



Neighbourhood planning regulations

**A response by Civic Voice to DCLG's draft regulations
December 2011**

1. Civic Voice is an enthusiastic supporter of the new “right to plan” provided for communities by the Localism Act 2011. We believe this presents an important new opportunity for neighbourhoods to take the lead in shaping the future of their area. We work with a network of hundreds of local civic societies to make the places where everyone lives more attractive, enjoyable and distinctive and to promote civic pride. Given their role it is no surprise that civic volunteers are the most numerous participants in the planning system and a significant number are already involved in neighbourhood planning processes. These views are informed by their practical experience and local outlook.

2. We start from an assumption that the regulations governing neighbourhood planning should be as enabling and encouraging as possible. We welcome the guiding principle that they should place a minimum of requirements on communities and take a de minimis approach. In a number of areas, however, we believe the regulations need to go further to minimise the risk of delay and even obstruction by local authorities. Neighbourhood planning requires a significant shift in the culture and attitude of many local authorities as it is based on a participatory and not representative approach to democratic involvement. This shift needs to be underpinned in the final regulations which should help establish neighbourhood planning as a right to be enjoyed by all communities regardless of the attitude of their local council.

3. We have reviewed the draft regulations for neighbourhood planning and:

- ☛ support the minimum requirements for information to designate a neighbourhood area or apply to become a neighbourhood forum, with the additional need to provide a name for the group putting the proposals forward (Regulation 7)
- ☛ propose introducing a time limit on a local planning authority's decision whether or not to designate a neighbourhood forum by deeming any application to be accepted within four months of it being publicised unless specifically rejected by the authority – this will reduce the possibility of local authorities obstructing implementation of the new right to plan
- ☛ propose extending the opportunity to make representations on an application to designate an neighbourhood area and establish a forum to two months from 6 weeks (Regulation 7(2)) – this is in recognition of the normal monthly meeting cycle of many community and voluntary groups
- ☛ propose allowing other applications to designate a neighbourhood area to be made within two months and not 28 days after publicising the first application

(Regulation 10(d) and Regulation 11) - this is in recognition of the normal monthly meeting cycle of many community and voluntary groups

- ☛ propose requiring the local planning authority to publish the boundaries of the neighbourhood area on its website in addition to the other information (Regulation 12(2))
- ☛ propose the introduction of a mediation process where a local authority does not give adequate grounds for refusal – neighbourhood planning is a “right” and so it should not be possible for a local authority to obstruct designation without recourse to an independent party
- ☛ highlight an error in the drafting of Regulations 14 and 20 which currently refer to neighbourhood development plans, neighbourhood development orders and community right to build orders being made by local planning authorities when the legislation requires them to be made by a “qualifying body” – i.e. a parish/town council or neighbourhood forum
- ☛ propose clarification that a proposal submitted by a qualifying body “in writing” includes electronic submissions (Regulation 16)
- ☛ support the need for additional guidance in three areas where forums need particular encouragement and support if the risk of them being unduly influenced by their local planning authority is to be minimised:
 - ☛ drawing up the boundaries of a neighbourhood area
 - ☛ approaches to community engagement in neighbourhood planning for neighbourhood forums, to developed as part of the evidence base not just around draft proposals
 - ☛ how neighbourhood plans will be assessed, especially in relation to conformity with adopted development plans and the responsibilities in managing the process without triggering EU requirements relating to human rights and strategic environmental assessment
- ☛ encourage the provision of additional support to neighbourhood forums and town/parish councils during the independent examination to avoid a mismatch in the resources and expertise invested by the local planning authority, including the potential for mediation where there is significant dispute
- ☛ propose deleting the proposed provision to require a neighbourhood planning referendum to be combined with another election – this will cause too many plans to lose momentum, sap volunteer energy and enthusiasm and cause significant distraction when the community is being asked to vote on more than one issue at a time
- ☛ support a need for the regulations to encourage a referendum to be held as soon as possible after a neighbourhood plan has been finalised
- ☛ propose a requirement for the local planning authority to agree the information published alongside the referendum with the neighbourhood forum or town/parish council – we await details of the proposed approach to referendums with interest

- ☛ propose making the regulations and guidance as simple and clear as possible and not allowing legal convention to hamper effective implementation – such as by:
 - ☛ setting out the requirements for an application to designate a neighbourhood area as simply as possible (e.g. expressing the meaning of “a relevant body for the purposes of section 61G (meaning on “neighbourhood area”) of the 1990 Act” in plain English) as many local authorities will simply quote the regulations at communities and cause confusion
 - ☛ referring to English Heritage as it is widely known and not as the Historic Buildings and Monuments Commission for England.

4. It would be helpful if the Government made clear that the local planning authority’s duty to support neighbourhood forums and town and parish councils embraces implementation of the neighbourhood planning regulations. This is to ensure there is no doubt, for example, over communities being provided with the contact details for the statutory consultees and other information essential to meet the requirements of the regulations. Where the boundaries of a neighbourhood forum or neighbourhood plan area cross local authority boundaries, the guidance should make clear that the duty to co-operate applies to each of the local authorities in such circumstances.

5. We have made significant contributions to the Department’s thinking on how best to develop and support neighbourhood planning. Its success will depend less on the detail of the legislation and more on the attitude of those involved and the availability of direct support to communities to bring it to life. We are currently running an online poll seeking views on what will most help neighbourhood planning to be a success. The emerging results clearly emphasise the value of direct support for communities and it is notable that the need for guidance from Government has scored a zero response to date:

- ☛ Direct funding and support for local communities (34%)
- ☛ Helpful local councils (28%)
- ☛ Supportive national planning policies (17%)
- ☛ Full coverage of Local Plans by councils (10%)
- ☛ Simple rules and procedures (10%)
- ☛ Guidance from Government (0%)

6. We should be happy to explore the opportunities to strengthen and support neighbourhood planning as it develops.