

neighbourhood plans – a five-year healthcheck

Supported by work from colleagues at Place Studio, Jeff Bishop considers the experience gained in preparing neighbourhood development plans since they were introduced in April 2012, suggests some ways to make improvements to all aspects of the process, and invites views from others

The five-plus year anniversary seems a good time to look back at what has happened, and is still happening, around the country on neighbourhood development plans (NDPs) and suggest some key issues to address to ensure a positive future. This article is an abstract from a far fuller review undertaken by Place Studio¹ and draws from our own experience of supporting (sometimes a lot, sometimes very little) over 30 NDP groups mainly across the West of England, from our experience of training planning officers, elected members and community representatives about NDPs, and from material in the professional press, academic articles, and books.

The fact that the review had to be based very much on our own views hints at a key issue. Although UK planning practice has an enviable pedigree of robust government monitoring and research about system innovations, to the best of our knowledge nothing of this sort has been done by the Department for Communities and Local Government (DCLG – now the Ministry of Housing, Communities and Local Government, MHCLG) for neighbourhood planning; a disturbing situation for something so potentially significant.

Our full review looks at all stages in the production of an NDP (and sets the scene with some historical background), from the legislative and procedural context to designation through funding, consultation, evidence collection, draft plan, examination, and referendum. This article can only cover the key points that emerge from the review, presented here with a short summary, an outline of main strengths and weaknesses, and some conclusions and recommendations.

Interestingly, the Welsh government is just introducing what it terms ‘place plans’, a rough equivalent to neighbourhood plans, but it wishes to learn from practice in England by making them, among other things, less bureaucratic and all-encompassing – two issues that emerge below. Watch this space!

Overall summary

In our view, NDPs are in general a positive addition to the English planning system, and most of the people we have encountered in communities which have been through the process regard it all, in total (if sometimes not on all aspects), to have been extremely valuable. There are now many groups of people who, as well as having a made NDP in place for their area and community, understand the planning system better, know how to make good use of it, and are demanding a greater say in other levels of decision-making, both in strategic plans and development management. There are qualifications to this, of course, for almost all communities – was it worth the time committed, was it worth the money, will it really make a difference? – and some of that is picked up here.

This positive evaluation might not be shared by some applicants (frustrated by their failure to successfully challenge made NDPs), perhaps some local authority officers (some of whom see it all as diversionary and a waste of their time), and some authority elected members (who sense a loss of power). If the prime original intention was to deliver more houses, then the (still rather uncertain)



Photos: Jeff Bishop

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general statistic that NDPs have delivered 10% more housing than would otherwise have been the case will be good news to government.

There is, however, an important qualification to these overall conclusions because they refer almost entirely to how well the NDP system operates within its own overall frame of reference in terms of delegation, scope, participation, democracy, and so forth. In fact, the most common focus of the academic literature is examination of this frame, most commentators arguing that neighbourhood planning is purely instrumental, based predominantly on delivering more housing, and that it does so

within a very conservative (small 'c') notion of the role of planning in UK society.

A common academic view is that ideas such as general conformity, the requirement on any NDP group to deliver at least as many houses as their area is allocated, and the focus on consultation rather than more radical concepts of engagement or even collaborative planning all limit what an NDP can and cannot address.

Interestingly, to go full circle, we have met people who are extremely well aware that they are being 'used' to deliver a national agenda, but are still very happy to have done their NDPs!

Strengths

While it can be tempting to score party-political points, it is valuable to note at the outset that, just before the 2015 general election, representatives of the three main (English) political parties met and agreed that NDPs have considerable value and all three would continue to support them regardless of the election result. This support also stretched to the (now extended) grant aid programme that has proved so important for most NDP communities. Grant aid covered at least some of the costs of preparing an NDP (but also see the weaknesses section below).

Many rural communities² had something of a kick-start on their NDP work by building on earlier work on parish/town plans and design statements (but again also see the weaknesses section), one factor that has helped many such communities to gain quite considerable knowledge about all aspects of planning. This can then be of benefit to planners, although it has also generated further demands and challenges, for example for greater and earlier involvement in Local Plan work. We have also encountered a number of planning officers who regard neighbourhood planning as a genuine opportunity to get back to what one of them termed 'real planning'.

In all cases of which we have direct experience, and apparently in many others, the assumption about local people being NIMBYs, resistant to any development, has proved untrue. Many (we cannot yet say most) NDP communities have either seen a need for development before starting their NDP, have even done one for that reason, or have soon come to understand that further development is appropriate – something confirmed by the as-yet uncertain evidence about the 10% over and above local housing targets. (For one NDP we supported, the end outcome was 46% above the authority target.)

between the community and the planning authority. One reason for this is that good NDPs provide the planning system with access to highly detailed local knowledge and values, often as essential for authorities trying to resist inappropriate development as for communities. This local information then creates an opportunity for celebrating and even enhancing local distinctiveness; a further strand of evidence against inappropriate development even if, on occasion, that local distinctiveness results in challenges to plan conformity.

More specifically, one particularly valued outcome of NDP work has been the protection given to important local green spaces through designation. (Landowners and developers, even some authorities and local councils owning land with development potential, probably have a different view of this.)

Although it cannot as yet be regarded as fully proven, in principle and based on several powerful examples, made plans have the same strength as other statutory plans. (This is clearly a concern for some landowners, land speculators, and developers.) Again, it is as yet unproven, but made NDPs should provide greater speed and certainty during development management (potentially also of value to planners and developers).

The possibility for communities to have access to and full control of 25% of CIL (community infrastructure levy) monies from developments in their plan area has proved to be a significant incentive, although (perhaps a weakness) the sums potentially involved may have appeared inflated given that CIL does not apply to strategic projects (and affordable housing, etc.). It is too early as yet to offer any evidence on the monies actually reaching communities or on what they are spending it on, but access to at least 25% of CIL monies offers communities where made plans are in place a significant opportunity to make progress on often long-standing local project ambitions.

Weaknesses

Our full review suggests that the cost to date to the public purse of each made NDP may be in the order of £75,000 (the total bill could be around £150 million). This will go down slowly but not significantly as initial setting-up costs are absorbed over time. This might be considered poor value for money, but it needs to be set against the considerable, conventionally uncostable but clearly highly significant value to communities and individuals – perhaps a strength.

The whole NDP system is, as a matter of policy, 'one size fits all'; there are no qualifying criteria about need, local capacity, etc. As a result of this, there is growing evidence that the system is clearly favouring wealthy, already aware, professionalised communities and those with, or with access to, funding or skilled free time. Disadvantaged

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In most cases, NDP work has generated more, wider and better community involvement in planning and, it seems, this has spun off more generally to better involvement on other issues. This in turn has often helped to create an improved relationship



communities are further disadvantaged by the lack of access to skilled people and so forth. The funding policy is therefore worryingly regressive.

The government has yet to produce clear and defensible guidance on the status of NDPs at various stages of their development. Effectively leaving that to be derived from legal case law is unsatisfactory and very disturbing for communities already preparing plans or those considering setting

out on and resourcing an NDP. This is particularly the case in relation to five- or three-year housing land supply and when Local Plans are not yet adopted or at the start of formal review. In addition, there is not, as yet, any reliable guidance on what might constitute 'in general conformity' with higher-level plans.

There is also a lack of clarity on what constitutes a strategic development and hence whether such

things could or could not be included in an NDP. In one case a judicial review led to the exclusion of a strategic site from a NDP's designated area. In another case a local authority accepted the inclusion in the designated area of what would clearly become a strategic development. In a third case the local authority started work on what was patently going to be a strategic development within a designated NDP area, but without any contact at all with the NDP steering group!

The take-up of NDPs appears to have slowed. This is a well known phenomenon with new initiatives; the first-wave group are all very keen, but new and different approaches are needed to encourage a second or third wave. There are no apparent processes in place to promote this. In particular, nothing in the system yet appears to be helping to raise the level of NDP action in urban areas (although there are many such areas where there is so little change or development that an NDP would not be appropriate). At the opposite end of the scale, small rural communities where there is only a parish meeting cannot at present produce NDPs even though there may be a wish for small numbers of new houses and, in many cases, concerns about location and design; issues which an NDP could address.

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The grant procedure continues to confuse local people and even turn them off starting an NDP in the first place. The grants available are also mostly used to appoint consultants but, even with limits on day rates, etc., such grants are very rarely enough to cover all the necessary costs, placing an often unsupportable load onto local people or local sources of further funding (for example via a raised parish precept). In addition, the grant sums are the same for all communities, regardless of size and the scope of their plans, leaving many larger communities seriously short of essential funds.

In the first few years in particular, NDPs were patently oversold by some government ministers, MPs, local councillors, planning officers, and consultants. As a result, too many groups committed to an NDP when that was not the most appropriate



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mechanism for dealing with specific local issues; a parish plan, design statement or other available method may have been more suitable. This is of concern because, as compared with design statements for example, the overall processes for NDPs are very long and bureaucratic to a degree that puts off many and raises continued concerns among those under way, some of them even considering ceasing completely. There are, in particular, signs of consultation fatigue.

There continues to be confusion among rural communities about the differences between parish/town plans and NDPs. This is not being addressed by national guidance but can lead, for example, to communities believing (wrongly) that all the consultation and evidence collection they need to do can be addressed by a single 'wish list' questionnaire, and (equally wrongly) that they can address 'everything' in their NDP, for example traffic and community cohesion.

Because community involvement is not a basic condition and is valued very differently by different examiners, communities are often confused about what type, level and timing of community involvement is necessary or appropriate. Although common in all other areas of planning, there still seem to be too many examples in which community involvement, even sometimes the whole NDP process, is dominated by what are termed the 'usual suspects'.

While local authorities giving out grant aid regularly require robust monitoring and reporting from the recipient communities, there is no reciprocal requirement on the same authorities to formally account to an NDP community for that part of the money they receive from DCLG/MHCLG to spend on that NDP (the remainder going to examination and referendum). The whole process is not transparent and accountable but it should be. On a closely related topic, our own experience is

of very varied patterns of local authority support, advice and guidance to NDPs, despite the legal 'duty to support'.

Although all neighbourhoods, both rural and urban, are closely connected, for example in terms of local facilities such as doctors and sports centres, there is no 'duty to co-operate' as with Local Plans. As a result, many NDPs are highly parochial, and no coherent picture for a wider area can be derived from considering the content of several NDPs in adjacent communities.

There is some evidence that using a referendum as the final stage can, for some, remove any incentive to get involved in the all-important earlier stages of the plan preparation process; referenda work against front-loaded community involvement.

There is also just beginning to be some evidence that 'light touch' (or is that soft-touch?) examination is leading to adopted policies that are simply not useable by development management officers.

Where next for neighbourhood plans?

On the basis of the above (and its fuller elaboration in our overall review), were we to be elevated to the heady heights of MHCLG policy-makers, there are a number of things that we would put in place to, in our view, improve the system. In broadly sequential order, from starting a plan through to referendum, they are as follows:

- Most basically, if now worryingly overdue, we would establish a proper national monitoring programme for NDPs and also commission some research on key issues, for example the national distribution of funding to NDPs in relation to indices of deprivation.
- We would establish genuinely and proactively targeted procedures of support (in all its forms) for urban communities, more disadvantaged communities and communities in as yet poorly represented areas of England.
- We would adapt the grant aid system to be more responsive to the scale of communities and the scope of their plans.
- We would provide some format whereby small communities run by parish meetings (and perhaps others) could undertake NDPs, if perhaps through a form of 'NDP lite'.
- While recognising that case law can still change things, we would produce a summary statement to clarify the status of NDPs on several aspects, notably in relation to stages on Local Plans, housing land supply figures, and 'general conformity'. (Had there been proper monitoring, the information on which this would be based would, of course, now be available.)
- We would set up a significant national 'refresh' of the whole NDP initiative, primarily targeted at generating a significant second or third wave of NDP work.

- As part of this we would communicate to communities – and to authorities – the alternatives to NDPs.
- We would require local authorities to account to NDP groups for how they use the relevant part of the (currently) £20,000 MHCLG funding per plan.
- We would also require local authorities to account for their actions under the legal 'duty to support'.
- Moving on again, we would introduce a 'duty to co-operate' between NDP groups, the local authority and adjacent communities, whether or not these adjacent communities are undertaking NDPs.
- We would ensure that NDP groups have appropriate access to pre-application discussion information that is key to progressing their plan.
- We would remove the requirement for referendums and make consultation a basic Condition. This would place greater pressure on local people to get engaged when they know that there is not a final stage option later (too late) in the process. It would, however, require examiners to be up to speed on how to examine community involvement, although many are already quite capable of doing this.

In summary, this five-year healthcheck suggests some good overall progress – the patient is in generally good health – but there are still some important things that can be done to improve that patient's health further, ready for the next few, inevitably challenging, years.

● **Jeff Bishop** has worked directly on community involvement projects for many years. This article has been drafted with input from colleagues in Place Studio. The views expressed are personal.

Notes

- 1 The full review from which this article is an abstract is available from Place Studio by email to info@placestudio.com. The review contains full references not included here. The intention is that the review will be updated on the basis of comments and queries received, so these are welcome. A 'version 2' will then be made available
- 2 The vast majority of NDPs have been taken forward by parish and town councils