



Planning and Local Government

November 2011

The Localism Act 2011

The Localism Act 2011 will devolve greater powers to councils and neighbourhoods and give local communities more control over housing and planning decisions.

It received Royal Assent on 15 November and is now law. But that does not mean that all its provisions are immediately in force. This note sets out the key provisions, from a planners and local government perspective, that are in force as of 16 November and those which take effect on 16 January 2012.

The key provisions in now force are:

Section	Provision
1	Councils now have a general power of competence.
23	The Secretary of State has the power to make regulations allowing councils to choose to return to the committee system of governance and allowing for referendums for elected mayors in certain authorities.
103 and 104	The Secretary of State can now provide advice and assistance in relation to land of community value in England and Wales.
110	There has been imposed a duty to co-operate in relation to planning of sustainable development to maximise the effectiveness of strategic plan making.
114	Amendments have been made to the approval process for CIL charging schemes in the Planning Act 2008.
117 to 120	Neighbourhood plans are not yet in effect but the mechanisms for their development are.
122	This provides for enhanced pre-application consultation on as yet unspecified types of developments.
168 to 175	Reform to the Housing Revenue Account system.

The key provisions to come into force on 16 January 2012 are:

Section	Provision
25	The new provisions on pre-determination by decision makers.
44	The arrangements for the provision of administrative and other services in the Local Government Act 1974 will be modified.
143	Decision-makers on applications will have to take any local finance considerations into account, in so far as they are material.
183	Home information packs will be abolished.

This means that the following Localism Act provisions will be drip fed into legislation by statutory instruments and development orders over the next few months and years (although some may remain unimplemented for ever):

- The power to make local authorities responsible for EU financial sanctions.
- The instigation of referendums relating to council tax increases.
- Provisions for establishing Assets of Community Value.
- The abolition of Regional Strategies.
- Neighbourhood planning
- Modification to retrospective planning provisions and enforcement.
- Abolition of Infrastructure Planning Commission.

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