the production of new local housing requirements in the light of the intention to revoke RSS and to take account of the current economic climate.

11. The intention to revoke RSS and how that intention should be considered in planning decisions was subject to challenge in the courts. It was ruled lawful to take account of the intention to revoke as a material consideration in the determination of a planning application, but unlawful to take account of the intention in preparing a development plan. Following the passage of this challenge through the courts, the CLCS inspector took the view that the CLCS would be “unsound” in terms of housing requirements. The three Councils have subsequently modified policy 4 to take account of current RSS requirements. This decision was made based on the assessment of risks, including the possibility of having a policy vacuum. The intention to review the core strategy remains, and indeed, the revisions to chapter 8 of the CLCS clearly state that

*“It is intended that the Central Lancashire authorities will as a matter of urgency, partially review this Core Strategy in respect of housing requirements!”*

12. Clearly, national planning policy is in a transitional phase, and it is apparent that the timing of the revocation of the North West RSS and the introduction of the final NPPF will be highly material to the progress of the CLCS at examination and through to adoption – currently scheduled for May 2012. Aside from the risks involved in not having an up to date development plan, there are the reputational and financial risks relating to the resources already expended in preparing this plan. Another consideration would be the impact of delay on the currency of the evidence base used to inform plan making, where new evidence may be necessary leading to further expenditure.
13. Section 235 of the Localism Act gives a general power to the Secretary of State to make transitional arrangements. Transitional powers were exercised for plan making in relation to the formation of unitary Councils in the later 1990s, where arrangements were made for Councils at an advanced stage of plan-making, so that they could progress plans to adoption. It is considered appropriate that the Secretary of State/DCLG should be approached to consider appropriate transitional arrangements for Chorley &/or Central Lancashire to allow the LCS to proceed on an exceptional basis towards adoption.

## IMPLICATIONS OF REPORT

14. This report has implications in the following areas and the relevant Directors’ comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

## COMMENTS OF THE MONITORING OFFICER

15. Although the matter is currently the subject of consultation on the Environmental Impact of the decision there is a reasonable expectation that the Secretary of State will revoke the RSS by Order some time after 20 January. However, it should be recognised that the consultation exercise may raise a matter which will impact on any decision in that regard. The comments within the report therefore should be seen against that background.
16. It is proper however, for this Authority to consider the potential impacts of any changes as contained within this report.

LESLEY-ANN FENTON  
DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Jennifer Moore	5571	30/11/2011	***