

The Localism Act 2011, key planning provisions and when they will happen...

Clause	Section	Key provisions	In force already?	Steps and timescale to commencement	Comment
Part 6, Planning					
Chapter 1 – Plans and Strategies					
Abolition of regional strategies (RS)	s109	Abolishes duty to prepare RS. Removes RS from statutory development plan. Each existing RS to be revoked.	Requirement to prepare new RS revoked from 15/11/11.	Orders will revoke existing RS and delete RS from statutory development plan (date unknown and revocation of any one RS could be phased).	Revocation dependent on outcome of consultation on environmental reports (until 20/1/12) and possible parliamentary debate.
Duty to cooperate	s110	Relates to planning for sustainable development, and principally to plan-making on strategic matters. Plans will be tested against compliance with Duty.	Yes	-	-
Local Development Schemes (LDS)	s111	Changes to procedures for producing and publicising LDS.	No	Will come into force 15/01/12	-
Adoption and withdrawal of development plan documents (DPDs)	s112	Changes to power of Inspector following examination. Inspector's recommendations no longer binding, but LPA can only adopt if Inspector has recommended. Inspector can recommend changes only if invited to by LPA.	No	Will come into force 15/01/12	-
Local development: monitoring reports	s113	LPA's no longer required to report to Secretary of State on progress of LDS; information must, however, be published directly to the public annually.	No	Will come into force 15/01/12	-
Chapter 2 – Community Infrastructure Levy (CIL)					
CIL – approval of charging schedules	s114	Examiner's report on charging schedules will no longer be binding.	Changes to approval of charging schedules in force.*1	-	*1 Change does not apply where examiner's recommendations already made.
CIL – use	s115	Powers to allow money to be reallocated to communities and spent on wider range of measures.	No	To be enacted by further order / regulations (anticipated April, 2012).	-
Chapter 3 – Neighbourhood Planning					
Neighbourhood planning	s116 and Schedule 9	Relate to designation of neighbourhood areas and forums, and the preparation of neighbourhood development plans (NDPs) and neighbourhood development orders (NDOs).	SoS powers to prepare secondary legislation to introduce neighbourhood planning in force.	Neighbourhood planning powers dependent on further orders / regulations (anticipated April, 2012).	-
Chapter 4 – Consultation					
Mandatory pre-application consultation	s122	Requirement to consult on certain developments, and to respond to and report on consultation.	SoS powers to introduce legislation regarding the detail of proposals in force.	Subject to making of orders, and regulations confirming consultation requirements (anticipated April, 2012).	-
Chapter 5 – Enforcement					
Enforcement	s123 - 127	Include proposals to prevent retrospective planning applications where enforcement notice has been served; powers to deal with concealed breaches of planning controls; powers to control unauthorised advertisements and defacement of premises.	No	Subject to making of orders. Timescale unknown.	-
Chapter 6 – Nationally Significant Infrastructure Projects					
Nationally Significant Infrastructure Projects (NSIP)	s128 - 142	Key measures include abolition of Infrastructure Planning Commission and transfer of powers to PINS, and allowance for Parliament to vote on National Policy Statements. Otherwise include procedural amendments to the Planning Act 2008 relating to NSIP process.	No	Subject to making of orders.	Transfer of powers to PINS expected by April 2012.
Chapter 7 – Other planning matters					
Local finance considerations	s143	Decision-maker to have regard to development plan, local finance considerations (so far as material to the application) and any other material considerations.	No	Will come into force 15/01/12	-

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Other Provisions					
Part 1, Local Government					
Chapter 6 – Pre-determination					
Pre-determination	s25	Allows councillors to discuss and give view on development, and then vote on decision, without being accused of having closed minds.	No	Will come into force 15/01/12.	-

Part 5, Community Empowerment					
Chapter 3 – Assets of Community Value					
Assets of Community Value	s87-108	LPA to compile list of assets; moratorium on sale of assets until proposal for sale publicised and community groups given opportunity to buy.	SoS powers to make orders or regulations to introduce provisions in force.	Subject to making orders or regulations (date unknown).	-

Part 8, London					
Chapter 1 – Housing and Regeneration Functions					
London housing and regeneration functions	s186 - 195	Includes abolition of London Development Agency (LDA) and transfer of powers of LDA and Homes and Communities Agency to the Mayor (to include preparation of London Housing Strategy and Economic Development Strategy).	No	Subject to making orders (date unknown).	-
Chapter 2 – Mayoral Development Corporations					
Mayoral Development Corporations	s196-222	New Mayoral powers to designation Mayoral Development Areas and Corporations, with powers over planning and regeneration. Subject to Assembly approval.	No	Majority of powers come into force 15/01/12, with exception of limited provisions regarding London Assembly's right of veto over designation of MDAs; these are subject to making of orders.	-
Chapter 3 – Greater London Authority Governance					
GLA Governance	s223-231	Miscellaneous provisions relating to London governance, including requirement for Mayor to consolidate the six environmental strategies into one, changes to consultation requirements on statutory strategies, and a new power of veto (by a two-thirds majority) for the London Assembly over statutory plans.	No	Subject to making orders (date unknown).	-

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