

NEIGHBOURHOOD PLANNING – A LIGHT TOUCH REVIEW

Some thoughts for DCLG from Tony Burton, founder Civic Voice & freerange consultant

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Neighbourhood planning is one of the great successes of localism. With 1,000 communities already engaged and overwhelming support for plans at referendum it is already transforming the planning landscape. This is a good time to reflect on the early experience and make changes to ensure even more communities can benefit from what neighbourhood planning can provide – a focus for local action and a real say over the future development of their area.

These comments are informed by experience of working with neighbourhood forums, parish councils, local authorities, Government officials and Ministers. This includes involvement in the genesis of neighbourhood planning ahead of the 2010 General Election; campaigns and amendments shaping the Localism Act in Parliament and supporting communities and councils in the early years of neighbourhood planning in practice. There is a focus on neighbourhood forums and the urban experience.

Spreading the word – Despite the success of neighbourhood planning most of the communities that could benefit have never heard of it. 10,000 communities should be neighbourhood planning not 1,000. This will require a very different approach to its promotion – looking beyond groups and organisations that have some existing connection with planning to those which want more widely to improve their local area. It will also require the Government to overcome its resistance to investing in marketing and communications which is stifling the very means by which it can enthuse and engage communities. Some early actions might be to:

- use Government's convening power to set the country's leading brand and marketing experts the task of selling neighbourhood planning
- make the development of a neighbourhood planning movement an explicit objective and tap into the way movements are consciously built and created
- get some of the basics in place to connect, excite and engage people:
 - use of animation and story telling
 - production of a compelling introductory video/presentation for new audiences
 - harness social reporting
- support and encourage more of the spontaneous activities which bring people together face to face in a social setting - gatherings, breakfasts, drinks, camps, pubs
- get more open source – building on the success to date
- make learning much more integral to the funding and support programme

Removing the blockages – Neighbourhood planning has been described as a “power shift” from local authorities to local communities. It is clear that some authorities don't like it and tales of wilful obstruction abound. Examples include:

- *Ignoring applications* - – some applications to establish qualifying bodies and a neighbourhood area have been left on ice for over six months; others have had to be re-submitted on the local authority's own application form where this wasn't available at the time the community wanted to apply
- *Extra procedures* – some local authorities are requiring neighbourhood forums and parish councils to jump through hoops and answer questions which go above the minimum requirements of the legislation. One authority even required the nascent neighbourhood forum to meet with its responsible Cabinet Member and then failed to find time for an appointment
- *Moving the goal posts* – local authorities are sometimes making significant amendments to the boundary of the proposed neighbourhood area for unclear reasons. Some of the changes are so significant that they may require an entirely new neighbourhood forum to be set up to produce the neighbourhood plan
- *Delaying the decisions* – neighbourhood forums and parish councils are being frustrated by often glacial decision making by local authorities. Some authorities refuse to consider applications outside a rigid six monthly committee cycle
- *Muscling in* – in some areas neighbourhood planners are finding their local authority deciding to undertake major research or produce a supplementary planning document which co-incides with the area of their neighbourhood plan – the motivations can seem more related to keeping control than supporting the community and responding to the spirit of localism
- *Wait and see* – instead of local authorities making decisions to designate bodies and neighbourhood area on the basis of the information in front of them, some are waiting months till other neighbouring areas put in their own submissions. This is causing significant delay and exacerbating boundary disputes in some locations

Engaging the big beasts – one of the most disappointing features of neighbourhood planning has been the lack of engagement of statutory agencies and transport, health and utility providers. Transport for London, Network Rail, Crossrail, Clinical Commissioning Groups, Police Authorities, Greater London Authority, Local Economic Partnerships, water companies are just some of the many organisations and agencies who are central to the future planning of neighbourhoods but rarely engaged in neighbourhood planning. This is despite best efforts of parish councils and neighbourhood forums to involve them. The Environment Agency, English Heritage and Natural England are more visible but still only involved at the margins or in relation to the most significant potential impacts of the policies and proposals which are coming forward. As a minimum the review might consider placing a duty to engage on all these bodies and support a programme to raise their awareness of neighbourhood planning

Levelling the playing field – neighbourhood forums remain second class citizens to town and parish councils. They have no direct control over use of the Community Infrastructure Levy (CIL) and they lack the same status at the crucial stage when planning applications are being determined in the neighbourhood area. The review needs to consider how best to align the powers and status of parish councils and neighbourhood forums in relation to neighbourhood planning. This should include measures to extend control over CIL and accelerate the process of establishing parish council equivalents in urban areas from neighbourhood forums.

The review also needs to address the needs of communities who wish to produce a neighbourhood plan but have been blocked by their parish council. This reflects the exclusive right of parish councils to be the only body to produce a neighbourhood plan for their area. An option would be to enable neighbourhood forums to be established in those areas where a parish council has determined (within a reasonable time period) that it does not wish to produce a neighbourhood plan.

Improving the process – Neighbourhood planning is a relatively light process but would benefit from some keyhole surgery. Areas to consider are:

- *Combined applications* – simultaneous applications to approve a neighbourhood area and neighbourhood forum should be encouraged
- *Timely decisions* – local authorities should be required to make decisions at the key stages – designation, publicity, Examination, post-Examination amendments, making of plan – in a timely manner and not require qualifying bodies to jump through hoops that go beyond the requirements of the legislation
- *Public engagement* – the two-stage requirements for public engagement on neighbourhood plans are clumsy and inefficient, especially as no changes can be made to the plan which is publicised by the local authority ahead of Examination. There is merit in considering how these stages might be combined with the local authority providing assurance that statutory consultees are given an opportunity to comment on the draft plan
- *Final appeal* – qualifying bodies should have the right to seek independent arbitration in the event of a dispute over the changes to a neighbourhood plan after examination. Growing conflict over the final stages of agreeing a neighbourhood plan after examination can be expected. Currently, it is for the local authority to decide whether a plan has been amended sufficiently to meet the basic conditions. This provides a further opportunity for local authorities to influence and impose their views in conflict with the spirit of neighbourhood planning as a community right. The result may well be plans going to referendum which are not supported by the very group which created them
- *Aligning Neighbourhood Development Orders and Community Right to Build* – the genesis of these two under-used measures in the Localism Act was in separate Ministerial initiatives. This has resulted in unnecessary confusion when a single instrument could deliver the policy outcome

- *Review* – the first review of a neighbourhood plan is probably sooner than expected and under current procedures it will require the Qualifying Body to go through the entire road map for even the most minor changes

Quality support – The Government funded Supporting Communities in Neighbourhood Planning programme has been essential to its success. It needs to be expanded and strengthened to provide even more effective support in future. This should include:

- Expanded support for communities at the earliest stages wishing to define a neighbourhood area and establish a neighbourhood forum so the pipeline of new neighbourhood planning grows exponentially
- Ensuring neighbourhood planning is a universal right, redressing the balance that has seen the early focus on rural, parished areas
- Avoiding an approach which assumes neighbourhood planning is linear when in reality plan-making may well happen before designation
- Valuing neighbourhood planning and not just the production of a neighbourhood plan – there should be more focus on outcomes which reflect the success of bringing people together to take action to improve their local area not just whether they have produced a plan
- Sustained support to help develop the neighbourhood planning movement through greater sharing of knowledge and experience and face to face communication between different neighbourhood areas
- Developing a new cadre of neighbourhood planning experts who can provide a mix of community development and planning advice and support – the current programme is provided by a sometimes uneasy mix of community development experts providing planning support and planning experts providing community development support. There are too few people able to operate in both disciplines simultaneously. There are lessons to learn from the focused investment in skills development provided by Sector Skills Councils in relation to other disciplines and this could be part of a wider approach to developing community rights
- Learning lessons from the role played by the Planning Advisory Service for local authorities and how this could be provided to both parish councils and neighbourhood forums

Tackling the contradictions – Public confidence in the Government’s commitment to localism in general and neighbourhood planning in particular is undermined by contradictory Government decisions. The widening of permitted development rights to convert offices to flats is one recent example of an issue which has denied neighbourhood planners the ability to influence some of the most important issues in their local area.

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