

# Direct Planning (Pilot) Bill [HL]

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**B I L L**

TO

Make provision about direct planning pilot schemes; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Direct planning pilot schemes**

- (1) The Secretary of State shall by regulations provide for pilot schemes enabling residents acting as neighbourhood forums or a community organisation within designated areas (“residents”) to participate more directly in developing the planning policy within those areas. 5
- (2) Regulations under this section must provide for pilots to—
  - (a) enable residents to develop a form-based design code;
  - (b) permit a charrette in specified circumstances such as the preparation of a local development order, neighbourhood plan or neighbourhood development order; and 10
  - (c) permit residents to apply for financial support in the creation of form-based design codes.
- (3) The Secretary of State must create a £2 million fund to defray any expenditure reasonably incurred by residents in carrying out the pilot schemes.
- (4) The Secretary of State shall determine the manner in which the fund is dispersed. 15
- (5) Residents may bid for grants from the fund under a rolling application window up to total individual grants of £100,000.

**2 Charrettes**

- (1) Regulations under section 1 must specify certain circumstances where a local planning authority must require the conducting of a charrette, which must include but is not limited to— 20

- (a) development which requires an Environmental Impact Assessment, and
- (b) estate regeneration programmes.
- (2) Where regulations under section 1 permit the use of charrettes, a planning authority or any other specified body or person, must make arrangements for conducting each charrette. 5
- (3) Any person making arrangements for conducting a charrette under this Act must ensure that—
- (a) the process is fully apparent to and fair to all participants,
- (b) each participant is given sufficient time and advice to make properly informed decisions, and 10
- (c) the charrette develops an equitable consensus in such a way that no participant of the charrette, including the local planning authority, unduly influences the decision-making of others.
- (4) In respect of a charrette conducted under subsection (1)(b), any expenditure incurred must be met by the local authority or the registered social landlord who intends to undertake the development. 15
- (5) In this Act, a “charrette” means a collaborative series of meetings conducted over a period of less than four weeks between those who have an interest in development in a designated area including but not limited to developers, architects, residents, local businesses and community groups and unincorporated associations, for the purpose of developing and agreeing to the master plan for a particular development. 20
- (6) In this Act, “estate regeneration programme” means a programme of significant and extensive development within an area whose purpose is to increase the number of homes or improve the quality of life for residents. 25
- 3 Form-based design codes**
- (1) A form-based design code under this Act is a code of rules according to which planning permission may be granted within the area to which the code applies, which may include— 30
- (a) specific rules about land use and form; and
- (b) general principles and, where appropriate, illustrations to provide a framework which developers must comply with or have regard to.
- (2) Regulations under section 1 must specify the process for developing form-based design codes and in particular must require that they may only be made if they have been developed by charrette and approved by referendum of the residents in accordance with rules specified in the regulations. 35
- 4 Supporting neighbourhood forums**
- (1) It is the responsibility of local planning authorities to support neighbourhood forums and community groups. 40
- (2) Local authorities may only allow the full disbursement of money allocated for local planning purposes where they have received evidence of practical and effective support to neighbourhood forums and community groups, which should be provided by the neighbourhood forums and community groups as well as by planning authorities. 45

- (3) The Secretary of State must by regulations make rules to determine what types of evidence are acceptable.
- (4) In the absence of such evidence, 5% of the money allocated for local planning purposes shall be distributed as a rolling grant to support the work of neighbourhood forums or community groups. 5
- (5) In this Act, “neighbourhood forum” has the same meaning as in the Localism Act 2011.

## 5 Regulations

- (1) Regulations under section 1 shall be made by statutory instrument and an instrument containing such regulations may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. 10
- (2) Regulations under section 4 are made by statutory instrument and an instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament. 15

## 6 Expiry

Sections 1 to 5 are repealed at the end of the period of five years beginning with the day on which this Act comes into force.

## 7 Extent, commencement and short title

- (1) This Act extends to England and Wales only. 20
- (2) This section comes into force on the day on which this Act is passed.
- (3) Sections 1 to 6 come into force on such day as the Secretary of State may be regulations appoint.
- (4) This Act may be cited as the Direct Planning (Pilot) Act 2015.

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To make provision about direct planning pilot schemes; and for connected purposes.

*Lord Lexden*

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