

Further amendments to the Neighbourhood Planning Bill

The Government has tabled a further amendment to clause 13 of the Neighbourhood Planning Bill in advance of the Lords Report stage due to commence on 23 February 2017. This is a new duty to issue guidance, which is further detailed below.

Amendment to clause 13(1) (New section 100ZA of the 1990 Act): Duty for the Secretary of State to issue guidance on the operation of this section and regulations made under it

Power conferred on: Secretary of State

Power exercisable by: Guidance

Parliamentary procedure: Not applicable

Context and Purpose

This amendment imposes a duty on the Secretary of State to issue guidance (new subsection (8A)) to local planning authorities about the operation of new section 100ZA and regulations made under that section, and allows the Secretary of State to revise that guidance from time to time (new subsection (8B)). The guidance would be published in such manner as the Secretary of State considers appropriate (new subsection (8C)).

The guidance may, for example, be about the procedure for seeking the written agreement of the applicant, as required by subsection (5) of the new section 100ZA, in advance of granting planning permission subject to a pre-commencement condition. This guidance is intended to assist local authorities, applicants and all other parties through the process. Indeed, the amendment has been laid in response to calls for such guidance.

Justification for delegation

National policy and guidance plays a key role in the town and country planning system: the National Planning Policy Framework deals with the formulation of local policy and the determination of applications, and planning guidance advises authorities on planning practice. Both the determination of planning applications and the preparation of local development documents require the weighting of a number of factors.

National policy and guidance, whilst setting out what factors the Government expects authorities to take into account in these two procedures, do not create inflexible rules thereby ensuring that the substance of local development documents, and decisions on planning applications, remain locally driven without legislative prescriptions. This new duty would operate within this existing framework.

Justification for procedure

The Government's position is that planning guidance need not be subject to parliamentary scrutiny. This amendment would simply introduce a requirement on the Secretary of State to issue guidance about the operation of this section and regulations made under it, which is aimed at concerns raised about its application in practice. This would allow guidance to continue to be published in accordance with now well-established and well known procedures, and for any necessary changes to be made at speed without unduly taking up Parliamentary time.

Department for Communities and Local Government

20 February 2017