



Response form

Proposals for new neighbourhood planning regulations Consultation

We are seeking your views on the following questions on the Government's proposed approach to new regulations on neighbourhood planning. **If possible, we would be grateful if you could please respond by email.**

Email responses to: neighbourhoodplanning@communities.gsi.gov.uk

Alternatively, we would be happy to receive responses by post.

Written responses to:

Neighbourhood Planning Regulations Consultation
Communities and Local Government
Zone 1/J1
Eland House
Bressenden Place
London
SW1E 5DU

(a) About you

(i) Your details

Name:	Noël James
Position (if applicable):	Director
Name of organisation (if applicable):	Historic Towns Forum
Address:	PO Box 22, Bristol, BS16 1RZ
Email Address:	htf@uwe.ac.uk
Telephone number:	0117 975 0459

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

(iii) Please tick the one box which best describes you or your organisation:

Private developer or house builder

Housing association

Land owner

Voluntary sector or charitable organisation

Business

Community organisation

Parish council

Local government (i.e. district, borough, county, unitary, etc.)

National Park

Other public body (please state)

Other (please state)

(iv) Please tick the one box which best describes which viewpoint you are representing:

- Rural
- Urban

(b) Consultation questions

Question 1:

Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on:

a) designating neighbourhood areas

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

6. (1)(a): Should specify a plan and statement; and specify the plan on an OS base.
6. (1)(b): Some generic guidance on the minimum content would be helpful to ensure consistency, e.g. key characteristics of the area (to complement 6. 1(a)), an outline of planning issues, current planning position, pressures for change and resource issues.
7. (2): Should include a statement of the nature of the proposal and why the area is proposed to be designated.

The regulations should specify timings in which local authorities are required to make decisions - failure to do so may mean neighbourhood planning proposals could be delayed indefinitely.

b) designating neighbourhood forums

- Strongly agree
- Agree
- Neither agree nor disagree

Disagree



Strongly disagree



Explanation/Comment:

10. (a): Include a description/plan of the area.

12. (2)(a): Include a description/plan of the area. Also add in 12. (2) an outline of the purpose for which the Forum was set up.

The HTF has concerns about the lack of detail over how local authorities make decisions on proposed neighbourhood forums. It would be better to set out clear criteria for communities and local authorities. Leaving it to the local authority to decide could mean community groups in some areas being disadvantaged or lacking clarity over what is required.

What would happen if more than one forum emerged?

The regulations should set a timescale within which the local planning authority must make a decision on an application that had been submitted to it. Six weeks would be a reasonable requirement.

c) Community Right to Build organisations

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Explanation/Comment:

13. (a)(ii): Surely this should be a principal objective, not just 'one ' of its objectives.

The regulations must ensure that legitimate organisations only can utilise the community right to build. The term 'community benefit' is rather vague and could be abused - clearer definition is needed.

d) preparing the neighbourhood plan

Strongly agree

Agree

- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

An issue in this section is the need to be clear in the terminology used between the proposals for making a neighbourhood plan and the plan itself. This is unclear in S. 15 and S.16.

16. (1)(a): Should specify a plan and statement; and specify the plan on an OS base.

The 'light touch' approach to requiring could permit poor practices and lead to the exclusion of many local people. Some local authorities have a poor record on community engagement, consulting too late and using outdated methods.

Many neighbourhood forums will have little experience of community engagement and lack of support from the local authority. There should be a clear requirement in the regulations for front-loaded community engagement from the issues stage onwards.

e) preparing the neighbourhood development order

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

22. (1)(a): Should specify a plan and statement; and specify the plan on an OS base.

The requirement for more information to support NDOs is certainly justified if their social, economic and environmental impact is to be assessed effectively. Information is required to evaluate:

- impacts on occupiers of neighbouring properties;

- impacts on environmental quality; and
- impacts on the wider economy, especially unexpected ones.

f) preparing the Community Right to Build order

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

It is unclear what consultation is necessary at earlier stages. Time and money may have been invested in preparing a scheme by the time an order is prepared; and failure to consult properly at the pre-design stage could result in extra delay and cost.

g) Community Right to Build disapplication of enfranchisement

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

Further guidance is required for local communities on the implications of this.

h) independent examination

- Strongly agree

- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

The HTF is concerned about how local communities are supported or represented at independent examinations. Local authorities and other powerful stakeholders will have access to specialist advisers. It is essential that all sides have access to specialist advisers.

While some of the requirement for independent examinations is set out in the Act, guidance is required for all parties on how issues and plans will be assessed. The issue of conformity needs clarification.

i) referendum

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

A referendum on a neighbourhood plan appears to seek a simple 'yes' or 'no' answer to a complex document covering a wide range of issues: some, maybe most, people will support some parts of the plan, but not others. The HTF feels that a referendum is particularly ill-suited for this. A plan could be rejected, when certain modifications could have resulted in a desired outcome.

Maybe there is a need for early mediation, where detailed matters can be considered and modifications can be made. This might be part of the independent examination.

j) making the plan or order

- Strongly agree
- Agree

- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

The HTF welcomes the requirements in Article 22 , including the need for a consultation statement. Article 21 also includes consultation requirements. It is important to clarify that early consultation should take place before the plan is prepared. Indeed, this early stage is part of the evidence base, which should be mentioned in Article 22. Inclusion of a schedule of the evidence base and a statement of how the vision/aims of the plan are derived from evidence and consultation would be valuable.

k) revoking or modifying the plan

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

What triggers this? Is it a unilateral action on the part of the local planning authority?

l) parish councils deciding conditions

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

Will parish councils have access to specialist advice?

Question 2:

Our proposition is that where possible referendums should be combined with other elections that are within three months (before or after) of the date the referendum could be held. We would welcome your views on whether this should be a longer period, for example six months.

- Three months
- Six months
- A different period

Explanation/Comment:

Given the cost of conducting a referendum this needs to be done as effectively and efficiently as possible, so every effort should be made to tie this into existing elections. The extra delay is unlikely to be a serious problem within the timescale of most planning processes. As the dates of local elections are always known in advance it will be easy to tie the plan making process into this deadline.

However, the HTF is concerned about the possible influence of national or local issues over neighbourhood plan referendums. In order to overcome this, where a referendum is held, it is essential that the plan and explanatory materials are available on-site. People will be voting on a complex document and will need to see it.

Question 3:

The Bill is introducing a range of new community rights alongside neighbourhood planning – for example the Community Right to Buy and the Right to Challenge. To help communities make the most of this opportunity, we are considering what support measures could be made available. We are looking at how we could support people in communities, as well as local authorities, other public bodies, and private businesses to understand what each right can and cannot do, how they can be used together, and what further support could be made available for groups wanting to use them.

We would welcome your views on what support could usefully be provided and what form that support should take.

Explanation/Comment:

The measures introduced by the Act require proper support mechanisms to make them viable. Communities will need access to a range of advice, capacity building and specialist support in issues including:

- fund raising and funding applications;
- business planning;
- project development, enabling and management;
- legal issues;
- planning and other consents; and
- organisational development.

More thought needs to be given to how this can be achieved. Organisations like the HTF can play a part in this capacity building if the necessary resources are available.

Question 4:

Do you have any other comments on the proposals?

(Please begin with relevant regulation number and continue on a separate page if necessary)

Explanation/Comment:

Purpose of Consultation

p. 6, para. 4: This paragraph raises the need of a 'nationally consistent approach'. The HTF supports this and some of the comments above suggest that more guidance is necessary to ensure that such consistency is achieved.

p.6, paras 5-6: The intention to publish further regulations makes it difficult to respond fully to the consultation. More effort should be made to bring forward related regulations for consultation at the same time.

Proposed Approach

p. 10, para. 2, para. 4 bullet 2: See p.6 above.

p.11. para. 2: There is a concern that the 'minimum information requirements' are so minimal as not to ensure the required consistency.

p. 11, para. 6: This 'minimum' is so poorly defined that it is meaningless and gives no

guidance at all. This stage is critical in ensuring that neighbourhood planning engages the community from the outset. The more stringent requirements suggested in para. 1, page 12 suggest a greater commitment to engaging the public after decisions have been made. Full and open engagement is required throughout the process.

p.14, para. 1: Presumably the regulations will take account of the fact that many people may support part of a neighbourhood planning proposal, but not all. How will a referendum deal with this? See comment on p.6 above.

p. 14, para. 3: There is a strong case for giving further guidance on this to aid consistency without being unduly prescriptive. See above.