

**Written evidence submitted by Tony Burton CBE, founder Civic Voice, independent Examiner, neighbourhood planning advocate & freerange consultant (NPB 10)**

## **NEIGHBOURHOOD PLANNING – making it mainstream**

1. Neighbourhood planning is one of the great successes of localism. With over 2,000 communities and the large majority of local authorities already engaged and overwhelming support for plans at referendum it is transforming the planning landscape. Neighbourhood planning is working everywhere from inner cities to remote parishes and it is showing how responsible local communities can be in making tough choices over the scale and location of development.

2. The certainty provided by a Government committed to neighbourhood planning is vital to the next phase and this is helped by having back to back legislation. The opportunity exists to reflect on the early experience and make changes to ensure even more communities can benefit from what neighbourhood planning can provide – a focus for local action and a real say over the future development of their area. Neighbourhood planning has passed the “proof of concept” stage with flying colours and by 2020 it should be in the mainstream.

3. The central thrust of this evidence is that, while welcome, new legislation is not the priority for moving neighbourhood planning into the mainstream.

4. These comments are informed by wide experience of working with neighbourhood forums, parish councils, local authorities, Government officials and Ministers in both consultancy and voluntary capacities and as an independent Examiner. This includes involvement in the genesis of neighbourhood planning ahead of the 2010 General Election; campaigns and amendments to shape the original Localism Act in Parliament; advising the Government-funded program to mobilise neighbourhood planning in urban areas; establishing and convening Neighbourhood Planners London to provide a voice and support in the capital and supporting communities and councils in both urban and rural areas during the first phase of neighbourhood planning in practice.

### Building a movement

5. Despite the success of neighbourhood planning most of the communities that could benefit have never heard of it. 20,000 communities should be neighbourhood planning not 2,000. This will require a very different approach to its promotion – looking beyond groups and organisations that have some existing connection with planning to those which want to improve their local area but have no history of engaging in planning. It will also require the Government to support much more effective promotion of neighbourhood planning to new audiences that builds on the recent Saatchi advertising campaign. Some early actions might be to:

- make the development of a neighbourhood planning movement an explicit policy objective and tap into the way movements are consciously built and

- created – with as much of a focus on how different areas connect with each other as receive individual support
- get some of the communication basics in place to connect, excite and engage people:
    - use of animation and story telling
    - production of a compelling introductory video/presentation for new audiences
    - harness social reporting
  - connect the community rights (DCLG) and social action (Cabinet Office) agendas more effectively within Government
  - support and encourage more of the spontaneous activities which bring people together face to face in a social setting - gatherings, breakfasts, drinks, camps, pubs, networks – which remain a Cinderella in terms of the support they receive
  - get more open source – building on the success to date
  - make shared learning (especially peer to peer and face to face) much more integral to the funding and support programme and transform the quality of digital support

#### Removing the blockages

6. Neighbourhood planning was described as a “*power shift*” from local authorities to local communities when it was introduced. It is clear that some authorities don’t like it and tales of wilful obstruction by both local authority officers and elected members abound. Examples include:

- *Extra procedures* – some local authorities are requiring neighbourhood forums and parish councils to jump through hoops and answer questions which go well above the minimum requirements of the legislation. One authority even required the nascent neighbourhood forum to meet with its responsible Cabinet Member and then failed to find time for an appointment and to walk the boundary of the neighbourhood area with a named officer
- *Delaying advertisement* – welcome new deadlines have been introduced to require a decision on applications to establish an area and neighbourhood forum but they only take effect from the date applications are advertised for public feedback – so some local authorities are delaying advertisement. As a result some groups – especially those working across local authority areas (e.g. Crystal Palace) – remain frustrated by delays at the earliest stage
- *Moving the goal posts* – local authorities are sometimes making significant amendments to the boundary of the proposed neighbourhood area for unclear reasons. Some of the changes are so significant that they may require an entirely new neighbourhood forum to be set up to produce the neighbourhood plan. Others are inconsistent – excluding strategic “opportunity areas” in some parts of their area but including them in others
- *Delaying the decisions* – neighbourhood forums and parish councils are being frustrated by often glacial decision making by local authorities. In the absence of sanctions some authorities refuse to consider issues outside a rigid committee cycle despite the new deadline

- *Muscling in* – in some areas neighbourhood planners are finding their local authority deciding to undertake major research or produce a supplementary planning document or have a community forum produce a “plan” which coincides with the area of their neighbourhood plan – the motivations can seem more related to keeping control than supporting the community and responding to the spirit of localism
- *Sidestepping CIL* – the availability to spend 25% of community infrastructure receipts on community priorities is an important incentive and means for delivering neighbourhood plans. Some councils are sidestepping this by allocating the choice over CIL spending to other arrangements such as community forums which are in the control of ward councillors. Neighbourhood Planners London has researched the particular challenges in the capital and produced [\*Neighbourhood element of the Community Infrastructure Levy – the London experience\*](#) with pertinent recommendations (enclosed<sup>1</sup>).

#### Unblocking parish blockers

7. There are instances where local communities wish to prepare a neighbourhood plan but this isn't wanted by the parish council. This reflects the exclusive right of parish councils to be the only body to produce a neighbourhood plan for their area. An option would be to enable neighbourhood forums to be established in those areas where a parish council has determined (within a reasonable time period) that it does not wish to produce a neighbourhood plan.

#### Engaging the big beasts

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

#### Equality for neighbourhood forums

9. Neighbourhood forums remain second class citizens to town and parish councils. They have no direct control over use of the Community Infrastructure Levy (CIL) and lack status when planning applications are being determined. There is also a presumption that their role comes to an end after 5 years. This needs to be addressed.

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<sup>1</sup> *Neighbourhood element of the Community Infrastructure Levy – the London experience:*  
[http://media.wix.com/ugd/95f6a3\\_684e0bae1dec48c9a7edd92f485a0bee.pdf](http://media.wix.com/ugd/95f6a3_684e0bae1dec48c9a7edd92f485a0bee.pdf)

10. Neighbourhood forums also need to be recognised as a new and potentially improved mechanism for local community decision making – with an option to take on the powers and responsibilities afforded to town and parish councils but in a manner which adapts to the circumstances of urban areas and learns from the downsides of the current parish council arrangements.

#### Improving the process

11. Neighbourhood planning is a relatively light process but would benefit from some keyhole surgery. This should include:

- *Shared decision making* – All key stages of the process should require agreement of the qualifying body and the local planning authority, including the decision to proceed to referendum. This would have avoided the situation which gave rise to the first unsuccessful referendum where Swanwick Parish Council felt it necessary to object to its own plan because of the changes made without its active involvement by the local authority.
- *Final appeal* – qualifying bodies should have the right to seek independent arbitration in the event of a dispute over changes to a neighbourhood plan after examination. Growing conflict over the final stages of agreeing a neighbourhood plan after examination can be expected as the number of plans at this advanced stage grows. Currently, it is for the local authority to decide whether a plan has been amended sufficiently to meet the basic conditions. This provides a further opportunity for local authorities to influence and impose their views in conflict with the spirit of neighbourhood planning as a community right. The result may well be plans going to referendum which are not supported by the very group which created them
- *Health checks* – much wider use should be made of health checks prior to submission of the plan to the local planning authority – this would smooth the examination and all subsequent processes in the most cost effective way
- *Withdrawal* – it is anomalous there is no mechanism for neighbourhood forums to withdraw an application to be recognised or for a neighbourhood area. Such a mechanism would be helpful in negotiating the best solutions in a number of areas
- *Aligning Neighbourhood Development Orders and Community Right to Build* – the genesis of these two under-used measures in the Localism Act was in separate Ministerial initiatives. This has resulted in unnecessary confusion when a single instrument could deliver the policy outcome. More support should be offered to qualifying bodies wishing to identify specific sites in the neighbourhood plan which establish the principle of development so they can address the additional complexities

#### Quality support

12. The Government funded support programme managed through Locality has been essential to neighbourhood planning's success. The continuation of a Government support programme beyond the current three years (to early 2018) is much more important to the future success of neighbourhood planning than the

Neighbourhood Planning Bill. The programme needs to be expanded and strengthened to provide even more effective support in future. This should include:

- Wider communication to groups and localities not yet engaged in neighbourhood planning
- Expanded support for communities at the earliest stages wishing to define a neighbourhood area and establish a neighbourhood forum so the pipeline of new neighbourhood planning grows exponentially
- Ensuring neighbourhood planning is a universal right, redressing the balance that has seen the early focus on rural, parished areas
- Valuing neighbourhood planning and not just the production of a neighbourhood plan – there should be more focus on outcomes which reflect the success of bringing people together to take action to improve their local area not just whether they have produced a plan
- Sustained support to help develop the neighbourhood planning movement through greater sharing of knowledge and experience and face to face communication between different neighbourhood areas
- Developing a new cadre of neighbourhood planning experts who can provide a mix of community development and planning advice and support – the support currently provided is by a sometimes uneasy mix of community development experts providing planning support and planning experts providing community development support. There are too few people able to operate in both disciplines simultaneously. There are lessons to learn from the focused investment in skills development provided by Sector Skills Councils in relation to other disciplines and this could be part of a wider approach to developing community rights
- Learning lessons from the role played by the Planning Advisory Service for local authorities and how this could be provided to both parish councils and neighbourhood forums
- Provision of an arbitration service which can be used to help resolve disputes between local authorities and qualifying bodies (and between potential qualifying bodies over potential boundaries)
- More effective support for Independent Examiners through an expanded Neighbourhood Planning Independent Examiners Referral Service (NPIERS) that provides up to date information on policy changes, legal challenges and examination experiences

#### Delivery and follow through

13. Public confidence in neighbourhood planning will be undermined if local planning authorities do not recognise the importance of their policies (which are legally equivalent to those in a Local Plan). This requires qualifying bodies to be informed of planning applications, specifically notified of applications in conflict with the neighbourhood plan and a new right to ensure delivery via a referral to the Secretary of State on local authority decisions to grant consent for development which conflicts with the neighbourhood plan

#### Tackling the contradictions

14. Public confidence in the Government's commitment to localism in general and neighbourhood planning in particular is undermined by contradictory Government decisions. The widening of permitted development rights to convert/demolish offices to flats is one example of an issue which has denied neighbourhood planners the ability to influence some of the most important issues in their local area. Others include the desire to set environmental performance standards, manage the mix of retail and other uses in High Streets, and secure adequate affordable housing. National Government should also be wary of seeking to force new initiatives onto neighbourhood planning (such as starter homes) and instead allow them to be picked up by local communities where they see them as being relevant.

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