



Localism Q&A with Greg Clark

May 2011

This note presents a series of questions developed by civic societies for Decentralisation Minister Greg Clark MP on the Localism Bill and his answers. The questions were developed at two networking events involving nearly 100 civic societies and in response to a podcast interview between Greg Clark and Civic Voice's Director, Tony Burton (<http://www.communities.gov.uk/multimedia/planningandbuilding/1873887>) in March 2011.

1. How does a neighbourhood development plan differ from a parish plan?

At present when a community wants to set out its ambitions for its area through a parish plan, there is no duty on the local planning authority to support it in that activity or to adopt the plan produced by the community. This can lead to excellent plans with real community buy-in not being adopted or significantly used by the local planning authority.

Communities will be able to use the provisions within the Bill to produce a neighbourhood development plan that establishes general planning policies for the development and use of land in a neighbourhood. Subject to passing a number of tests, including independent examination and a community referendum, it will then become part of the statutory development plan for the local area and have a direct influence on the determination of planning applications in the area.

2. Neighbourhood development plans are all very well but what is being done to simplify and involve people more in Local Plans?

Councils already involve and engage people in the preparation of local plans. Here, the statement of community involvement will remain as a tool for communities to hold local councils to account. It works as a clear reminder to involve local people and listen to their views - this is localism in action.

Changes in the Bill relating to local plans will be accompanied by streamlined regulations, policy and guidance over the next year or so to make the system easier to understand and to do – both for practitioners and local people.

We also expect the recently announced 'Frontrunners' project will uncover good practice in community-led planning.

3. Our group is doing a lot to influence and prepare Area and Town Centre Action Plans so what extra benefit does neighbourhood planning provide?

Area Action Plans (AAPs) will still be available as an important tool to help shape priority areas of regeneration or conservation. If an Area Action Plan is underway, communities may decide not to start a neighbourhood development plan but to participate in the AAP process instead. But whereas AAPs are usually led by local councils, neighbourhood planning will allow communities to take the lead in preparing proposals. Councils and communities will need to decide in each case whether it is appropriate to prepare an AAP or a neighbourhood development plan. There is no compulsion to prepare either type of plan, they are entirely optional and both parties should talk to each other to ensure there is no duplication effort.

4. It is difficult to get our head around the Localism Bill so what is going to help lay people understand what can be done?

To ensure communities have the right support and advice to meet their aspirations, on 13 April I announced four organisations, with renowned expertise in planning, who will share a £3.2m fund to provide assistance to help local groups engage with the planning system. .

In addition, we have published a plain English guide on the Localism Bill. See: <http://www.communities.gov.uk/publications/localgovernment/localismplainenglishguide> and we intend to supplement this with much more detailed advice on how we see neighbourhood planning over the summer.

5. How is the commitment to localism consistent with proposals to relax planning controls and introducing the ‘default answer to development is yes’?

Localism and sustainable growth can – and should – support one another. We are committed to giving places more control over the issues that affect them, including giving them the freedom to identify what development is needed, and how best to deliver it.

Local planning authorities should press ahead without delay in preparing up-to-date plans, and use the opportunity to deliver the sustainable growth that we need. Where they do this, we want to ensure that there is confidence in those plans as the key basis for making planning decisions. That is something that the presumption in favour of sustainable development will emphasise, although the presumption will also give prominence to national policies where plans are not up-to-date.

6. What resources will be available to local authorities to make the huge cultural change in their officers and ward councillors that the Bill implies at a time of major cuts?

Government is committed to meeting unfunded new responsibilities which the Localism Bill places on councils. In addition, regulations under the Localism Bill will enable local councils to charge a fee on development carried out through a neighbourhood development order to meet some of the council’s neighbourhood planning costs. Government anticipates that this charge will be below current planning application fees.

7. What will prevent local councils frustrating communities by not agreeing neighbourhood planning boundaries or who can form a neighbourhood forum?

Local councils will be accountable to communities and will have to explain their actions to them.

8. The Localism Bill says local councils have to ‘support’ neighbourhood planning but ours doesn’t support it. What support must they provide beyond running a referendum?

Local authorities will have a legal duty to support neighbourhood forums and parish councils to develop their proposals. However, the extent of support and advice that is given will be for each local council to determine, according to their own skills, resources and the community’s needs. In addition, they are required to take lead roles at various stages throughout the process for putting in place plans and orders, not just in running the referendum.

9. Our community disagrees fundamentally with the core strategy of our local council so why would we want to prepare a neighbourhood development plan which can’t question it?

The neighbourhood planning system has been designed to enable neighbourhoods to come to a different view to the local plan on a range of policy areas – for example the detailed design, mix or location of development, while being in conformity with the local plan’s strategic policies. However, neighbourhood development plans and orders are powerful planning tools and therefore there need to be appropriate checks and balances in place to ensure neighbourhood planning isn’t used to block key infrastructure or development proposals from proceeding or to undermine important strategic policies in the local plan.

10. Is £3m of Government funding enough to provide communities with the support they need to undertake neighbourhood planning right across the country?

See answer to Question 4. The Localism Bill will allow the Secretary of State to be able to give funds directly to anyone doing neighbourhood planning. In many communities we anticipate a range of funding sources being used to support neighbourhood planning. Developers, local councils, landowners and local businesses may all be interested in sponsoring neighbourhood planning.

11. The steps we will have to go through to prepare a neighbourhood development plan are quite daunting. Can the process be made simpler?

Neighbourhood planning is another tool in the toolbox communities can use to plan for their area – it is flexible. We are leaving it to communities to decide what level of detail they want to provide and how they want to use plans or orders. For example, they could choose to have a plan with just one or two policies for a part of the neighbourhood or several policies for their area.

A minimum level of checks and balances are needed to ensure that neighbourhood planning isn't captured by unrepresentative interests and meets certain conditions before it becomes the starting point for making planning decisions. Local councils are placed under a duty to support neighbourhood forums and parish councils in preparing their proposals and we will be supporting a range of organisations to help neighbourhood forums and parish councils in the preparation of their plans.

12. Who will have the final say on whether a neighbourhood development plan is made?

If more than 50% of people voting in the referendum support the plan, then the local council must (except where they consider them to be incompatible with certain legal obligations) bring it into force. If less than 50% vote in favour, then a neighbourhood development plan cannot be brought into force.

13. Will there be measures to mediate between conflicting interests and bring different community perspectives together?

We will be consulting on regulations to prescribe the arrangements around consultation and participation. But, ultimately this is an opportunity for the community to work together to agree on a way forward for their neighbourhood that the majority of the electorate supports.

14. Will there be consultation on a neighbourhood development plan and will local authorities be obliged to publicise it?

We will be consulting on regulations to prescribe the arrangements around consultation. Overall, we expect that the nature of the consultation exercise to be proportionate to the scale and ambition of the proposals.

15. What are the 'strategic elements' of a Local Plan?

It is a matter of law what policies are strategic – though local planning authorities will need to make a judgement about this in order for a plan to go to referendum. Whilst the strategic policies will be different in each local council's area, the overall scale and distribution of housing and employment are likely to be 'strategic policies' in many local council areas.

16. Who decides the neighbourhood boundary and who can form a neighbourhood forum?

The town or parish council or a community group applies to the local planning authority for a new area to become a neighbourhood area. In parished areas, the parish boundary is expected to be the starting point for the neighbourhood area. In response to an application, the planning authority must designate that area or some other area consisting of part of it as a neighbourhood

area. Local planning authorities will need to ensure that neighbourhood areas are coherent, consistent and appropriate.

We anticipate that many new and existing residents' organisations, business and community groups will put themselves forward. Forums will need to have an open approach to their membership, including local residents and employees of businesses in the area. We expect local elected members to play a central role in neighbourhood planning activity in both parished and non-parished areas.

17. How long will neighbourhood development plans run for and will we need to go to a referendum for even the smallest change?

Neighbourhood development plans will include details on how long it will last, but we are not setting a limit on this.

18. How will the referendum on neighbourhood planning proposals work in a town centre where most of the people affected don't live there?

The examiner can decide to recommend an extended area for the referendum. This might be appropriate for a town centre context where development on the edge of the neighbourhood has transport impacts on adjoining neighbourhoods. The local council will need to take the examiner's views into account in deciding the referendum area.

19. Our neighbourhood has a local authority boundary running down the middle of the High Street – so why can't neighbourhood development plans work across more than one local council?

This issue was raised at Commons Committee and I promised that we would look into how this could be taken forward.

20. Can we designate a conservation area through a neighbourhood development plan?

Conservation areas are designated by local planning authorities under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. We are not intending to change this approach. However neighbourhood development plans can contain policies to protect the character of an area.

21. Which public bodies are required to co-operate in neighbourhood planning – will it include Network Rail and Transport for London?

We have not specified who needs to co-operate with parish councils or neighbourhood forums – other than the local planning authority, who has a duty to support the development of neighbourhood planning proposals for their area. There will need to be engagement with a wide range of public bodies and other organisations in the preparation of plans, but who should be involved will vary according to the focus of the plan.

22. We want businesses involved but is it really true that business groups can initiate and prepare a neighbourhood development plan?

The Government announced as part of the Growth Review, that business could take a leading role in neighbourhood planning in their areas, bringing forward plans and orders subject to getting the agreement of their local community and passing independent examination. This reflects that even in predominantly residential areas, the role of local business is often crucial to the wellbeing of the neighbourhood.

23. Will developers with planning applications in conflict with an agreed neighbourhood plan still be allowed to appeal?

An applicant will continue to be entitled to appeal a decision even where their application is not in accordance with a neighbourhood development plan.

24. What safeguards will there be against developers or landowners with an interest in the area of a neighbourhood plan distorting its outcome by funding its preparation?

There will be checks and balances to ensure that neighbourhood planning is not captured by unrepresentative interests. Neighbourhood development plans or orders must be legally compliant and take account of wider policy considerations, and must be examined by an independent person, before being put to a community referendum – where they must be approved by the majority of voters, before the proposals can come into force.

25. How does competition law square with the new rights for communities to take on and run public services?

The Community Right to Challenge, which is included in the Localism Bill, enables voluntary and community bodies to express an interest in running a local authority service. The authority must consider this expression of interest and where it accepts it, it must run a procurement exercise for the service in which the challenging organisation can bid alongside others. We are currently consulting on the detail of the Right, including what support and guidance may be necessary to assist communities in exercising it successfully. The consultation document is available on our website at

<http://www.communities.gov.uk/publications/localgovernment/righttochallengeconsultation>