Public Bill Committee

LOCALISM BILL

Seventeenth Sitting
Tuesday 1 March 2011
(Morning)

CONTENTS

Written evidence reported to the House.
Schedules 9 to 11 agreed to, with amendments.
Clauses 97 to 99 agreed to.
Clause 100 under consideration when the Committee adjourned till this
day at Four o’clock.

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The Committee consisted of the following Members:

**Chairs: Mr David Amess, † Hugh Bayley**

† Alexander, Heidi (Lewisham East) (Lab)
† Barwell, Gavin (Croydon Central) (Con)
† Bruce, Fiona (Congleton) (Con)
† Cairns, Alun (Vale of Glamorgan) (Con)
† Clark, Greg (Minister of State, Department for Communities and Local Government)
† Dakin, Nic (Scunthorpe) (Lab)
† Dromey, Jack (Birmingham, Erdington) (Lab)
† Elliott, Julie (Sunderland Central) (Lab)
† Gilbert, Stephen (St Austell and Newquay) (LD)
† Howell, John (Henley) (Con)
† Keeley, Barbara (Worsley and Eccles South) (Lab)
† Lewis, Brandon (Great Yarmouth) (Con)
† McDonagh, Siobhain (Mitcham and Morden) (Lab)
† Mearns, Ian (Gateshead) (Lab)
† Morris, James (Halesowen and Rowley Regis) (Con)
† Neill, Robert (Parliamentary Under-Secretary of State for Communities and Local Government)
† Ollerenshaw, Eric (Lancaster and Fleetwood) (Con)
† Raynsford, Mr Nick (Greenwich and Woolwich) (Lab)
† Reynolds, Jonathan (Stalybridge and Hyde) (Lab/Co-op)
† Sebeck, Alison (Plymouth, Moor View) (Lab)
† Simpson, David (Upper Bann) (DUP)
† Smith, Henry (Crawley) (Con)
† Stewart, Iain (Milton Keynes South) (Con)
† Stunell, Andrew (Parliamentary Under-Secretary of State for Communities and Local Government)
† Ward, Mr David (Bradford East) (LD)
† Wiggin, Bill (North Herefordshire) (Con)

Sarah Davies, Committee Clerk

† attended the Committee
Public Bill Committee

Tuesday 1 March 2011

(Morning)

[HUGH BAYLEY in the Chair]

Localism Bill

Written evidence to be reported to the House

L 115 Chartered Institute of Housing
L 116 National Association for Planning Enforcement
L 117 Theatres Trust
L 118 Fylde borough council
L 119 Chapter 7
L 120 Sunderland city council
L 121 Historic Houses Association
L 122 British Retail Consortium
L 123 Viridor
L 124 Daventry district council standards committee
L 125 National Organisation of Residents Associations
L 126 Outdoor Media Centre
L 127 Runnymede Trust and Race on the Agenda
L 128 Association of Consultant Architects
L 129 Landscape Institute
L 130 East Lindsey district council
L 131 Planning and Environment Bar Association
L 132 Ross McNeill
L 133 Cambridge city council
L 134 Historic Towns Forum
L 135 Irish Traveller Movement in Britain
L 136 Age UK
L 137 The Newspaper Society
L 138 Environmental Law Foundation
L 139 Vivien Green
L 140 British and Irish Ombudsman Association
L 141 Cornwall council standards committee
L 142 North Warwickshire borough council
L 143 Sheffield city council
L 144 Brockenhurst parish council
L 145 Bristol city council
L 146 Ian Harley (independent chairman of the Northampton borough council standards committee)
L 147 Rescue: The British Archaeological Trust
L 148 Children with Leukaemia
L 149 Central Bedfordshire council standards committee
L 150 Kingston Seymour parish council
L 151 Hythe and Dibden parish council

Schedule 9

NEIGHBOURHOOD PLANNING

Amendment proposed (17 February): 206, in schedule 9, page 290, line 9, leave out from ‘if’ to end of line 10 and insert—

'(a) the relevant authority has carried out a Community Governance Review for that area,
(b) it is designated by a local planning authority as a neighbourhood forum for that area, and
(c) for the purposes of paragraph (a) a Community Governance Review is as defined in the Local Government and Public Involvement in Health Act 2007, Part 4, Chapter 3, section 79.'.—[Mr Ward.]

10.30 am

Question again proposed. That the amendment be made.

The Chair: I remind the Committee that with this we are discussing the following: amendment 207, in schedule 9, page 290, leave out lines 14 to 27 and insert—

'(5) A local planning authority may designate an organisation or body as a neighbourhood forum if the authority is reasonably satisfied that—

(a) it is established for the express purpose of furthering the social, economic and environmental well-being of individuals living, or wanting to live or businesses registered;
(b) the membership of the organisation or body is open to individuals living, or wanting to live, or businesses registered, in the neighbourhood or area concerned;
(c) it is competent to undertake the task of preparing a neighbourhood plan with appropriate professional support; and
(d) it is representative of different sections of the community.

(6) A local planning authority may set such conditions on the designation of a neighbourhood forum such as probity, transparency and any other conditions the local planning authority deems appropriate and set out in the document required under paragraph 1 of Schedule 4B.’.

Amendment 137, in schedule 9, page 290, line 22, after ‘open’, insert ‘only’.

Amendment 138, in schedule 9, page 290, line 25, leave out ‘3’ and insert ‘20’.

Amendment 139, in schedule 9, page 290, line 26, at end insert—

'(ca) that at least one of the members within paragraph (c) is a councillor of the local authority for the electoral area in which the organisation or body is based.’.

Amendment 208, in schedule 9, page 290, leave out lines 28 to 30.

Amendment 193, in schedule 9, page 290, line 39, at end insert—

'(d) in considering a designation, must have regard to the existing local authority ward structure, local development plan, representativeness and viability of the suggested area, in which context it will make a decision as to whether to decline or approve the application.’.

Amendment 191, in schedule 9, page 290, line 41, leave out ‘not’.

Amendment 192, in schedule 9, page 290, line 41, at end insert

‘if the local planning authority are satisfied that the neighbourhood forum is no longer fit for purpose after examining the forum’s procedures and governance arrangements’.
Amendment 209, in schedule 9, page 290, leave out line 41 and insert—

(a) may be withdrawn by a local planning authority if the neighbourhood forum does not comply with the reasonable conditions placed on its operation.

Amendment 142, in schedule 9, page 296, line 38, at end insert—

\(4A\) The Equality Act 2010 is amended as follows.


When we adjourned, Mr Dromey had just finished speaking, but I believe that he is trying to catch my eye.

**Jack Dromey** (Birmingham, Erdington) (Lab): As I made clear in our last debate, in this group of amendments, we are returning to a common theme for this part of the Bill: the democratic legitimacy of the process through which neighbourhood plans and neighbourhood development orders are made. It is perhaps important for me to start by once again strongly restating our support for the principle of neighbourhood planning. We welcome any proposals that genuinely increase local participation in the shaping of communities. However, we have very real concerns about the representative nature and democratic legitimacy of the framework presented in the Bill. We also have real concerns about the economic and social ramifications of the proposals. I will touch on the ramifications when I speak to amendment 142, which is on the equality duty, and if the Chair permits, I will return to the issues in the clause stand part debate.

Along with many of the organisations that gave oral evidence and that we have met, we believe that the Government are creating a two-tier planning system at the local level, economically, socially and democratically. We do not believe that our amendments would solve the problems that I will raise, but they would improve the Bill. We would impress on the Government that a better way of proceeding would be for Ministers to go away and rethink the proposals in their entirety.

Amendments 137 to 139 would improve the democratic legitimacy of the Government’s proposed neighbourhood forums. We want the number of citizens required to constitute a neighbourhood forum to be increased from three to 20, and we want a requirement for at least one of those citizens to be an elected councillor. Amendment 142 would apply the Equality Act 2010 to neighbourhood forums. Amendments 191 to 193 would ensure that local authorities were able to rule on the appropriateness of a local area for neighbourhood forums and on the appropriateness of the forums themselves.

It cannot have escaped the Government’s notice that their proposals will create significantly different systems in different parts of the country. There is no intrinsic problem with such flexibility in the creation of different systems, provided that they pass certain fundamental tests. Do the proposals create systems that are genuinely representative, that are transparent and open, that are accountable to the community in which they are based, that are financially accountable and that allow equal access, regardless of background, geography or resources, whether financial or otherwise? On all counts, the proposals do not meet any of those tests.

It is clear to us, having analysed the proposals and having heard the evidence presented to the Committee by a wide range of organisations, that the proposals risk being fundamentally unfair. The proposals will create a two-tier system in more ways than one. There will be a two-tier system for parish councils and neighbourhood forums. There will also be a two-tier system for those who have the resources and skills required to access the system, and those who do not.

The proposals outlined in the Bill will create a Rolls-Royce system, which is fine for those who can afford it. The Government launched the Bill with a fanfare of rhetoric about empowering communities and giving power away. I look forward to hearing from the Minister how the bureaucratic, complex and fundamentally undemocratic neighbourhood planning processes will empower communities in the way that has been suggested.

I will expand on our concern about there being a two-tier system for parish councils and neighbourhood forums. Parish councils have the advantage of a statutory framework; they have the ability to raise their own money through the precept, and they have legal and other advice through the National Association of Local Councils and the county association. The neighbourhood forums will not benefit from any of those. Parish councils also benefit from elections every four years. While in some cases they are moribund, they at least benefit from a democratic framework. They have democratic legitimacy. Under the proposals, neighbourhood forums will have no democratic legitimacy.

Dr Hugh Ellis of the Town and Country Planning Association told us in the evidence sessions:

“It is very difficult to see how the neighbourhood forum in urban areas passes the test of individuals being democratically accountable, or being placed under any requirement to disclose particular interests that might be driving their issues. That means that there is a particular danger that the process is open to abuse. It means that in rural areas, at least, there is a lower form of local government at work, and that seems like a sensible unit. In urban areas, I really think that has to change.”—[Official Report, Localism Public Bill Committee, 27 January 2011; c. 143, Q238.]

Professor Jones told us:

“A local authority represents more than just a single ward or a single neighbourhood. It has a concept before it of the general borough, county or district interest. There is wider public interest than the narrow sectional interest that will inevitably be brought forward by any old group.”—[Official Report, Localism Public Bill Committee, 25 January 2011; c. 45, Q74.]

Andrew Warrender of the Royal Institution of Chartered Surveyors said:

“The local authority must be able to have the last word on what an area is. What you do not want is the gated community having its own neighbourhood forum, and the council block of flats next door being excluded from it. The local authority is going to have to say, ‘No, that is not a sensible planning unit. It should encompass that area.’ Similarly, we have worries about the low level. Three people cannot be representative of the community.”—[Official Report, Localism Public Bill Committee, 27 January 2011; c. 143, Q238.]

The result of the proposals would be that the 35% of the population who live in areas with a parish council would benefit from one system, and the 65% of people—mainly, but not exclusively, in urban areas—will be faced with a system that is completely deficient. At the Environmental Audit Committee two weeks ago,
Dr Ellis said, in reference to the structure of neighbourhood forums, “It simply cannot stand”, and that they could not “form a legitimate unit”. He went on to say that “planning is quite contested in urban areas”, and he said that the forums must be democratic to be legitimate.

Our amendments seek to address the clear democratic deficit that arises from the proposals in the Bill. Under the current proposals, neighbourhood forums can constitute just three people. We do not wish to impose unreasonable restrictions on local communities getting involved in the neighbourhood planning process, but that is simply too low. It permits three men or women and a dog to get together in the Dog and Duck and constitute themselves as a neighbourhood forum.

It is perhaps not surprising that there is such attachment on the part of the Government to these proposals—the Dog and Duck proposals, as they will henceforth be known. The Minister of State has, in his Tunbridge Wells constituency, a Dog and Duck at 8 Goods Station road. I do not know whether it is appropriate to plug a pub in Parliament, but apparently it is in “The Good Pub Guide”. I am sure the hon. Member for Henley regularly frequents the Dog and Duck in Highmoor, Henley-on-Thames. I am sure that the hon. Member for North Herefordshire is a regular drinker at the Dog and Duck, White House Farm, in Hereford.

Bill Wiggin (North Herefordshire) (Con): That is not in my constituency.

Jack Dromey: Oh, I misread it.

Heidi Alexander (Lewisham East) (Lab): I do not have a Dog and Duck in my constituency. Does my hon. Friend share my concern about those places that do not have a Dog and Duck, or where people do not go into the Dog and Duck? Paragraph 3 of the equality impact assessment on neighbourhood plans talks about the involvement of black and ethnic minority communities in the planning process. I was quite surprised to read about the work, or lack of it, that has gone into the engagement of BME communities. Would my hon. Friend join me in pressing the Minister to tell us how those issues will be addressed?

Jack Dromey: My hon. Friend raises a fundamental point. For the proposed arrangements to have legitimacy, they have to be seen genuinely to engage all sections of society. It cannot be right to have exclusion from participation as a consequence of gender, ethnicity or class. What will the Government do about that? Will they, as we believe is appropriate, apply the Equality Act 2010 to neighbourhood forums? We very much hope that Ministers will join us in saying that if neighbourhood forums are to be legitimate, they have to be truly representative of all sections of society.

Nic Dakin (Scunthorpe) (Lab): My hon. Friend makes a powerful case, which, in a nutshell, is that the system is in danger of empowering the few and disempowering the many. Is not the challenge for the Government amending the proposals so that we have something sound going forward?

Jack Dromey: Again, my hon. Friend is absolutely right. If what is being proposed is a Rolls-Royce system, I would point out that history tells us that very few people drive Rolls-Royces. If there is to be the offer of democratic engagement in shaping communities, we need to ensure that it is genuinely an offer that everyone can take advantage of. As things stand, the proposals are fundamentally flawed in that respect.

Mr Nick Raynsford (Greenwich and Woolwich) (Lab): My hon. Friend the Member for Lewisham East highlighted the absence of a Dog and Duck in her constituency. I do not have a Dog and Duck in my constituency either, but our constituencies share a boundary, and on or near that boundary is the Hare and Billet. May I put it to my hon. Friend the Member for Birmingham, Erdington, that if the schedule survived without his amendment being made to it, it is extremely likely that a lot of hares would start running there when a mere two or three people were billeted there to conspire?

Jack Dromey: My right hon. Friend, with characteristic humour, illustrates the absurdity of the proposals. Where does it end? One could envisage Del Boy and Rodney sitting in the Nag’s Head when that pillar of Peckham society, Trigger, comes in and says, “’Ere, Del, I hear that if the three of us get together we could form the Peckham neighbourhood forum.” I suspect that Del’s initial reaction would be to say, “Rodney, Trigger, you plonkers. No one could be that daft.” Actually, somebody is proposing the capacity for a Peckham neighbourhood forum with Trigger at its heart. We propose a higher trigger of at least 20 people. For all the reasons that have been rehearsed, we believe that that would be a useful first step towards greater legitimacy.

10.45 am

Other serious questions remain, however, regarding representation and accountability, so in addition we propose amendment 139, which would require that at least one of the members of the neighbourhood forum “is a councillor of the local authority for the electoral area in which the organisation or body is based.” At the very least, that would ground the constitution and formation of neighbourhood forums in the existing locally accountable democratic framework, and would ensure greater representation and legitimacy.

Amendments 191 and 193 would empower local authorities to apply common sense to the neighbourhood forums. Some urban areas such as London do not have a parish council structure that clearly delineates the size of a neighbourhood area. Under the proposals, any request by a neighbourhood forum to designate an area as a neighbourhood area must be accepted by a local authority. That means that areas covered by neighbourhood plans might have disproportionate variation in size, with a knock-on increase in the costs borne by local authorities. Our amendments would allow the local authority to choose between the competing groups that may submit applications to become neighbourhood forums.
The amendments will not stand in the way of greater engagement of local communities in the planning process, and they will not codify in law a minimum size of neighbourhood area; for example, they will not say that a ward area is the minimum size. Local authorities must surely have the power reasonably to refuse to designate a neighbourhood area as such if there is significant conflict with local development plans or the practicalities of local ward structures. The amendments seek to provide the opportunity for reasonable consideration by the local authority, protecting it from undue cost burdens without putting in place prescriptive legislation that might be contrary to the spirit of localism.

The amendments would also provide a safeguard, of which there are few in the Bill, against neighbourhood forums that are no longer fit for purpose or that have become dominated by an unrepresentative group of individuals. Amendment 192 would create a provision for local authorities to investigate the governance arrangements of neighbourhood forums that they believed had become dysfunctional, and to disband them if the local authority is satisfied that the forum is no longer fit for purpose. Of course, a local authority would have to take care in discharging that duty.

The other amendment in the group would apply the Equality Act 2010 to neighbourhood forums. The Government claim that the Bill will provide bottom-up power, but the proposals risk excluding members of the community who may, for a number of social and economic reasons, be unable to engage in a time-consuming and often technical process. The Bill risks increasing environmental injustice, because those who can afford to plan are able to improve and safeguard their environment, and those who are unable to pay may suffer increased bad neighbour developments. Let me give an example of what might happen: the replacement of a historical market with a supermarket and luxury tower block housing. There may be a loss of cultural amenity, a loss of access to affordable food, a loss of small businesses and an increase in property prices. That would have a negative impact on poorer members of the community and could not be said to further their economic and social well-being.

Let me give a second example. A wealthy area puts together a neighbourhood plan or neighbourhood development order, while a neighbouring area cannot afford to plan. The result would be increased bad neighbour developments in the area without a neighbourhood plan. The fact that the Government have failed to apply the Equality Act 2010 to neighbourhood forums, which would protect minority and disadvantaged communities, symbolises the lack of thinking that has gone into the design of the neighbourhood planning process.

What do we know about that process? Problem one: there will be a clear democratic deficit. According to the 2001 census, the population of England is some 49 million people. Neighbourhood forums will cover 65% of that population, which is nearly 32 million people. In their impact assessment, the Government estimate that there are 7,618 neighbourhoods. In each one, there could be only three people representing the community. That means that in each neighbourhood, three unelected people could be making decisions for more than 4,200 members of the community. That is not democracy. Parish councils are a vast improvement on those arrangements, but there are also problems about how representative they are.

Ian Mearns (Gateshead) (Lab): I think that my hon. Friend is coming to a point that I am greatly concerned about in my locality. In the borough of Gateshead, we had one parish council—the town council, neither of which was in my constituency. Six or seven years ago, however, the town council had a referendum and abolished itself. It did not want to pay the additional precept and could not understand what it was for in that context. The parish council, which is in the constituency of my hon. Friend the Member for Blaydon (Mr Anderson), remains.

Turning to how the new arrangements will work, I do not have a Dog and Duck in my constituency, although I have several Wheatsheafs and Greyhounds, and many other public houses that most Members probably would not want to enter. There are one or two good ones, but I must say that there are a few pubs in my constituency where having two ears is out of the ordinary. There are 22 wards, 10 of which are in my constituency, and we have determined that the borough of Gateshead has 46 or 47 neighbourhood management areas, based on trying to draw communities together to create a useful area. They are not, however, the same as the Office for National Statistics super-output areas, for example, so it is difficult to see how those particular configurations are going to work in the future.

Jack Dromey: Using his experience, my hon. Friend makes a powerful point. As things stand, it is impossible to answer that question. I hope that the Ministers can clarify exactly how those tensions and contradictions will be resolved.

Parish councils are a vast improvement, but there are problems of how representative they are. I am grateful to the Minister of State, Department for Communities and Local Government for his letter, which informs me that the Government have provided information, as requested, but they have not made any assessment of current participation in parish councils. He has, however, provided me with some historical information—I thought that only I was interested in history. That information does not quite stretch back to the Greeks and Romans, but it tells us that from 1987 to 1990, 56% of seats were uncontested and 18% of parish councils did not have sufficient candidates. That is a clear sign that the valuable role of parish councils needs to be promoted, so it is a shame that the Government have decided to repeal the duty to promote democracy.

Problem two: the proposals will empower the few with deep pockets and loud voices, and they run the risk of abandoning whole communities. According to the Government’s impact assessment, neighbourhood plans will cost “as little as £17,000”. I hardly think that £17,000 can be described as a little sum of money, but the assessment also suggests that they could cost up to £200,000. How will deprived communities, such as those in my constituency of Erdington, be able to afford £200,000? The short answer is that they will not.

As Friends of the Earth stated:

“This raises concerns of creating a new planning system which is not equally accessible to all communities unless they can afford to pay for qualified, impartial and reliable advice.”

Tony Burton of Civic Voice said:

“Our worry is that at the moment the Bill will be picked up much more quickly in areas of high social capital, in rural areas, and in those areas where developers or landowners will essentially
fund the neighbourhood planning process... We would like to see a much more universal approach, and that does require a more savvy and a better resourced mechanism of support from Government and elsewhere than we are seeing at the moment"—[Official Report, Localism Public Bill Committee, 25 January 2011; c. 28, Q37.]

Dr Ellis of the TCPA stated that

"the real risk is that those communities with significant amounts of money to spend will develop fine-grain environmental policy—and good for them; that is great, but what will those other communities do?"—[Official Report, Localism Public Bill Committee, 27 January 2011; c. 144, Q239.]

Finally, Neil McInroy from the Centre for Local Economic Strategies told us:

"I also think the Bill, while about localism, is slightly spatially blind. It does not recognise that there is special disequilibrium—inequalities across the country—and different levels by which areas recommended in the Bill would or would not gain traction, depending on a whole range of different cultural, economic and social factors. There is a danger... that there are areas where we would pick up the freedoms, flexibilities and localism in the Bill and run with them, and other areas where we would not."—[Official Report, Localism Public Bill Committee, 25 January 2011; c. 17, Q20.]

The evidence, therefore, is clear and irrefutable. The proposals on neighbourhood planning will create a two-tier system; there will be two tiers of democracy, as well as two tiers economically, and two tiers socially. For a third and final time, I repeat our support for the principle of neighbourhood planning and for empowering local people to participate in shaping the future of their local areas. Unless there is a fundamental rethink, however, the proposals will be a disaster.

In conclusion, I would—curiously—be happier if Ministers did not accept the amendments, but only if they then told the Committee that they will go away and fundamentally rethink their proposals. The proposals should empower the many, not the few, and they should increase democracy, not undermine it. If Ministers will not agree to a fundamental rethink, the amendments are essential for us to make sense of what is a dog's breakfast—if the Committee will excuse that rather bad pun.

Heidi Alexander: I rise to speak in support of the amendments and to make some general comments about the new world of neighbourhood planning proposed in this part of the Bill. When I was preparing my speech, I thought that it seemed a long time since we were last in this room debating the schedule. My hon. Friend the Member for Birmingham, Erdington, said, planning in urban areas can be a strongly contested issue, but I wonder whether these proposals, laudable as they are, provide any hope that we may completely remove some of the controversy and confrontation from the process. As much as I would love that to happen, I am not sure that it will.

I totally support the idea of collaborative planning, but I am concerned that the proposals will not deliver it. I am concerned that they will stymie large-scale developments. I am concerned that they will not deliver the huge expectations about stopping development, and I am concerned that the Bill signals the death knell for any form of small infill development. In short, I am concerned that the Bill, far from promoting collaboration, will promote conflict.

The Minister has said that the schedule is not about stopping development. He has said that neighbourhood plans must be in general conformity with local strategic plans, and he has said that neighbourhood plans can only go beyond, not below, housing needs identified in the local strategic plan.

Heidi Alexander: The right hon. Gentleman is nodding, but does he really think that people will come forward to put a neighbourhood plan together because they want more homes built in their area? Does he really think that? Perhaps they will in Tunbridge Wells. If so, that is great. I shall get the train back to Lewisham and say to everyone, "Brilliant, the right hon. Member for Tunbridge Wells has told us that all the homes will be built down there. We can all go and live in Tunbridge Wells." I do not believe that will happen. That is the real problem with the Bill.

I put it to the Minister that the Bill is written as if the whole country is made up of "Camberwick Green"-style towns and villages. The Bill comes up with a convoluted and unsatisfactory mechanism for tasking neighbourhood forums in urban areas with making neighbourhood development plans. Camberwick Green is not the same as Camberwell green. The Minister and his officials must realise that.
We have already talked about the two-tier system between areas of the country that have parish councils and areas that do not. From my experience representing an urban area, I ask Ministers to go away and reflect on how the proposals will work in the inner city.

I know I will stretch the Committee’s patience by talking about Lewisham yet again, but I beg your indulgence, Mr Bayley. I expect many members of the Committee feel as though they know Lewisham very well, and I invite them all to come and visit, but I want to provide an example of what I think is a major conundrum in the schedule.

A large mixed-use development is being built in the heart of Lewisham town centre: 800 homes, a swimming pool and leisure centre, commercial space and a new home for the City mission. It is one of two or three large-scale developments at varying stages of completion in the town centre. People who live within five minutes’ walking distance of those sites are generally against the schemes: “too big, too high, too much traffic” is the general refrain.

I understand those concerns; I understand that someone who will have light blocked out of their garden will be upset, that someone living on a neighbouring road will be worried about how many cars will drive down it, and that someone might be worried about getting their children into the local school when hundreds of new people move into the flats and houses. However, I also know that Lewisham residents cannot afford to miss out on the new affordable homes that the scheme will bring, and the brand new leisure centre and the new life being brought into the town centre.

A five-minute bus ride down the road, people say that what is happening is great; they want to know when the new leisure centre will open, and they say that the flats will be the best in Lewisham. I have not dreamed up those comments; they are things that people are saying on the doorstep.

Alison Seabeck (Plymouth, Moor View) (Lab): My hon. Friend is making a powerful point that brings out one of the issues in the schedule about people living outside an area being able to belong to the forum—about people who wish to live in the area being part of the forum. Her people in Lewisham might want to belong to a forum in Tunbridge Wells because that is where they want to live. Does she share my concern that it is not clear how that will work?

Heidi Alexander: I entirely share my hon. Friend’s concern, and she has pre-empted some of the things that I was about to say.

I talked of the difference between people who live a five-minute walk away and those who live a five-minute bus ride away. Would the people who live a five or 10-minute bus ride away be less likely to get involved than the person who lives a five-minute walk away? The Under-Secretary of State for Communities and Local Government, the hon. Member for Bromley and Chislehurst is shaking his head.

The Parliamentary Under-Secretary of State for Communities and Local Government (Robert Neill): Does the hon. Lady understand how deeply patronising some of her comments will seem, and how offensive many people in inner cities will regard the suggestion that they are either incapable or unwilling to engage in shaping their communities? Would she like to reflect on that?

Heidi Alexander: I am happy to reflect on that, but that is not what I said. If anyone were to take any of my comments as patronising or dismissive of the ability of people to get involved, I would apologise. That is not what I mean to say. I am talking about the realities of life. People with a direct interest in a development will get involved. I am not sure that those who live slightly further afield, who are perhaps not quite as au fait with what is planned, would necessarily get involved.

Gavin Barwell (Croydon Central) (Con): The hon. Lady’s examples are often insightful regarding the underlying issues in the Bill. We could take her example. If the strategic plan for Lewisham had identified 800 homes and a new leisure centre for the town centre, would she agree that a neighbourhood plan drawn up by people who live within a five-minute walk might have found a more agreeable way to produce the same outcome?

Heidi Alexander: They may not have done. I spoke to people during consultation on the core strategy of the local development framework. A huge amount of consultation was done, and when we consulted the wider area, people were happy in principle with the idea of new homes, new leisure facilities and new shops going into the town centre. My point is that there will always be, for some who live close by, the issue of self-interest. Those with the most immediate self-interest will always be those who are most likely to get involved.

Barbara Keeley (Worsley and Eccles South) (Lab): I want to be helpful. I do not know if my hon. Friend had time to read them, but we had some late written evidence submissions yesterday. In its submission, Chapter 7 states that “it is important to realize that there are also ‘insiders’ within the arena of local politics—people who are better equipped through their education, financial situation or station in life to gain access to the reins of local power...people with abundant financial resources, significant areas of land or large amounts of free time.”

Chapter 7 would like to know what precautions the Government are taking to ensure that the move towards community empowerment, which we all want to support, is not captured by that local elite of insiders. That articulates the points that we are discussing.
Heidi Alexander: I thank my hon. Friend for her intervention. I agree that it sums up some of the problems well.

Greg Clark: The hon. Lady makes some powerful points, and her particular concern about the development was actually addressed by my hon. Friend the Member for Croydon Central in a way that she did not quite pick up on. Its inclusion, as a major piece of economic and housing regeneration, in the core strategy would mean that the neighbourhood plan would have to fall in line with it. The hon. Lady may say, as she did earlier, that that might come as some disappointment to people who live close by, but it is absolutely clear that it would proceed, albeit with a degree more information and discussion than before.

Heidi Alexander: I thank the Minister for his intervention. I understand that that is the case, but is it not completely disempowering for that community? Those people would look at the proposals and say, “Okay. We’re a group of people who want to get together to form a neighbourhood plan,” and they follow that process. At the moment, in the Bill as drafted, the council is not even involved in the local development forum, so they cannot pay to do the research or to do the research themselves, which involves going online and finding out what the core strategy says for their particular area, and busily get on with defining the vision for their core area. Then somebody might say to them, “Sorry. That doesn’t conform to the strategic level plans. It’s not going to happen.” Some of those core strategies and local development plans already exist, and we are going to see more conflict, not collaboration, built into the system.

I have two more points to address. First, the fact is ignored that developable land is not spread evenly across the country or, indeed, across London or Lewisham. I used to represent a ward that contained the largest disused site on the River Thames. It is a 40-acre site, which was used by News International to store newsprint. It is now owned by Hutchison Whampoa and stands completely empty apart from the derelict buildings. There is no other site in the London borough of Lewisham that comes close to it in size. Is it right that some people in the local neighbourhood could hold the wider area to ransom by saying that they want only a certain type of development in that location, when the wider interest may be better served by something else? In developing a neighbourhood plan, is it right that individuals could spread a huge amount of misinformation about what is and is not possible on the site and what is and is not needed to meet the economic and social needs of that corner of south-east London? Where do the discussions about commercial viability take place? It is all very well for the community to say, “No. We don’t want 3,000 new homes. We don’t want 30-storey tower blocks.” What happens when the owner of the land says, “We paid x million pounds for it, and for us to make any profit, we need to realise y million pounds from property sales”? Does the site simply remain derelict?

I want to explore one more area of the schedule: the relationship between the community empowerment clauses and the neighbourhood planning sections. If a site owned by a housing association is designated an asset of community value—perhaps the proposed scheme is not popular with local people—will that have any impact on the planning process? Will it be deemed a material consideration?

I was recently speaking to my good friend and colleague the hon. Member for Walthamstow (Stella Creasy) who has such a scenario in her constituency. I was somewhat pessimistic about the provisions of the Bill and whether it would help her constituents who currently face a planning application for the site. Perhaps the Minister could enlighten me as to how the Bill would help my hon. Friend and her community were that site to be designated an asset of community value.

Greg Clark: May I tell the hon. Lady that none of us thought she made a long speech? She made a passionate speech and we all appreciate her personal commitment, not just in thinking about these issues in Committee, but during her years in public service leading her community in this respect. We are grateful to her for her contribution.

I am grateful also to the hon. Member for Birmingham, Erdington for his contributions about the Dog and Duck. I wonder whether our poor, benighted pubs will enjoy a revival from the custom that will come to them through being the home of neighbourhood forums or whether having a reputation as the hot bed of planning disputes, as the hon. Lady suggested, will make people avoid them all the more. We might need to reflect on that.

Mr Raynsford: If the Minister is concerned about the well-being of pubs, the first thing he should do is accept the amendment to increase the minimum number of people who can be involved to 20 customers, not three.

Greg Clark: That intervention is music to the ears of the Minister with responsibility for pubs, my hon. Friend the Member for Bromley and Chislehurst who is sitting next to me.

As it is a couple of weeks since we last met, I hope the Committee will indulge me if I reflect more broadly on where we have got to before I come on to some of the specific measures. I have been grateful for the Committee’s advice and suggestions on all these planning measures. We have proceeded, as we ought to do on planning issues, by trying to find a way that makes the best of a complex and technical area of policy. The progress we made on regional planning and the duty to co-operate reflects a maturity of debate that we can build on. The same applies to neighbourhood planning.

I am grateful to the hon. Member for Birmingham, Erdington for what he said about welcoming the principle of neighbourhood planning. Again, there is no difference between us on the desirability of the end. The question is how we can design it in a way that is fit for purpose. Just to anticipate some later discussions, I note the amendments on the reform to the major infrastructure planning regime, which are offered in that same spirit. My response will therefore be consistent with the tone of his amendments and contributions.
The hon. Gentleman made the point himself that the Opposition’s amendments do not necessarily address their concerns in totality. Even if we were to accept them all, they would not address those concerns perhaps in the way that we did on the duty to co-operate, where we got a clearer understanding of what was needed. We will reflect seriously on the measures and the amendments. The hon. Lady also came up with some suggestions. In general, we will ask the Committee to support our proposals because they represent a better regime than that in which the amendments would result. That is not to say that other possible amendments might not make improvements, but I have not seen anything—bar one or two exceptions, which I will mention—that solves hon. Members’ anxieties about the matter.

The essence, it seems to me, is this. When we talk about neighbourhood planning—we agree that having a possibility for neighbourhoods to come together to express a plan is desirable—we encounter what hon. Members have referred to as a two-tier or Rolls-Royce system, where parts of the country already have democratic arrangements such as parish councils or town councils in place. I infer from the amendments a degree of consensus across the Committee that they constitute a ready-made vehicle for those arrangements to be vested in. The question that arises is whether we content ourselves with having a two-tier system and neighbourhood planning arrangements whereby democratic institutions such as parish or town councils already exist, or whether we extend the opportunity to have a neighbourhood plan to other parts of the country. It would have been easier to give those rights only to parish and town councils, but in doing so we would fall into the trap that hon. Members have suggested, namely that the provisions would not cover the whole country. In drafting the provisions, we were determined to find a way to make neighbourhood planning available in areas that do not have a pre-existing democratic set of institutions.

Once we get into that discussion, there are two broad possibilities. We could require those areas without a parish council or a town council to have one; they would have to go through the process of parishing and set up a level of local government that would bring them on a par with other areas of the country. That is a perfectly rigorous and consistent approach but, as the hon. Member for Gateshead has said, some areas have consciously decided that they do not want to do that. They are content with their existing governance arrangements and they do not want the ongoing expense of a parish council, which other areas quite legitimately want.

On reflection, and we thought about it carefully, it seemed to us that requiring people to have a parish council or a town council in order to have a neighbourhood plan would constrain them to act in a perverse way. If all that they want is to come together for the purposes of adopting a neighbourhood plan without having a permanent set of elected representatives, it seemed reasonable that they should be able to do so without adopting that level of local government. If one accepts the logic of that, it is necessary to have an arrangement in areas that do not have democratic bottom-tier institutions and that do not want them—it is, of course, always open to people to follow the parishing procedures to form a council if they want to—that allows people locally to come together advisedly to form a neighbourhood plan.

That is an area about which hon. Members have asked many questions—perfectly reasonably, since this is a new approach—which were quite appropriate to ensure that we are doing this in the best possible way for those circumstances. The fact that the discussion in Committee today has concentrated on neighbourhood forums suggests that that is the right area of focus, and that we are concentrating on the area that is new and innovative.

Ian Mearns: Is it not also a concern that in areas where—by agreement with the local authority—a local neighbourhood can form a discussion body to take things forward, some geographical areas, being relatively small, might be excluded from the process? If they are outside one village or town, some people might not logically be part of one area or another and they might end up being part of no one’s determination in terms of what happens in the nearby estates or villages.

Greg Clark: I understand the hon. Gentleman’s point. It illustrates a theme in our drafting of this section of the Bill, which is not to prescribe from the centre exactly what a neighbourhood should look like. I was going to say that that was fraught with difficulties, but it is actually impossible. He is absolutely right that all neighbourhoods differ, so the only people who can make such an assessment are those on the ground, who know the natural set of connections between people locally. It is impossible to design that in the Bill or to say that every neighbourhood is a local authority ward, for example, or a county division. That is why we have allowed flexibility for the determination of what a neighbourhood should be, and we have given a crucial role to the local authority in determining that.

The question of whether a neighbourhood is right for the purposes of a neighbourhood forum is vested in the local authority. It will have the final decision, and the Bill refers in various ways to related requirements. It requires that the local authority has the final say on designating the appropriate area, which will be subject to criteria for what local authorities should take into account. Those criteria will be set out and as the Bill progresses, we will share what we have in mind with Parliament. It is clear, however, that local planning authorities will have the final say in designating the areas. That is absolutely right, because such bodies are the most consistent and democratically accountable organisations to determine that, and proposed new section 61G to the Town and Country Planning Act 1990 makes it clear that the local planning authority has the final say in designating neighbourhood areas.

Heidi Alexander: I wonder what thought the Minister has given to neighbourhoods such as Blackheath, which crosses the boundary of local authority areas. Half the people in Blackheath live in my constituency and half live in that of my right hon. Friend the Member for Greenwich and Woolwich, but most people there would identify themselves as one neighbourhood. Under the proposals, how would such a neighbourhood come together and create a plan?

Greg Clark: The hon. Lady makes an excellent point, and it is desirable that a natural neighbourhood such as Blackheath should be able to cross boundaries. We will reflect on whether the existing approach and the requirement
to co-operate between authorities, which carries over from our earlier discussions on the duty to co-operate, is adequate to allow an area such as Blackheath to form itself and to have a coherent recognition under the arrangements. That is our desired intention.

Giving powers to local authorities to determine the appropriate designation in areas where there is no pre-existing democratic body—and bear in mind that it is always possible for people to go through the parishing procedures if they want to create one—returns to the question of what happens if an authority is determined to suppress the aspirations of a neighbourhood to form in this way, although I hope that that will be rare. However, some local authorities may want to preserve the status quo of the local planning authority’s being the sole arbiter of any neighbourhood decision making and planning matters, and they may want to thwart our intentions. I have had many discussions with colleagues of all parties in the Local Government Association, and I am satisfied that such authorities will be in the minority. Just as many developers recognise that dealing openly and collaboratively with communities is good practice, district councillors, borough councillors and county councillors recognise that taking local people along and finding ways to involve them is the best way to proceed. Even more than that, I completely agree with what the hon. Lady said, which is that one thing that can be said for every area of the country is that there is an elected councillor or an elected Member of Parliament.

11.30 am

Far from seeing these arrangements as alternatives to that organisation and the elected members there, I absolutely share the spirit of some of the Opposition amendments. We need to ensure—I expect this to be the case and have told local government audiences this—that the local member is the lynchpin in putting forward the aspirations of the people who have, after all, elected them in their ward or division to produce a neighbourhood plan. It is absolutely essential not only that they should not be excluded from that, but that they should have a very prominent role in the process. That is very much our aspiration.

Before I talk about how some of the amendments would deal with those aspirations, let me finish my point about those few—I hope—councils that might want to use these powers to frustrate the ambitions of a neighbourhood. It is important that we provide protections in the Bill, as we have done through the right to challenge, of all parties in the Local Government Association, and I am satisfied that such authorities will be in the minority. Just as many developers recognise that dealing openly and collaboratively with communities is good practice, district councillors, borough councillors and county councillors recognise that taking local people along and finding ways to involve them is the best way to proceed. Even more than that, I completely agree with what the hon. Lady said, which is that one thing that can be said for every area of the country is that there is an elected councillor or an elected Member of Parliament.

Nic Dakin: The Minister is giving a most helpful response to the issues raised. May I press him on the point about communities producing a reasonable plan and his earlier point that there is the need for engagement of an elected member? Would a reasonable plan need to engage an elected member in that process?

Greg Clark: I am grateful to the hon. Gentleman for his point. I shall come on to talk about some of the specific amendments, which will better help us to understand his point. It is absolutely the case that there should be the opportunity for an elected member to have a major voice in the production of such a plan.

However, let us consider some of the amendments. Amendment 137, in the name of the hon. Member for Worsley and Eccles South and her colleagues, would restrict the membership of neighbourhood forums, so that they are open only to those resident in the neighbourhood. That would have the effect of frustrating what I think is the Committee’s joint ambition for elected members to play a role in the forums, because many elected members do not strictly live in the ward that they represent. It is important that elected members have the right to participate in the forums. I understand the thought behind the amendment—that the forums should be genuinely about the neighbourhood, rather than about people from the other end of the country—but we cannot accept it, although we will reflect on the thinking behind it. The amendment would be perverse in its consequences of thwarting the participation of elected members in that way.

Alison Seabock: I have listened to what the Minister has said. My hon. Friend the Member for Scunthorpe is right: he is clearly trying to be helpful. However, how does talking about elected members living outside the area link to people wanting to live in the area and be part of the forum? Clearly, thinking is starting to change a bit on how that works.

Greg Clark: We have cast the provision to allow people to participate without having the rigid delineation of saying that someone must live in a particular area. People involved in local businesses are another example of those who would be frustrated by the prescription in the amendment. As my hon. Friend the Member for Croydon Central mentioned earlier, if someone is trading in the high street of an area and they are absolutely part of the community—they are probably a pillar of the community—it would be against the intentions of everyone on the Committee for such a trader, who might trade from particular premises but live in the town next door, to be excluded from participating in discussions about the production of a neighbourhood plan that might affect their high street. The intention is to be open and flexible in who can participate, bearing in mind that neighbourhood forums will only produce a plan that goes forward to the local authority. There is no ongoing responsibility for decision making, and they are not deciding planning applications or anything like that. The local authority will judge whether the plan is consistent with the strategic aspects and whether it is sound. The plan will then go to a referendum of the residents of the area. At that time the residents will make the decision. There are various stages, so all we are talking about is access to the discussions that might produce the neighbourhood plans.
**Fiona Bruce** (Congleton) (Con): As trading from a property within an area is a criterion for standing as a local councillor, should there not equally be such a qualification for involvement in a neighbourhood forum?

**Greg Clark:** That is exactly right. In standing for a local authority, the work connection has long been established as being an appropriate demonstration of eligibility for the more ongoing set of commitments and duties entrusted to elected representatives.

**Heidi Alexander:** I should like to press the Minister on the idea of those wanting to live in an area being allowed to take part in discussions. I may want to live in Sloane square, but, unless I win the lottery, the likelihood of that is very remote. I think the Minister is saying that were I to participate in those decisions, I would not have a vote in any referendum on the local plan for Sloane square.

I take the Minister back to the example I gave earlier of an individual who lives five minutes away on the bus. It was suggested that that individual is free to be involved in the vision, the plan, for Lewisham town centre, even though they do not live in that tightly defined neighbourhood area. But, although they might be involved in the discussions, they would not have a vote on whether that plan should be a binding plan that is passed to the local authority. Is that correct?

**Greg Clark:** The hon. Lady makes a point that is true of any number of community meetings. If one says that only certain people, based on either a residential test or trading connection, can be involved in a process, one establishes a bureaucratic system that is not necessary in practice. All we are talking about is a discussion about the aspirations for the future of a particular area.

Is it likely that people from the other side of London will turn up in Lewisham to influence a neighbourhood plan? I think not. Given the test that anything that came out of it has to go for examination and to a referendum, I think there are enough safeguards.

**Heidi Alexander:** I thank the Minister for his generosity in giving way. I am not concerned about people coming from the other side of London. I am concerned about people who live five minutes down the road on the bus not being able to have a vote and a say in what they might perceive to be the area in which they live, but which falls outside of what is narrowly defined as their neighbourhood area. The way in which we can overcome some of the narrow sectional interests that may, in the worst-case scenario, come to dominate the creation of neighbourhood plans would be for those people in the wider area to be able to vote on whether the plan is fit to be passed up to the local authority.

**Greg Clark:** I have said that I will reflect on the contributions made by the Committee. I understand the hon. Lady’s point and the seriousness of it, but we do not want to throw the baby out with the bathwater. The amendments that exclude non-residents would have unintended consequences such as excluding local businesses and local councillors. I think the cure would be worse than the problem that the amendments seek to solve. I will reflect on what she said and consider whether there is anything that could usefully be done, but my inclination is not to be over-prescriptive on what is an opportunity for people to come together to discuss the vision of the future.

**Nic Dakin:** I merely draw attention to the parallel with town and parish councils that have a geographical flexibility outside their boundaries. Looking at that well tested precedent might provide a way forward on this issue.

**Greg Clark:** The hon. Gentleman makes a characteristically constructive point. We should bear in mind that we have reached some agreement in our discussions that a duty to co-operate across different authority areas should be embedded in law and will apply to these arrangements. So to express the aspiration for people in neighbouring authorities and areas to meet and discuss matters of mutual interest runs slightly counter to the idea that there should be a rigid exclusion of people from forums. But I will reflect on the debate.

**Ian Mearns:** Will the Minister also consider that the get-in clause and an aspiration to live in a particular neighbourhood might open the doors to a whole range of political groups? For the sake of argument, a member of, let us call it, the Tooting Popular Front may come along and say, “I’ve had my eyes on a particular property in Belgravia for quite some time and I want to go and live there some day. So I want to involve myself in the Belgravia local plan.” It may sound ridiculous, but there are lots of people with political aspirations out there who may want to engage themselves, for whatever reason, in a whole range of local neighbourhood planning processes. I am afraid that the Bill leaves the door slightly too open for them.

**Greg Clark:** I will reflect on what the hon. Gentleman says. If he wanted to turn up to meetings of the Tunbridge Wells borough council, he could. Its business might not set his pulse racing, although it has its moments—

**Ian Mearns:** I will bring a blue anorak.

**Greg Clark:** I assure the hon. Gentleman that that would not be required. I do not think his credentials would be checked at the door and he might be able to contribute to some of the committees that involve members of the public. I will nevertheless reflect on what he said.

Amendment 138 deals with the Dog and Duck question and the number of people participating. I will please my hon. Friend the Member for North Herefordshire by agreeing with the right hon. Member for Greenwich and Woolwich. It would be wrong to set a number too high. People will probably come together, have an initial meeting and bring other people with them. I think three is probably too low. So to the delight of publicans across the country we will reflect on this. The right hon. Gentleman and his colleagues have suggested 20. That seems a reasonable figure to consider and we will do so before Report.

Amendment 139 deals with the requirement to have a member of a local authority on a neighbourhood forum if it is to be authorised to exist at all. I will reflect on how we can capture what I think is the Committee’s
Ian Mearns: It is a sad fact of life that such considerations in a local community quite often come to a head when it faces some sort of threat, such as if a local community school is under the threat of closure because of the education authority’s strategic plan. People will then club together and work determinedly on a particular aspiration: we should assume that the default will be that elected members will be members—I hope in most cases leading members—of neighbourhood forums. I would hope and expect that in areas without parish and town councils the local elected member of the authority would be the lynchpin of these arrangements.

I mentioned safeguards earlier. If it is a requirement that to exist at all a neighbourhood forum has to have the involvement of an elected member, a council group that was opposed on ideological grounds to neighbourhood planning could mandate its members not to participate in neighbourhood forums and thereby effectively veto their existence. Therefore, I have sympathy with the way that the amendment is expressed. I want to ensure that there is every opportunity for elected members to serve on their neighbourhood forums. We cannot, however, have a situation in which the whole process can be stymied by a policy of non-participation from a particular council group.

11.45 am
We will reflect on how we can strengthen, whether in guidance or in expectations, the clear intention that there every local member should have the right to participate in the neighbourhood forum. The particular expression of the amendment, again, goes back to what I said earlier. I understand its purpose, but it takes us away from, rather than towards, the ideal circumstances. Amendment 193 has some technical defects, because it refers to a “suggested area” rather than the neighbourhood area. On the guidance for the designation of areas, we will share with the Committee our suggested criteria for what local authorities, which will have the final say, will need to take into account. We certainly have in mind that the criteria should reflect on, for example, questions of diversity, include provisions for consultation requirements and be compatible with human rights and equalities obligations. Those are the arrangements that we would expect to have in place, and I am happy to share those with the Committee as we proceed to further scrutiny.

Some of the other amendments—my hon. Friend the Member for Bradford East is not here today to move them—are consistent with the discussion that the hon. Member for Gateshead introduced on whether the community governance review—the parishing procedure—is required when all one wants is a neighbourhood plan, not a parish council. It seems disproportionate to require people to create a parish or town council just for the purposes of a neighbourhood plan. Although in general, if people want to have those permanent arrangements, it is good. I should say that one of the possible consequences of people coming together for the purposes of producing a neighbourhood or community plan is that they may get the taste for neighbourhood organisation and then apply to become a parish or town council and to continue that arrangement. That may be an entry point into the process.

Ian Mearns: It is a sad fact of life that such considerations in a local community quite often come to a head when it faces some sort of threat, such as if a local community school is under the threat of closure because of the education authority’s strategic plan. People will then club together and work determinedly on a particular scheme. As the threat wanes, however, the interest often wanes, and, as my hon. Friend the Member for Lewisham East said, people will quite often just get on with their lives. It is worth reflecting on that, but I thank the Minister for his considerations.

Greg Clark: The hon. Gentleman makes a reasonable point. People tend to come together when there is a particular threat to them in exactly the way that he says. However, we are providing a positive reason for people to come together that has not been open to them before. One criticism of parish plans in many communities is that there is not enough bite to them. They provide an opportunity, but people are sometimes disappointed that there is not more to them. The proposal could be a positive opportunity for people to engage and then to continue the arrangements afterwards.

Heidi Alexander: May I put forward a scenario from my experience to the Minister? People came together in Lewisham around local assemblies—admittedly at ward level. There was a £50,000 budget to spend over two years, but not once did a local ward assembly decide to put together a neighbourhood plan, or to use the money that was allocated to its area to pay for such a plan. Instead, it was spent on things such as youth facilities, activities and environmental improvements. Has the Minister reflected on the immediate concerns of communities, especially in the current economic climate, and whether, given that it will cost a certain amount of money to carry out this process, it will be their No. 1 priority?

Greg Clark: It is down to them. One of the Bill’s other features, with which hon. Members will be familiar, is that no mandatory requirement to have a plan is placed on every neighbourhood. We could have required a forced parishing of the country and the adoption of a neighbourhood plan by every area to create a completely consistent picture, but the hon. Lady makes a good point that some neighbourhoods may be perfectly content with their existing arrangements with the local planning authority and would rather do other things. I do not think that there should be compulsion.

I hope—we will be providing resources for this—that when people are given the opportunity for the first time to produce a neighbourhood plan that has force, rather than something that is, however valuably, an expression of how the community would like its future to be, that might provide greater interest and opportunity. I hope that seeing neighbourhoods throughout the country producing plans that bring the community together and provide a greater sense of what the future may be will prove infectious. We have received a range of applications from different parts of the country to pilot the scheme, and we intend that areas with eager and willing neighbourhoods, as well as a positive local authority, should be able to get on with this and learn lessons that they can share with others. We will be absolutely insistent about ensuring that we have a range of examples, including some inner-urban areas as well as rural areas, to exemplify this.

My hon. Friend the Member for Bradford East, who is not with us today, tabled an amendment related to the Secretary of State’s powers to amend some of the provisions. The amendment falls into the category of other powers
for the Secretary of State, which we have said that we will reflect on, as I certainly undertake to do.

Amendments 142, 191, 192 and 209, which were tabled by the hon. Member for Worsley and Eccles South and her colleagues, refer to the question of representativeness and inclusiveness. It is important that our intention is absolutely clear: neighbourhood forums should be inclusive and open to all members of the community, and they should demonstrate that. We will set that out in guidance, which will determine whether a local authority approves or declines to approve a neighbourhood as designated. We are absolutely insistent that the local authority will make that decision.

I urge the hon. Member for Birmingham, Erdington—perhaps in the spirit of his opening remarks—not to press his amendments to a Division. He will have the opportunity later in the Bill’s passage to reflect on whether our suggestions meet his purposes. A degree of volition exists across the Committee to ensure that people are given the opportunity to have neighbourhood plans. The narrow area that we are dealing with is the trickiest to get right, as we have no existing arrangements and are therefore designing something new. We have made a pretty good job of capturing the essence of a new system, but that is not to say that tweaks cannot be made. I do not think that the amendments would quite achieve that, but we have heard some suggestions.

I conclude by referring to one of the points that the hon. Member for Lewisham East made about safeguards. I hope that I have already assured her that significant housing and economic developments have to be consistent with the larger-than-neighbourhood ambitions set out in the local authority’s plan. It is legitimate to ask whether that would come as a disappointment to members deep within neighbourhoods who feel that they have complete carte blanche to say yes or no to anything that happens in that area. However, it is right that there is a question of responsibility here and that there is a larger-than-neighbourhood aspect to planning.

It is incumbent on all of us, as we explain the provisions to people, who are intelligent folks, to say, “You have to reflect on the needs of an area that goes beyond your particular street.” My experience is that however much people might initially think that it would be nice to be the complete determinant of everything that happens in their neighbourhood, they decide on reflection that such safeguards are necessary. It is up to all of us, as community leaders, to explain the reason for that, why we need housing and growth, and that these decisions have to be consistent with the equally democratically expressed will of their elected local authority representatives who deal with the local planning authority as a whole.

Heidi Alexander: I thank the Minister for his comments, but as he, his colleagues and the Secretary of State are discussing these proposals, it is their responsibility to consider how realistic the powers for neighbourhoods will be. Many people in the country believe that these proposals will give them a huge amount of power to say no to developments and to housing, so the thoughtful comments that the Minister has just set out should be conveyed to people when the proposals are publicly presented.

Greg Clark: I am grateful for what the hon. Lady says. As the measures have advanced from proposals in election manifestos through to the Bill and the reflections that we have made in Committee, it is becoming clear to people inside and outside this House that this is a balanced set of arrangements that needs properly to reflect the larger-than-local aspect. A system that did not reflect the different levels of decision making—or subsidiarity—would not be workable or desirable. That message is getting out. During the further weeks that the Bill is before the House, and during the time when these provisions will be enacted and communicated to people, it is important that people make judgments about what they will be capable of.

Nic Dakin: I welcome the Minister’s response to the points about managing expectations made by my hon. Friend the Member for Lewisham East. There is a real danger that the expectations are greater than the reality of what is on offer. What is on offer is important and valuable, but I know from my experience of working with town and parish councils that they are often frustrated by the process of giving their views on a planning issue when the views in the planning authority, which have to take account of a wider set of circumstances, do not always go with the grain of their opinion. It is important that expectations are managed, so I welcome the Minister’s line on that.

Greg Clark: I am grateful for the hon. Gentleman’s intervention. It is important that we do not manage expectations too low. This is a step forward compared with what is currently available to local communities. Parish councils are restricted merely to commenting on matters before them. They do not have the ability to produce a plan that becomes part of the local development plan. While we need to be clear that people cannot make a unilateral declaration of independence, and that the Tooting popular front will not take over every aspect of plan making in Tooting, there is nevertheless the opportunity for people to have much greater say, and to be able to rely on its having greater effect. That balances what we are coming to in all our discussions about planning in this Committee, and it is important that we reflect that in the country.

12 noon

Jack Dromey: I thank the Minister for another constructive response. The starting point is: do all parties support the concept of the neighbourhood plan, and communities being able to engage in a neighbourhood planning process? My answer is yes, without hesitation. Do we all agree that there should not be two-tier arrangements to the disadvantage of so many communities around Britain? I hope we are all agreed. All communities should be able to benefit from the potential. We do not want a two-tier system in any sense.

The powerful contribution made by my hon. Friend the Member for Lewisham East should not be misunderstood. In my constituency, the Castle Vale Community Housing Association—a product of the good society and good Government working in partnership—has a formidable capacity to engage in neighbourhood planning. More recently, in Perry common, a remarkable community hall opened—another product of the good society and good Government—with half the money raised by the community and half from Advantage West Midlands. That community, again, has a formidable capacity to shape events. I know there are
other parts of my constituency—one of the 10 poorest in Britain—where that capacity does not exist. My hon. Friend’s earlier point about all citizens having equal access to the potential offered is of the highest importance, and we will return to those issues later in the Bill.

The Minister rightly pointed out the options if a two-tier set of arrangements is not wanted. Should there be universal parish councils, or the proposals set out in the Bill? We do not disagree with the conclusion he has arrived at, because it would not be appropriate to roll out parish councils nationwide. Conversely, arrangements are needed where parish councils do not exist. The key thing is, how to get that right at the next stages.

I will comment on points raised by the Minister. There needs to be absolute clarity about the powers of the local authority to maintain democratic overview and, where a neighbourhood forum becomes dysfunctional, to act accordingly. It is therefore crucial that such issues be properly teased out during the next stages. The Minister agreed that he will share with us Government thinking as to what is reasonable and unreasonable, and which is to be included in regulations. We hope that that will enable us to have the necessary debate, so that we can say with confidence that, in practice, the spirit of our two amendments was realised in the Government’s proposals.

Crucially, the Minister also said that those regulations will address issues such as diversity, representativeness, inclusion and inclusiveness. We welcome that, and we can have that debate during the next stages. On the amendment that deals with living in the area, we are at one on the principle, which is that by definition a local plan is for local people. We can have an intelligent debate about the issue of councillors—some of the good councillors in my own constituency do not live there—but we do not want the door to be opened for the Tooting popular front to liberate Sloane square or Belgravia, however attractive that concept might be in other respects.

Siobhain McDonagh (Mitcham and Morden) (Lab): As a lifelong resident of the Tooting area, I find it impossible to believe that anybody would want to move from Tooting to Belgravia. There is so much in Tooting that I think anybody would want to stay there.

Jack Dromey: There speaks the voice of a Tooting nationalist, whose only regret is that there is not a Dog and Duck in Tooting.

We welcome what the Minister has said about a more sensible trigger arrangement. We will need to tease out the issue of the elected member at a later stage. The Minister has said that the elected member should be the lynchpin and at the heart of the process, and that they should not have the capacity to frustrate, even though, as I think he acknowledged during his earlier remarks, there is no evidence that that is likely to be the case. It is an important principle for us to protect elected representative democracy and to ensure that it is at the heart of the process, so we will want to tease that out during the next stage of discussions.

As the Minister said, there will now be the opportunity for discussions. We hope to find consensus before consideration on Report, but if not, we will reserve our right to table amendments then. However, in the light of the Minister’s constructive response, we will not push our amendments to a vote at this stage.

The Chair: We now come to the decisions. The Committee is considering amendment 206, which was moved by the hon. Member for Bradford East, who is not present today. Only the mover of an amendment can seek the Committee’s leave to withdraw it, so I must put his amendment to a vote.

Amendment 206 negatived.

Amendments made: 160, in schedule 9, page 295, line 2, at end insert ‘that they have made’.

Amendment 161, in schedule 9, page 295, line 6, after ‘order’ insert ‘that they have made’.

Amendment 162, in schedule 9, page 297, line 27, at end insert ‘to whom a proposal for the making of a neighbourhood development plan has been made’.

Amendment 163, in schedule 9, page 297, line 28, after ‘plan’ insert ‘to which the proposal relates’.

Question proposed. That the schedule, as amended, be the Ninth schedule to the Bill.

Barbara Keeley: The written evidence that came fairly late to us yesterday contained a submission from East Lindsey district council, which raised a point about the matter. It is concerned about the role and function of neighbourhood development plans, which we have discussed, and its concern is prompted by the fact that “a Communities and Local Government representative recently suggested that Neighbourhood Development Plans would have a broader remit which could extend beyond land use planning matters, if the community wished.”

That has caused the council some confusion. It looks at the notion of parish plans and says: “Many objectives and proposals coming out of current Parish Plans are not land use in nature, and commit other public or private bodies to actions and investment which may not be currently set out in their work programmes.”

Clearly, the council is interested in the notion that neighbourhood development plans might go further than land use, but it finds it confusing. We do not know who has suggested that to the council, but it has asked the Committee whether the intention is for neighbourhood development plans to go beyond what is specified in the Bill and relate to matters other than land use planning. I would like to put that question to the Minister.

Jack Dromey: I wish to make two brief points. First, a number of business organisations have expressed concern, because they feel they are excluded from the process. They believe that they should be able to participate in a meaningful way, particularly where the business community makes up a substantial part of a locality. I am aware of the difficulties inherent in the debate regarding the right to vote, but that is different from a standing enabling participation. We would be grateful, therefore, if the Minister clarified the Government’s thinking on that.
Secondly, various organisations with whom we have had dialogue have suggested that without, in the spirit of localism, imposing a model constitution on a neighbourhood forum, there is merit in the notion of a model of what the forum might look like, which gets that balance right between what it is and what it is not—the potential that it offers—without arousing false expectations. We believe there is merit in that and, again, we seek the Minister’s comments.

**Greg Clark:** I am grateful for the chance to comment on these matters. On the East Lindsey point—I confess that I have not seen the council’s submission—clearly, parish plans are promoted by parish organisations generally, and they can continue to do that. The provisions we are considering are land use planning matters. They do not give any rights to non-planning issues. If a body such as a parish wants to consider other matters, it can do so. There are no changes to the arrangements for that.

I am grateful to the hon. Member for Birmingham, Erdington for both the points he has made. On the participation of business—we have touched on this in our earlier discussion—one of the reasons why we do not want to be overly prescriptive on participation is to allow business owners who may live outside an area to participate. No amendments have been suggested to me that would improve the Bill on that basis, which has led me to consider that the way we have drafted it allows businesses to participate. That is certainly my intention. If it becomes apparent during the weeks ahead that certain tweaks might be considered, we have the opportunity either here or in the other place to do that in order to strengthen or clarify the Bill. It is helpful that I have had the opportunity to say for the record that I regard the participation of business as very desirable, especially in areas—for example, a town with a high street or an industrial district—where employers are significant.

12.15 pm

**Jack Dromey:** I welcome what has just been said. May I make this suggestion? In light of the earlier helpful exchanges we have had and the other issue we have agreed should be addressed, it is important that the matter become an agenda item in the next-stage discussions before Report, because where there is a will, there is a way. I think there is a common will among all parties that the business community should have a legitimate voice in this process. We need to discuss how best we give effect to that.

**Greg Clark:** I entirely agree with the hon. Gentleman’s suggestion and I am very happy to agree to that. On the point about having a model constitution for neighbourhood forums, I can think of a number of bodies who may well be able to provide a service to them—perhaps Civic Voice can be one of those. In the spirit of not reinventing the wheel, it might be helpful for these forums to have access to a suggested way of proceeding. In relation to our discussions with organisations outside the Committee, that is a helpful suggestion. I am sure that he and those organisations—I will certainly reinforce that with them—might want to give some thought to starting work on that now.

**Question put and agreed to.**

**Schedule 9, as amended, accordingly agreed to.**

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**Schedule 10**

**Process for making of neighbourhood development orders**

**Greg Clark:** I beg to move amendment 164, in schedule 10, page 300, line 12, at end insert “by the authority in relation to a neighbourhood area within the area of the authority”.

**The Chair:** With this it will be convenient to discuss Government amendment 165.

**Greg Clark:** This is a similar amendment to the one we debated last time and is technical, so I shall not detain the Committee for long. It clarifies that the relevant local planning authority to approve neighbourhood development plans is the one for the area on which the plan is based, rather than one at the other end of the country.

**Mr Raynsford:** I have no objection to the Government’s proposed formulation. However, I remind the Minister that he conceded in an earlier exchange that there probably was a need to reflect on arrangements that should apply in those neighbourhoods that cross borough boundaries. The amendments reinforce the point that it is the local authority for the neighbourhood in which the neighbourhood plan has been developed that should consider that plan. They clearly do not give effect to considering the cross-borough boundaries matter, so I simply ask him to undertake further reflection. I am not seeking an amendment to this, but clearly the measure goes in one direction and what he said earlier pointed in a slightly different direction. I therefore hope that this is not the last word on the issue.

**Greg Clark:** I am mindful of the commitment I made. We will consider ways in which we can ensure that there are no perverse outcomes, so that Blackheath is not cast asunder as a result of the proposals.

**Amendment 164 agreed to.**

**Amendment made:** 165, in schedule 10, page 301, line 5, at end insert—

“in relation to neighbourhood areas within their area”.—(Greg Clark.)

**Jack Dromey:** I beg to move amendment 148, in schedule 10, page 302, line 40, at end insert—

“6A (1) A local planning authority must decline to consider a proposal for a neighbourhood development order if it considers that—

(a) the specified development or class of development falls within Annex 2 to the EIA directive and is likely to have significant effects on the environment by virtue of factors such as its nature, size or location, or

(b) the specified development or class of development is likely to have significant effects on a qualifying European site (whether alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of that site.

(2) In determining whether or not the specified development or class of development is within sub-paragraph (1)(a), the authority must take into account any relevant criteria mentioned in Annex 3 to the EIA directive.”
The Chair: With this it will be convenient to discuss the following: amendment 143, page 303, leave out lines 34 to 36 and insert—

“(a) the making of the order is compatible with national objectives, policies and principles and advice contained in guidance issued by the Secretary of State.”.

Amendment 144, page 303, line 36, at end insert—

“(ab) the making of the order would be compatible with any neighbourhood development orders made or neighbourhood development plans adopted in respect of any areas adjoining or impacted by the neighbourhood area to which the draft order relates;”.

Amendment 145, page 303, line 37, leave out “general conformity with the strategic policies” and insert “conformity with the objectives and policies”.

Amendment 146, page 303, line 39, at end insert—

“(ba) the making of the order is compatible with any neighbourhood development orders made or neighbourhood development plans adopted in respect of any areas adjoining or impacted by the neighbourhood area to which the draft order relates;”.

Amendment 147, page 303, line 40, after “order”, insert—

“... where possible, assists the implementation and delivery, but at the very least”.

Amendment 132, page 303, line 47, at end insert—

“(4) (a) The examiner must exercise the functions in this Schedule with the objective of achieving sustainable development.

(b) For the purpose of subsection (4)(a), the independent examiner must act in accordance with any guidance issued by the Secretary of State.”.

Amendment 149, page 317, line 31, leave out paragraphs 22 to 24.

Jack Dromey: Having moved amendments 132, 143 to 149, and 236, I shall speak first to amendments 132 and 143.

The Chair: Order. May I just interrupt the hon. Gentleman for a moment? I think he referred to amendment 236. That will be moved shortly in a different debate by Mr Raynsford, so we should discuss that matter then.

Jack Dromey: My apologies, Mr Bayley. I shall therefore speak to amendments 132 and 143 to 148 and discuss the subsequent amendment 149 later.

The Chair: Order. I am sorry to be pedantic, but amendment 149 is in your group.


The Chair: I am sure that the hon. Gentleman will make the point that he wishes to make.
Many other places could also be badly affected by the Bill. Our ancient archaeological sites, world heritage sites and registered parks, gardens and battlefields all rely solely on the planning system for their protection. Until now, the balance between local and national responsibility for the care of our historic buildings and places has been set out in a clear national framework of legislation involving the designation of places and buildings of special importance. However, people are not inspired by buildings alone or in isolation; they are equally inspired by where those buildings belong and how they are settled within the local landscape. The look and feel of the whole setting is crucial—imagine Wells cathedral in the middle of a light industrial estate. Likewise, our conservation areas, rural or urban, are so designated precisely because they represent such beauty and distinctiveness that we want to conserve them, which is why we have historically provided them with special protection from casual development.

The Bill, however, proposes to remove the statutory obligations that protect the setting of listed buildings and conservation areas in respect of neighbourhood development plans and orders. A neighbourhood development group need not, as local authorities must, pay special regard to the desirability of preserving the setting of listed buildings or the character of conservation areas when making planning decisions. We argue strongly that there is no need to remove those specific protections, which date from 1990 and have been regarded as a mainstay of our heritage.

In practice, the provisions could allow a neighbourhood development order to propose housing, commercial or retail development right up to the boundary of a listed historic house or registered park without statutory consideration for the damage that that would cause. Likewise, the character of a conservation area could be ruined by the development of a major retail outlet in the middle of a green space within the conservation area. The integrity of the conservation area could be wrecked by all householders being able to build on their back gardens, or industrial development could grow up to and within the boundaries, all without a legal requirement to consider the consequences for the character of the area.

I hope the Minister will agree that there is a wider issue of democracy for our country. The assets I am describing have a significance well beyond local boundaries. They are, in one sense, in the guardianship of local people, but they belong to the nation, which is why they have historically been protected by national legislation. I am thinking, for example, of the conservation areas of York, Cambridge, Chester, Bath, Durham or Winchester. A decision that threatened to wreck the heart of those ancient cities would hardly be a local matter; it would be a matter of national outrage. The Bill as drafted allows decisions that could ruin or compromise the setting of our most beautiful buildings and places to be taken by as few as 20 people.

The Minister might say, “Don’t you worry, Jack; that will all be put right by the national policy planning framework,” but I am bound to say that that will not be sufficient. Given the vital importance of our national heritage, the following points would help: if it were statutory; if we knew what level of detail would be included; if we knew clearly how it would relate to local and neighbourhood development plans; or, if we knew that planning policy statement 5, which is the vitally important planning guidance that protects our historical environment, would be incorporated fully. As it stands, we do not know in any such things, but in any event that would not fill the gap left by the loss of statutory protection.

12.30 pm

We are told that this part of the Bill is about transferring planning decisions to local neighbourhoods. Although nothing has been said about reducing heritage protection, I do not think for one moment that the Government intend to reduce that. Having said that, the current framing of the Bill means that we must ask the Minister about the Government’s intentions. Can he give us clear assurances that the Government do not intend to reduce heritage protections? Our communities care about the heritage they live with and they are assiduous guardians of it, but a robust, national statutory framework is of the highest importance. Grave concerns have been expressed by heritage organisations, and I hope that the Minister will listen to their voices and agree with the wisdom of our proposals.

Greg Clark: I am grateful for the hon. Gentleman’s contribution, and I am delighted that we returned to discussing history, because we have missed our daily historical lecture—[Interruption.] Some of my hon. Friends do not share my taste for our history lessons, but I think they are in a small minority. In fact, I do not know what we will do after next week, when we do not have these sittings.

Two sets of amendments have been proposed and they reflect different themes. The first, in effect, is about the examination of neighbourhood plans to make sure that they are consistent with EU standards, environmental standards, and the rest. The second relates to the heritage aspect.

On the first set, it was clear from our extensive discussions that the national planning policy framework and its responsibility for lower-tier plans should be explicit and in the Bill. It is absolutely our intention that everything conforms to that, so that there is a trickle-down through the whole process. One test of the soundness of a neighbourhood plan—as the hon. Gentleman knows, that is a requirement for it even to go to a referendum—is that it has to be consistent with the local plan, which itself has to be consistent with national policy. We are clear, therefore, that that thread needs to run through everything, and the examination arrangements need to reflect that.

If the hon. Gentleman is content for us to do so, when we consider the discussions that we had about reflecting our intentions for the national policy framework throughout the planning system, we will do so for the neighbourhood planning aspect. To be clear, however, we absolutely intend that the relevant environmental and other EU standards should apply to neighbourhood plans, and we will present the system to Parliament to ensure that hon. Members are satisfied.

On the question of heritage, the hon. Gentleman anticipated my response, and it is certainly not the Government’s intention to weaken the protection for heritage assets. Although English Heritage has suggested that planning policy statement 5 should be revised and made simpler, that is very different from suggesting it
should be weakened or dispensed with. The hon. Gentleman
is right: as drafted, the Bill gives rise to understandable
concerns on the part of the heritage community, not
least the hon. Gentleman with his penchant for history.
We want to make it absolutely clear that those concerns
are not diminished in any way, but, in the usual course
of things, although we are sympathetic to his amendment,
the normal practice is for us to take it away and check
with the lawyers whether any tweaks need to be made to
it. We will come back at a later stage with something
that reflects the amendment’s intention.

Jack Dromey: Once again, I welcome the Minister’s
constructive response. I want briefly to respond to the
two points he raised. First, it is helpful that he has
clearly stated that the Bill intends for there to be
consistency. It is now simply about how they give
effect to that, both in the Bill and through regulations.
On that basis, we are happy for our dialogue with the
Government to proceed, so we will not be pressing the
amendment to a Division.

Secondly, it is also very welcome that we have agreed
on the principle of the amendment. In those circumstances,
I have no problem with the Minister checking on the
appropriateness of the wording. I think he will find that
it is pretty sound, but, given that we are agreed on the
principle, it is about giving effect to that principle. So on
that basis, too, I am more than content not to press the
amendment to a Division, and I beg to ask leave to
withdraw the amendment.

Amendment, by leave, withdrawn.

Mr Raynsford: I beg to move amendment 128, in
schedule 10, page 303, leave out lines 17 and 18.

The Chair: With this it will be convenient to discuss
amendment 236, in schedule 10, page 303, leave out
lines 1 to 3 and insert—

‘(1) Any person who makes representations seeking to change
a neighbourhood development order or neighbourhood plan
must (if he so requests) be given the opportunity to appear before
and be heard by the person carrying out the examination.’.

Mr Raynsford: Amendment 128 is simple and
straightforward and I hope that it commends itself to
the Minister, as have other amendments we have discussed
this morning. It relates to the procedure for making a
neighbourhood development order and the independent
examination of such orders.

Paragraph 7(6) of the schedule deals with the persons
who may be appointed to oversee the independent
examination. There are—perfectly reasonably and
properly—requirements to ensure impartiality and
competence on the part of the examiner. Amendment 128
would remove sub-paragraph (6)(b), which specifies
that the person chosen to carry out the examination
should not be

“an employee of the Crown or of an authority with local government
functions”.

The other provisions in sub-paragraph (6) are entirely
reasonable. Sub-paragraph (6)(a) states that the examiner
must be

“independent of the qualifying body and the authority”,

so no local government officer from the authority affected
by the proposal could possibly consider the neighbourhood
plan. That is absolutely right and proper. Sub-paragraph
(6)(c) addresses conflicts of interest and states that the
person concerned must not

“have an interest in any land that may be affected by the draft
order”. That is also absolutely proper. Sub-paragraph
(6)(d) states that the person concerned must have “appropriate
qualifications and experience”, so they could not be
someone who had been dredged out of the Dog and
Duck.

Those provisions are very sensible, but sub-paragraph
(6)(b) is not. The exclusion of employees of the Crown
and employees of other local authorities essentially
takes out the two groups of people who are probably
best qualified and experienced to consider such
neighbourhood plans: local government officers from
other areas and planning inspectors. I cannot for the life
of me understand why the Government wish to be so
restrictive as to exclude those two groups from
consideration. Why have they been excluded? It cannot
be because they might be considered to be not independent,
because the principle of independence is established by
sub-paragraph (6)(a). In any case planning inspectors
have a well developed culture of impartiality and
independence, so it cannot be that. What is the possible
logic for excluding these people? It is not conflict of
interest, because that is covered by the provisions, and it
presumably cannot be that the Government want to
exclude people with expertise because they say very
clearly that the examiner must be someone who

“has appropriate qualifications and experience.”

The provision seems perverse. The only possible
explanation is that the Government want to ensure that
the examination is relatively informal and is not surrounded
by a panoply of legal expertise, as can happen in a
planning inquiry. I have attended a number of planning
inquiries over the years, so I have seen the extremes. I
have seen inquiries dominated by lawyers—big, formal,
legalistic events—and local inquiries handled very sensitively
by planning inspectors who understand the need to
make people feel at ease so that they can come forward
to put their case and who therefore avoid any sense of
excessive formality other than proper procedure.

I cannot for the life of me understand the reason for
the exclusion of planning inspectors and local government
officers. The exclusion would have a curious and perverse
result: the people then most likely to have the necessary
qualifications and experience would be lawyers. If the
Minister wants to have legalistic local examinations,
this is the right way to go about it, as it will ultimately
be a lawyer or possibly an independent planning consultant
who will be consulted—the latter are not known for
charging modest fees. If the Minister wants, as I suspect
we all want, a procedure that is well-run, efficient, not
over-legalistic and not unduly expensive, he will find
that sub-paragraph (6)(b) is very unhelpful. If the provision
remains, it is almost inevitable that the people likely to
handle such inquiries will be lawyers—with the greatest
respect to the Under-Secretary of State for Communities
and Local Government, the hon. Member for Bromley
and Chislehurst, they are also inclined to charge rather
fat fees for their services—and independent planning
consultants.
I have no personal interest in this, but I believe very strongly that examinations of neighbourhood development orders should be conducted properly, efficiently, expeditiously and with sensitivity to the views of the members of the public coming forward to give evidence. It seems perverse to exclude planning inspectors and local government officers, provided that they have no involvement in the area affected and there is no conflict of interest. I hope that the Minister will reflect on this and agree that the provision is not sensible.

Jack Dromey: I strongly support the excellent case made by my right hon. Friend and I hope that the Minister will respond positively.

I shall speak briefly to amendment 236. At present, the default position for neighbourhood development orders and neighbourhood development plans is that the examination will be by way of written representations. Amendment 236 is a probing amendment that we tabled to find out whether the Government believe that written representations allow for proper examination and the testing of evidence by local people. There is a need to ensure that local people’s views are properly heard and not subject to the discretion of an examiner who could undermine the bottom-up process. The amendment would therefore allow an oral hearing to take place if that was requested by an interested party in the area. I hope that the Minister will clarify his thinking on this. I stress that the amendment is probing, but it raises important issues about process.

12.45 pm

Nic Dakin: I support the comments of both my colleagues, and particularly those of my hon. Friend the Member for Birmingham, Erdington about his probing amendment. We must ensure that the approach really is bottom up and that we do not accidentally expunge people’s voices, because some views are better presented orally than in writing.

Greg Clark: First, I should say that one of the reasons why we take amendments away for checking, even when we agree with the thrust of them, is that words have a certain legal meaning. I have said that the intention is that there should be consistency in all the plans, but it was pointed out to me that “consistency” has a particular legal meaning. As the right hon. Member for Greenwich and Woolwich knows, “have regard to” is a normal phrase to use. I should clarify that I was not indicating the legal use of “consistency” when I made my point, although that does not alter the thrust of the commitment that I made to the hon. Member for Birmingham, Erdington.

As we are discussing a legal matter, which is the thrust of the hon. Gentleman’s case, I am sure that the clients of the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Bromley and Chislehurst, would consider that he was good value and worth every penny that he charged—perhaps excluding those who are currently enjoying time at Her Majesty’s pleasure.

The right hon. Member for Greenwich and Woolwich is absolutely right that our intention was that the process of examining neighbourhood plans, which already have the safeguards that we discussed earlier, should be relatively straightforward instead of a great festival of QCs locking horns with each other. He is on to something when he says that we might be inadvertently excluding people who may have the skills but might not be inclined to proceed in that way. I agree with the thrust of his amendment, and when local authority officers or other Crown employees, such as planning inspectors, have something to offer, they should be available. In the spirit of the approach that we need to take with such things, we will reflect on his words and return with something that reflects that intention.

Mr Raynsford: I am grateful to the right hon. Gentleman for that constructive response, but may I tease him a little bit? He says that it is necessary for the Government to take away amendments and consider their wording to ensure that they are legally satisfactory. Given that amendment 128 involves no wording—it simply deletes a provision—will he explain why he has to take it away?

Greg Clark: The right hon. Gentleman draws attention to one of the points about the ways in which we operate that I am curious about myself. I daresay, however, given that he has been in my position on many occasions, he has had to give the same response to my colleagues in previous Parliaments because he will have been obliged to follow the same procedure.

Amendment 236, which we heard was a probing amendment, allows us to consider the perfectly reasonable question as to whether people should have the right to request—and, by implication, to be granted—a hearing. The Government intend that it should be possible for the examiner to take oral evidence, if they wish. If they consider the written representations to be sufficient, however, there should be no obligation. Again, that is a safeguard so that if a minority were determined unnecessarily to engage the examiner in lengthy and perhaps costly activity, the examiner would have some discretion to exercise their judgment. We are not opposed to the possibility of people giving evidence in public. However, in many cases, it will be appropriate for expressions to be put in writing and then considered.

To ensure that the provision is as clear as it should be, I will reflect on the points raised by the right hon. Member for Greenwich and Woolwich and the hon. Member for Birmingham, Erdington. With that in mind, I hope the right hon. Gentleman will withdraw his amendment.

Mr Raynsford: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Schedule 10, as amended, agreed to.

Schedule 11

NEIGHBOURHOOD PLANNING: COMMUNITY RIGHT TO BUILD ORDERS

Greg Clark: I beg to move amendment 166, in schedule 11, page 313, line 8, leave out ‘neighbourhood development’ and insert ‘community right to build’.
The amendment corrects an error in schedule 11. For consistency, paragraph 10(3) should include a reference to the community right to build order and not a neighbourhood development order.

Amendment 166 agreed to.

Question 166 agreed to.

The schedule states that a local planning authority could decline to consider a community right to build order only if it was considering another order and the development and site to which the proposals related were the same. That suggests that a community right to build order should be considered, even if it is substantially different from what had been promoted by a neighbourhood development order that had already been developed in close consultation with the local community. Does the Minister think that that will lead to community right to build orders undermining the effectiveness of neighbourhood plans and neighbourhood development orders?

Jack Dromey: The schedule states that a local planning authority could decline to consider a community right to build order only if it was considering another order and the development and site to which the proposals related were the same. That suggests that a community right to build order should be considered, even if it is substantially different from what had been promoted by a neighbourhood development order that had already been developed in close consultation with the local community. Does the Minister think that that will lead to community right to build orders undermining the effectiveness of neighbourhood plans and neighbourhood development orders?

Greg Clark: I am grateful for the chance to set out our thinking. In earlier discussions, we established that it should be open to communities that do not want a parish council nevertheless to have a neighbourhood plan, which is why we have neighbourhood forums. Similarly, if a local community or neighbourhood simply wants a small-scale housing development, but does not want a broader plan for the neighbourhood, that should be possible. Hence, we have the narrower and more specific opportunities. This depends on the sequencing, but if there is a neighbourhood plan, there will be the duty to co-operate and there will need to be consistency between those things. We expect that the community right to build will apply in areas and circumstances where there is no intention to have a neighbourhood plan.

Question put and agreed to.

Schedule 11, as amended, accordingly agreed to.

Clauses 97 to 99 ordered to stand part of the Bill.

Clause 100

FINANCIAL ASSISTANCE IN RELATION TO NEIGHBOURHOOD PLANNING

Question proposed, That the clause stand part of the Bill.

Jack Dromey: Labour Members are very concerned about the lack of financial assistance that the Government will provide for neighbourhood planning. We are also deeply concerned by the decision to end the funding regime for Planning Aid England on 31 March.

In December 2010, the Royal Town Planning Institute president, Ann Skippers, said the decision to cut Government funding for Planning Aid would leave communities “high and dry”. That decision goes directly against the Government’s claim about wanting to empower local communities. Planning Aid could have provided much-needed assistance to communities that want to get involved in the planning process in their areas.

Will the Minister therefore clarify a number of points? We are aware that discussions have been taking place on the arrangements from 1 April onwards, so will he share with the Committee what progress has been made? Secondly, will he clarify who will be provided with financial assistance? Thirdly, how much have the Government set aside for that assistance?

Finally, are the Government satisfied that the financial assistance will be sufficient, particularly in light of many organisations’ concerns about the funding? The impact assessment refers to the costs being met partly by the local authority and partly by the plans’ promoters. However, local authority planning services are hugely stretched. Yesterday, I spoke with the head of planning in Lewisham, who told me that he has had to make 25% savings in his revenue budget in the section he is responsible for, which includes planning and economic development. I simply do not know where the people and resource will come from in local authorities to facilitate some of these plans, although some will be produced externally and other organisations will be paid to produce them.

I make a plea that Ministers think hard about how much these documents will cost. Let me give three examples from my time on Lewisham council, during which I produced documents that were similar to, although not exactly the same as, the ones proposed. In response to community concerns, the council produced the Bromley road supplementary planning document. It was not included as one of the initial development planning documents when we looked at our local development framework, but we decided to carry out that piece of localised neighbourhood consultation in response to community concerns. It cost £50,000 to produce. The Deptford and New Cross master plan cost £75,000 to produce, while another document, “Guidance for Hither Green”, cost £50,000.

1 pm

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Four o’clock.