

# NEIGHBOURHOOD PLANS: A PRACTICE OVERVIEW

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*This review (© Place Studio), covering all aspects of Neighbourhood Plans in England, was produced in summer 2017 by Jeff Bishop and colleagues from Place Studio primarily for our own purposes given several years of very varied Neighbourhood Plan experience.*

*As it evolved, it then became something that we felt others might value, so it has been 'polished' (a little) in order to share it. It is inevitably personal and partial so **Place Studio would welcome comments, queries, further direct experiences and so forth** (email to [info@placestudio.com](mailto:info@placestudio.com)). We will, if appropriate, add to and amend the review on the basis of these further comments and disseminate 'version 2' as widely as possible.*

## 1. INTRODUCTION

1.1 It is now 6 years since the Localism Act of 2011 became law. Amongst a rather odd medley of other things, the Act introduced Neighbourhood Development Plans, now commonly just called Neighbourhood Plans (hereafter just NPs). Since 2011 there have been a number of academic papers and a few books about NPs. Articles placing NPs in broader theoretical, planning policy and geographic contexts have been written (several on aspects of participation) and there have also been articles in the professional press<sup>1</sup>. Some of these publications are referenced later.

1.2 While much of the existing literature addresses specific aspects of NPs, notably community engagement, the literature tends to leave many aspects of the practical process of NP preparation untouched. This paper therefore offers a view of the whole process and its context from day-to-day practice, though drawing on some of the literature for important evidence, insights and challenges.

1.3 The practice on which we draw is mainly our own experience in supporting the production of over 30 NPs, mainly in the south west of England, covering communities from large (14,000 population) to small (300), all rural and all through the stages from initial decision to produce a plan to having 'made' plans and, very recently, plan reviews. Place Studio members have also run national, regional and local training for planners, communities and elected representatives (local authority and parish), have been involved in the production of national and local guidance and one member of staff is a national Neighbourhood Planning Champion, which provides another, wider level of contact and feedback. Some of this work has received national recognition through professional awards.

1.4 Note also that we focus almost entirely on NPs as introduced by the Localism Act, touching a little on related issues such as strategic development plans, the Community Infrastructure Levy and pre-application consultation. We do not really comment on the other planning-related initiatives from the Localism Act - Neighbourhood Development Orders and

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<sup>1</sup> A typical general example is J. Derounian: 'It's Neighbourhood Planning, Jim ... but not as we know it', *Town and Country Planning*, 2016, Vol. 85, no. 4/5, 142-144. Another is J. Bishop: 'Where Next for Neighbourhood Planning?', *Town and Country Planning*, 2015, Vol. 84, no. 10, 432-439.

Community Right to Build Orders – because there is as yet too little experience from which to draw any conclusions.

1.5 This paper is intended as a review and it draws some clear conclusions. It was never intended to be a guide to communities or authorities on what to do next time to improve practice. However, because of our commitment to try to help communities engaged in NP work (and authorities), we highlight some key points on this, drawn from the main text, in a final Recommendations section.

*Please note that no authority or community names are used.*

## 2. BACKGROUND

2.1 Despite some political hype to the contrary (see later), the idea of operating some aspects of the planning system at a very local level was not new when NPs were being considered. In the mid 1990s, Village Design Statements (VDSs) were introduced via the (then) Countryside Commission and subsequently backed nationally. VDSs were the first time in the world that local communities, in this case almost entirely rural, could produce planning documents that could then be legally backed by the relevant planning authority. Over 2,000 VDSs (and Town Design Statements) have been produced since then, some also being for urban neighbourhoods.<sup>2</sup>

2.2 The fact that the scope of a VDS was limited to design prompted many rural communities to seek further opportunities for serious involvement in many other issues of concern to them. This led to the promotion, again by the Countryside Commission, of Parish Plans and then Town Plans. These were again something on which local communities could lead and several thousand have now been produced. One problem was that many plans focused on issues that could not be addressed through the land use planning system. As a result of advice from the Commission that Parish/Town Plans could also be adopted as Supplementary Planning Guidance (SPG), community aspirations were often raised inappropriately, so any form of adoption within the planning system ceased to be recommended.

2.3 The principle of very local determination also had wide-ranging general support via a whole medley of initiatives from the Labour government pre-2010, for example about decentralisation of some local government services. Hovering in the still mainly academic background there was also the ambition of 'collaborative planning' and, as now, debate was continuing in academic circles about issues such as democratic principles (representative v. direct v. participative systems), globalisation, modernism, neo-liberalism and so forth (and, very recently, populism)<sup>3</sup>.

2.4 Much of this emerged from the political left but was later appropriated into mainstream thinking. For the new regime post 2010 of the Conservative and Liberal Democrat coalition, issues of delegation, decentralisation and community control remained important. This manifested itself before the 2010 election through high profile statements by David Cameron and others from the Conservative Party, cohering around the theme of 'Big Society', with a (then) sub-text about Localism.

2.5 Most importantly for this paper, subsequent moves such as the Localism Act were rooted in Conservative Party ideas about planning expressed mainly through their own Green

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<sup>2</sup> Village Design Statements were invented and developed by Jeff Bishop and Ian Davison; Jeff now being with Place Studio.

<sup>3</sup> L. Juppenlatz: 'What Neighbourhood Plans can do for Local Democracy', *Town and Country Planning*, 2016, Vol. 85, no. 7, 279-285.

Paper entitled 'Open Source Planning'<sup>4</sup>. Though this did not mention Neighbourhood Plans as the specific methodology, all the necessary hints were there, as was the appropriation of the word 'collaborative'. Three themes stood out from this Green Paper, which have become embedded in the modern planning system, facilitated by the Localism Act:

## 1. Collaborative Planning

Open Source Planning emphasised “.... giving local people the power to engage in genuine local planning through collaborative democracy ..... local people in each neighbourhood will be able to specify what kind of development and use of land they want to see in their area”.

The paper also highlights an issue to which we return later - the relationship between Neighbourhood Plans and Local Plans - when it suggests “*designing a local plan from the 'bottom up', starting with the aspirations of neighbourhoods; the evolution of the plan starting at 'ground level' in neighbourhoods with every single resident of the neighbourhood approached to take part*”.

## 2. Encouraging more development

Open Source Planning argued not just for giving local people the power “to specify what kind of development and use of land they want to see in their area”. It also argued that this would foster more positive, even proactive approaches by communities to all development, most importantly housing. The argument, shared by many from the left, was that “*when people feel they have a genuine say on the merits of any development local to them, they are much more likely to take a positive attitude towards the benefits that it will bring.*”

## 3. Incentives

Open Source Planning also proposed financial incentives related to support for new development. Having already said in other policy papers at the time that “*when your community builds more homes, central Government will match pound-for-pound the extra money that your area gets*” this was reinforced by the statement that “*we also commit to allowing neighbourhoods to keep some of the money contributed by developers to councils at the time when planning approval is given*”.

2.6 All of this, and other aspirations, was eventually worked up into what became the core trinity of neighbourhood planning in the Localism Bill then Act (of 2011): Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders.

2.7 This short history therefore belies the claim made at a semi-private meeting with then Secretary of State for Communities and Local Government, Greg Clark, to the effect that “*I am proud to be part of a government that invented neighbourhood planning*”. In reality, the principles and practice had evolved over many years.

2.8 It also relevant to note that, for a very brief period (and presumably trying to avoid the feeling that 'their' ideas had been appropriated), there was a hint of a Labour party policy to make the preparation of NPs a legal requirement for *all* communities across the country.

2.9 With this in mind it is important to note that the academic literature about NPs has

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<sup>4</sup> Go to: <https://issuu.com/conservatives/docs/opensourceplanning>

focused very heavily on consultation, engagement and, more broadly, concepts of decentralisation, delegation, power within the planning system and so forth. The prevailing critique is that the whole NP system is purely instrumental, i.e. set up as a means to deliver the national agenda of more housing, not because it is good to delegate power regardless of the outcome. This is probably true and should be borne in mind when reading what follows.

2.10 *There is no space in this paper to elaborate the long tradition in UK town planning of community participation, consultation or engagement which provides an almost ideological foundation to initiatives such as NPs. This had some faint roots in the very start of the planning system in 1948, received a major boost during the 1960s and was then boosted again through the 2004 Planning Act. Even though much of this was never fully incorporated into mainstream practice, it is an important back-story. There is a fuller version of this history in Jeff Bishop's book 'The Craft of Collaborative Planning'<sup>5</sup>.*

### 3. THE LOCALISM ACT AND THE BASIC REGIME

3.1 The regime for NPs that was put in place through the Localism Act, some secondary legislation and regulations, and some quite speedy changes: included the following:

- NPs could be done by fully constituted Parish or Town Councils or by urban neighbourhoods. In urban areas any group wishing to advance a NP needed to create a Forum, constituted in an appropriate way to satisfy the regulations.
- The geographic area for the NP had to be agreed with the local authority by submission of an area designation proposal.
- Unless there were technical errors, the authority then had to designate the area and plan preparation work could start.
- External support was available from the outset in terms of time and information provision by the local authority (a legal duty but also backed up with government funding) and access to professional help and grant aid (which could also cover consultant costs).
- NPs had to be in "*general conformity*" with higher level plans and satisfy 'Basic Conditions' that included conformity with European legislation.
- Though not a Basic Condition, high standards of community consultation or engagement were required to ensure that the NP was a genuinely "*shared vision*".
- Once a draft plan was ready it had to be formally consulted upon not just with the local community but also with key stakeholders (e.g. Environment Agency), all this stage being under the guidance of the local authority.
- Assuming nothing more than minor changes following the first consultation, the final plan was to be submitted for formal Examination, described as "*light touch*". This was expected to be managed mainly by written representations, only rarely requiring a hearing.
- If that was successful and only minor changes were needed, the plan would then be taken to local referendum. All those resident in the area and on the voting register could vote and a plan would succeed if more than 50% of those voting supported it.
- At this point the local authority would have to 'make' the plan and it would become a full part of the authority's suite of legal planning documents, carrying equal weight on decisions within the NP area.

(All of the above only applies to England. See later for a forthcoming Welsh alternative. Neighbourhood Plans in Scotland are very different so are not commented on here.)

### 4. SETTING UP THE NEW PROCESSES

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<sup>5</sup> J. Bishop: 'The Craft of Collaborative Planning', Routledge, London, 2015.

4.1 With this broad regime in place (if changing in detail almost literally from day one), various initiatives were put in place, mainly by central and local government, to get things started. (The following is not necessarily in date order as things overlapped and changed.)

4.2 However, before listing these initiatives, a very important point must be noted. Central government in the UK has always had an internationally enviable record of putting in place thorough monitoring and research when new initiatives have been launched. We are not aware of any government funded, systematic monitoring or research on Neighbourhood Development Plans in terms of their effectiveness, value for money or real impacts. This is a significant gap and a key omission in the establishment and evolution of NPs.

4.3 With government support, the national Planning Advisory Service (PAS) initiated a series of training courses around the country mainly for local authority planners about Neighbourhood Plans. These were very well supported. No similar courses were run specifically for local authority elected members although there were sessions about neighbourhood planning in some of the Local Government Association's 'Leadership Academy' courses for senior councillors. PAS was not able, however, to run courses for a key group - Parish/Town council members – because that is not part of its remit. All of these events were well attended and there was a real excitement about what was billed as the biggest change to the Planning System since its introduction in 1948.

4.4 Many local authorities ran their own internal training courses and many of those included authority as well as Parish/Town councillors alongside, or separately from, their planners. Additional guidance and some training sessions were also available in some areas, but the coverage was patchy. Many of these were facilitated by organisations such as The Prince's Trust, Locality and the Campaign for the Protection of Rural England (CPRE), some by an authority's own planning team.

4.5 The organisations named above also produced national guidance, as did some authorities for their own areas (though this varied considerably in scope, length and usefulness). One authority produced around 40 guidance notes. A rather different guide was produced via a local branch of CPRE by Place Studio<sup>6</sup>; different because it offered an overview of all available community level planning tools including NPs (e.g. VDSs) and stressed the need for communities to make the most appropriate choice for their situation, which might not always be a NP.

4.6 Some authority planning teams were quite positive and proactive in direct support of the new initiatives while others provided only minimal support (despite the legal duty to provide assistance). MPs also added their weight, especially but not solely Conservative and Liberal ones, through their websites, talks, promotional events and visits to (for example) parish councils. The DCLG also started to produce a fairly regular newsletter about neighbourhood planning, mainly for professionals.

4.7 Other important early backing came from a programme of pilot NPs around the country. These pilot projects were originally termed 'Vanguards' but soon became termed 'Frontrunners'. DCLG put out a request for local authorities to contact potentially interested communities and submit proposals for those keen to get started on a NP. The programme went through several phases, eventually ending with around 230 potential NPs. Once selected for the programme, each local authority received £20,000 per plan to assist the work, though it was very unclear what this was for, notably whether it (or part of it) could or should be delegated to any local NP groups. Frontrunners were also able to access the funding outlined in the next section. (Also see section 6.3, Performance Data.)

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<sup>6</sup> This guide – 'Planning and Localism: Choices and Choosing' – is available from Place Studio.

4.8 The DCLG did, however, start another initiative that helped both to promote and share good practice, if not to produce genuinely thorough, or consolidated, or published research. This was the national network of 'Neighbourhood Planning Champions'<sup>7</sup>. These were mainly either local authority officers and community members who have worked on Neighbourhood Plans. This group had input into the review of the primary legislation (leading to amendments in October 2016). In addition, Neighbourhood Planning Champions have an outreach role in promoting and sharing their skills and experience in this area of work.

*The rest of this paper, until the Conclusions and Recommendations, considers some of the practice and potentials, but also pitfalls and quirks, of each key stage in the preparation of Neighbourhood Plans. The sections follow, if not entirely one-to-one, from what was outlined earlier about the overall regime for producing NPs.*

## 5. THE REGIME IN OPERATION

### 5.1 Designation

5.1.1 Communities in urban areas, lacking any parish council, could seek to progress a NP by forming a Forum of local people. Initially, that Forum had to be of just 3 people but this was very soon amended to 21 people. (There were some other minor restrictions put on Forum membership.)

5.1.2 Although Parish and Town Councils could advance NPs, Parish Meetings, which usually operate in extremely small parishes, could not. One Frontrunner community in Devon (population c.140) with a Parish Meeting only, put forward by their local authority without their support, could not progress their NP without either constituting a Forum of 21 people - c.15% of the total population – or becoming a full parish council. They eventually developed just a Design Statement and it is unclear what happened to the majority of the £20,000 their authority were granted to support them – see later.

5.1.3 Not surprisingly therefore, it soon became clear that it was rural and semi-rural Parish and Town Councils and their communities which were coming forward most commonly to start NPs; places where there had also been, for many, a history of VDSs and Parish Plans and access to the national network of support organisations for rural communities: the Rural Community Councils (RCCs)<sup>8</sup>. For many urban communities and even their local authorities, it was not only an issue of 'what has this got to do with us?', but this was added to by the uncertainties around the definition of neighbourhoods in urban areas, the complexities of starting a Forum and the lack of an urban equivalent of RCCs to provide support.

5.1.4 As things played out, this general pattern was further complicated by the geographic and socio-economic profile of those coming forward. As Parker et al have shown<sup>9</sup>, using figures from 2016, 53% of communities underway with NPs were from East Anglia (11%), the South East, (22%) and the South West (20%), all excluding London and cities such as Bristol and Norwich. Just 3% were from the North East and 7% from the North West. Within this, 91% were parished areas, only 9% were Forum areas. Full socio-economic analysis is not possible given relatively low sample numbers, but Parker et al have also shown (also from 2016 information) that 73% of participating communities were ranked in the top three quintiles on the Index of Multiple Deprivation, suggesting a very low take-up from disadvantaged, hence more commonly urban, areas.

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<sup>7</sup> One member of the Place Studio team is a Neighbourhood Planning Champion.

<sup>8</sup> Though RCCs vary in their commitment to NP work, the Gloucestershire RCC has been extremely proactive, working in close association with Place Studio.

<sup>9</sup> G. Parker, and K. Salter: 'Five years of Neighbourhood Planning', *Town and Country Planning*, 2016, Vol. 85, no. 5, 181-188.

5.1.5 Adding anecdotally to this, it is the experience of Place Studio that some urban NPs are being initiated by local authorities deliberately in more disadvantaged areas as a stimulant for, or contribution to, already understood issues of disadvantage and often focused on major regeneration. If this proved to be a general pattern (which we suspect to be the case), it would further demonstrate that the original initiative in many urban areas is coming mainly from the authorities, not the communities.

5.1.6 In general, Parish and Town Councils have achieved designation for the whole of their area. There have been exceptions that are smaller, notably where only a town centre or central area has been designated. There have also been some examples of Parish Councils working together to address a larger area; in one case, where Place Studio provided support, 7 parishes (with a total population of 4,000) worked together to successfully complete a NP. Urban Forums have of course been able to define their own area and these vary considerably in geographic and population size (one has a population of around 28,000).

5.1.7 In almost all cases, local authorities have accepted the area as applied for by a Parish/Town Council or Forum. In one case, however, the acrimony resulting from an authority changing the community's applied-for boundary led to several court cases. This was in an authority where, after the Local Plan was well on its way to adoption, the MoD released a very large area of land, potentially for housing. The community adjacent to the site (at that time without any local organisation but containing many legal professionals) did not want the development to happen, so they created a Neighbourhood Forum and applied for a designated area that included the ex-MoD site. The authority refused to allow the NP to include the MoD site because they judged it to be a strategic site. The courts eventually found in the authority's favour, but the community continued with the NP with the aim that it could influence some aspects of what took place on the ex MoD site.

5.1.8 In other places, neighbourhood areas have been designated containing or abutting strategic sites, but with clear parameters as to what the NP can and cannot influence. Place Studio are working on a number of Neighbourhood Plans that will be able to influence strategic sites either directly or indirectly (eg. through applying NP design standards).

5.1.9 Place Studio are in fact now working on another interesting and different example of a link to a strategic site, although it is too early to offer an outcome. In this case, a NP area has been designated to include an extremely large ex-MoD airfield. Though the future release had been known to the authority for some time, it was not mentioned at all in the Core Strategy or in the subsequent Housing Allocations DPD, perhaps because the site is very poorly served by roads, so major development is questionable. However, if forthcoming masterplanning work suggests major development, this would surely have to be seen as a strategic site, so there will be questions about how this might be handled within a NP, especially in terms of the Parish Council's role as, in effect, the planning authority!

5.1.10 On the basis of information from DCLG in October 2016, "over 2,000" NPs were underway. There are close to 10,000 Parish and Town Councils in England and if one divides the urban population of c.37 million into units of 5,000 (a typical rural NP size) that would be a further 7,500 'neighbourhoods'. That totals c.17,500, so the current overall take-up is a little under 10%.

## 5.2. Management

5.2.1 Where a Parish or Town Council was in place, the principle from the start was that any NP for their area could only be advanced through that statutory body. This did not necessarily mean that the Council, i.e. the councillors, had to do all the work or indeed that it was only councillors who could do all the work. Designation had to happen through the Parish/Town Council, any submitted plan had to come from that Council and any

referendum would have to be part-managed by that Council, but it was possible for any Council to set up a completely separate group to actually prepare the NP. In fact, creating a partially related Steering Group comprising some councillors and some others was regularly pushed in guidance and advice.

5.2.3 Very strangely, the original guidance about urban Neighbourhood Forums, as above, suggested a membership of just 3 people. Not surprisingly, that was soon adjusted to a minimum of 21. No argument was ever produced for either number. Given that many (the majority of?) urban neighbourhoods lack any form of residents' or community organisation, this was almost certain to lead to a slow take-up, something exacerbated by the fact that many such neighbourhoods are almost totally developed, producing little incentive to invest time and effort into a plan to manage nothing much more than extensions and conversions (although one early NP for a neighbourhood in central London involved nothing more than a Design Statement).

5.2.4 In general, NPs in parished areas are being managed by some form of Steering Group that includes, as advised, one or more Parish/Town Councillors and others from the wider local community. The latter are, however, usually part of the Council's local network (some being ex-councillors), i.e. 'people we know', although in some places there has been an open call for interested people and, very often, other keen and relevantly skilled people have emerged and been brought into the Steering Group as work has proceeded. There have, however, been some NPs that have been led solely by a small group of Councillors. (This has implications picked up later.) It is also not uncommon for any Steering Group to include at least one District/County/Unitary authority member, some of whom are also members of their Parish/Town Council.

5.2.5 The pattern for urban Forums is very varied but, in the absence of local statutory bodies, there are no very local elected representatives to involve. Some urban Steering Groups do, however, include a councillor from their District (or other). Urban Forum membership is often more varied, drawing in people from established local voluntary/community groups plus motivated individuals. A number of Forums operate in regeneration areas and will often be a sub-group of the local regeneration partnership (or other name). These may on occasion be very local authority led rather the community-based.

*(We are not covering here the issue of business-led NPs. There are very few and almost no feedback from these as yet.)*

5.2.6 Given that the role of any Steering Group is (or should be) to steer rather than necessarily do, the next question is about the involvement of others. Many Steering Groups naturally have, as a result of their type of community, members who are relevant professionals; in one case the group was made up entirely of planners, architects, estate agents, surveyors and lawyers! In other cases, these skills have been sought within the community, not always successfully, either because they are not there or those encouraged to help choose not to do so. In less affluent areas, and many urban areas, finding and engaging relevant professionals is not possible (see later section on the use of consultants).

5.2.7 These 'others', if not formally on the Steering Group, are most commonly involved to contribute specific personal skills and experience on an ad hoc basis. This can be to help with surveying, questionnaire management, photography, drawing plans, facilitating meetings, note-taking and so forth, and can be either a short, one-off contribution of a few hours or days, or a very considerable, even ongoing role.

5.2.8 Finally, though not exactly 'community involvement' but nevertheless extremely important, many groups have drawn in small or sometimes very large numbers of local people to do specific tasks, often of evidence collection. For example, in one case of ours, in

a medium-sized village, over 140 people undertook character assessment and site assessment work.

### 5.3. Support and Funding

5.3.1 It was recognised from the outset that getting from the start to having a made NP would be a considerable challenge for local people, not just any Steering group, not just those undertaking evidence collection but almost everybody in any plan community. The process was also recognised to involve direct costs for communities: meeting room hire, printing and circulating surveys, producing maps, a good-looking final plan and so forth. For local groups, there were also recognised to be challenges in terms of access to support skills, advice and expertise.

5.3.2 There would also be resource issues of time and costs for local authorities; not entirely optional as this was in the Localism Act (if not well defined then and still not well defined) as a "*duty to support*".

5.3.3 Assessments published in 2013 by DCLG suggested a cost of between £20,000 and £86,000 per plan, though it was unclear whose costs this might be – community, authority or both.

5.3.4 At the outset there was, quite understandably, no way to inform communities with any certainty about the scale of the challenge (and not just the direct costs as above), although we have often found it (and still find it) useful to be able say to people (inevitably just rural people), who had been involved in preparing a Parish or Town Plan, that a NP would take a considerable amount more time and cost considerably more. Sadly, one result of the lack of thorough monitoring by government, and as a contrast to some other government initiatives, has been that there is no proper record of how much time local people have given and only scant, anecdotal records of how much it has cost them to prepare a NP. This also means that, after 6 years, there is no available clearer information to guide communities about resource implications at the outset.

5.3.5 Much the same was true for local authorities, although (a) despite the duty to support, practice varies a lot and (b) some costs, notably for examination and referendum, could be at least guessed on the basis of similar experiences. It is the local authority support during plan preparation that was (and still is) impossible to estimate; each group and each NP is different.

5.3.6 Although the majority of our own direct or indirect experiences of local authority support have been positive, there have, however, been some worrying examples of a lack of authority support. In two examples, the NP contact officers for the local authority have been in the development management section. This has meant that they have been generally unaware of any detail about neighbourhood planning, have very limited influence over those in the policy section (for example when it comes to seeking their attendance at meetings) and operate under the very different time pressures to policy staff. There have also been occasional examples of officers being reluctant to pass on key maps or statistical data, arguing (wrongly) issues about confidentiality and ownership. (We have had, on occasion, to remind officers that Parish/Town Councils are fully statutory bodies preparing fully statutory plans!)

5.3.7 Another issue we have encountered, sometimes with limited impact, sometimes with major impact is when clearly over-stretched officers in an under-resourced department other than planning, have said that they will not spare the time to provide key information. This has been particularly the case with highways officers, yet highways officers' opinions on access possibilities for sites is so crucial that a site cannot be put into a NP without that information, thus preventing often key site allocation proposals.

5.3.8 One other important and as yet unresolved question remains about whether or not an NP group can access some of the information about ongoing pre-application discussions. In one case we have encountered, access to a large and important development site was not possible unless an adjacent development included a road through to the site. Development management refused the NP group access to any information at all about the ongoing pre-application discussions, even just an answer to the question of whether a through route was being discussed. That lack of information fundamentally prejudiced the ability of the NP to include the large site and yet this would not apply were the request to come from that authority's own policy team.

5.3.9 As suggested, authority practice has varied. Some have been proactive, promoting and encouraging people to start NPs, providing regular and often quite time-consuming advice (often including outside normal hours) and even producing suites of detailed guidance notes. Others have done little and remained purely responsive (some community representatives describe being put off by officers). Not surprisingly, it appears to be the larger and more proactive authorities which are more likely to have in post a designated 'Neighbourhood Planning Officer' (or more than one) although NPs are rarely their sole remit. We cannot, however, find any real correlation between the amount of effort put in by an authority (either by promoting NPs or having staff to support them) and the number of plans coming forward in different authority areas; in some cases it appears to be an inverse relationship.

5.3.10 As one example, two unitary county authorities can be compared. Authority A has some very basic information available on its website and has only very recently started to be more proactive about NPs (if only after pressure from the local RCC). As of now they have about 22% coverage of NPs in their parishes and towns. Authority B provides a suite of guides, has promoted NPs in several ways from 2011/12 and had several NP officers in post (the number has now been reduced as a result of funding cuts). Their coverage of NP parishes and towns is now close to 90%. There is no other obvious explanation for this variation other than attitude, maybe only from officers, probably also reinforced by members.

5.3.11 The need to provide support both to communities and authorities was known from 2011. At the outset, in addition to the £20,000 per Frontrunner, support for training and advice was provided indirectly via four voluntary organisations: The Prince's Trust, CPRE, Planning Aid England and Locality. This led to four very varied approaches and, from our own experience, considerable confusion amongst active communities. It also meant that there was no financial support until 2013 for those communities arriving afresh and not as Frontrunners.

5.3.12 Things settled in around 2013 to a two strand programme. One strand, administered by Locality with Planning Aid, provided grant aid direct to NP communities on successful completion of what many found to be a complex form, and/or access to advice from one of the Locality/Planning Aid team. The sum available from grant aid has varied but was until recently a maximum of £9,000 per plan regardless of the size of the community and the scale of the NP ambition and coverage. Once it had become clear that pressured, urban and/or less advantaged communities were less likely to start NPs, additional sums of £6,000 were made available for places with Neighbourhood Forums, in deprived locations, high growth areas and areas with populations over 25,000. It is also now possible to apply for a further £6,000 if the plan faces particularly complex problems (e.g. with the ex-MOD airfield mentioned earlier). Very importantly, the grant aid sums available were the same for a parish of 1,000 people anticipating development of perhaps 10 houses and a large town of 15,000 people anticipating development of 500 houses.

5.3.13 The other strand involved financial support to local authorities from DCLG per NP in their area (at one time up to a limit of 4 per year). The sum chosen was £30,000, to be paid on

completion, although the majority of this (often around £20,000) was to cover the costs of the examination and referendum.

5.3.14 There is a clear mismatch here between the originally anticipated costs of NPs (£20,000-86,000) and grants available, requiring (if those figures were correct) virtually every community to cover the funding gap themselves. The costs for even a small rural community may not have proved to be £20,000 but they are still noticeably more than is available in grant aid. Equally, for any large community there is an even more dramatic gap between grant available and the upper figure of £86,000. Some communities have dug deep (many parishes have raised their precept), some have placed great stress on community time and others have managed to access other funds. However, it is easy to see how poorer communities (in every sense<sup>10</sup>) would have been put off doing NPs given the inevitable funding gap.

5.3.1 The grant aid and advice support service via Locality appears to be working well, if rather challenging for many unfamiliar with grant applications or planning and if rather blunt about the size and scope of prospective NPs or the nature of the interested communities. However, there are serious questions about the funding to local authorities, about both the original £20,000 and the subsequent sums of £30,000. (NB. Frontrunner NPs attracted both sums, not just one or the other.)

5.3.16 In the case mentioned earlier of the tiny Devon community with a Parish Meeting, the local authority received its £20,000, paid around £5,000 to the parish to help produce their Design Statement and then appear to have retained the rest for themselves. The £30,000 sums were only given out on completion (which helps) but still without any controls on how it might be used. Local authorities giving out grant aid themselves often place extremely rigorous demands on communities receiving grants to ensure proper accountability for the money passed across. However, though it would seem to be a matter of principle that the same should happen in reverse, i.e. that an authority should account to each NP community for how the money has been spent, we as authors have never experienced this happening.

5.3.17 This alone is very worrying but the situation is worsened by the fact that these £30,000 sums do not need to be returned to DCLG if not spent, whereas any unspent Locality grant aid must be returned; a double penalty against communities. Given the diversity of effort and promotion outlined earlier between different authorities, this can only mean that some communities have been denied their proper support.

5.3.18 It is, of course, impossible to tell how many communities were either put off doing a NP in the first place because of what people had heard, knew or had picked up from guidance about the cost and resource implications of undertaking a NP. It is also not possible to find out how many groups may have stopped some time after starting; something which overall monitoring could easily have picked up. (A request was made to DCLG for information on which of the many Frontrunners had ceased working on their NP, but this was not released.)

## 5.4. Scope and Coverage

5.4.1 Given that NPs operate at some form of neighbourhood level (though some designated areas are quite large), there were from the outset some limits to their scope, both in terms of what they could not do and what they should, perhaps must, do.

5.4.2 The key requirement was that any NP must be in "*general conformity*" with strategic aspects of higher level plans, notably any Core Strategy or Local Plan. The lack of any clear definition of 'general conformity' might appear worryingly loose, but the intention, as with

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<sup>10</sup> This is not just about access to money; a doubling factor for poorer communities is that they are less likely to include planners and other professionals within their communities.)

much other legislation, was that the results from the first plan examinations would slowly help to close in on useable definitions. This was also very much in the spirit of neighbourhood planning and local distinctiveness in that what was appropriate in the context of one Local Plan might not be in the context of another Local Plan (or hence NP).

5.4.3 Without knowing what community aspirations were finally excluded from emerging NPs because of non-conformity, either in preparation stages or as a result of responses to the first formal consultations, it is impossible to know how far (or not) the word 'general' has been stretched. Anecdotal knowledge offers examples of examination results where NP groups had tried – and failed - to get whole swathes of land around a village designated as Local Green Space and we ourselves have often had to explain to groups that, for example (the full list is much longer) and in general, they almost certainly cannot specify exactly what house types might be developed generally or on specific sites, that they cannot change parking standards or that they probably cannot change authority-wide density standards (though the latter is mutable).

5.4.4 It is also the case that a NP cannot, without considerable technical and viability evidence, include standards for issues on which the higher plan is silent, for example renewable energy requirements in new buildings. This makes things particularly difficult when NPs are being prepared in places where the Local Plan is not yet in place or is being reviewed and national or local practice has moved on.

5.4.5 From our experience, it has also always been the case that communities set improvements to traffic and transport as a high priority at the outset and are then frustrated or annoyed that NPs cannot address the majority of these issues, at least not through policies. Much of this, in rural areas, is a result of people assuming that what was in their previously produced Parish or Town Plan could simply be slotted straight into their NP. (The reason for this is simple; NPs are land use plans so can only influence those aspects that are subject to planning permissions, whereas highways works secure permissions through different legislation.)

5.4.6 Definitions of general conformity are also not black and white at the outset; in other words any variation of a higher plan policy depends heavily on the quality of evidence produced by the NP group. One interesting example from one of our projects involved design standards, a classic focus of local distinctiveness. This NP was being produced for a village in a district that was almost entirely covered by an AONB and which had set, in its Local Plan, design standards using a district-wide Design Guide. The NP village was outside the AONB and its character was very different to that of one of the long-established, traditional villages; it was a late 19<sup>th</sup> century 'plotlands' development. As a result, the community produced, with our guidance, a very robust Design Statement that demonstrated why the district guide was entirely inappropriate and providing relevant, village-specific standards. Despite objections by the authority, the examiner accepted this. (Similar examples can be found for variations on, for example, housing density but in all cases this appears to depend on very strong and specifically local evidence.)

5.4.7 A key issue in terms of scope is the requirement for any NP to provide for at least as many new houses as required by the planning authority, and some on top by way of the level of contingency applied to other plans. In many cases, especially for smaller rural communities, no formal allocation exists and, from our own experience, sensible but strictly advisory – yet potentially highly challengeable - figures are suggested by planning officers. There are also, only very rarely, allocated figures to specific urban neighbourhoods (unless specific regeneration sites are included).

5.4.8 We have also encountered a situation in which the housing targets for a sub-area of an authority (but not the authority as a whole) had already been met through completions and permissions so the target for the NP was zero! In another case, in the same authority, the sub-area figure was 149 houses, such very tight settlement boundaries had been set for those

places where the housing was being targeted that those settlements could not achieve the figure, yet all the remaining part of the sub-area was in an AONB where, in principle, no housing should be located! This anomaly is yet to be resolved

5.4.9 What still remains unclear is the status of any figures before any Local Plan/Core Strategy is adopted and when a plan review is underway (which perhaps affects almost 50% of authorities). Inseparable from this was until recently the requirement on Neighbourhood Plans to provide a 5 year supply of housing land in line with the requirement laid on their local authority. This heavily penalised communities where the emerging NP was patently taking the responsible approach of providing a good amount of housing land, yet that plan was then being challenged because the main local authority could not demonstrate an overall 5 year supply. A Ministerial statement early in 2017<sup>11</sup> changed the requirement on any almost complete NP to a 3 year supply although, at the time of writing, this was subject to legal challenge by national house building companies. (In addition, of course, in the absence of any formally agreed target number of houses or amount of land, no proof of period of supply is possible!)

5.4.10 One other aspect of scope, one that causes confusion, even annoyance, at local level amongst both NP groups and planners, is the lack of any 'Duty to Cooperate' as is applied to strategic plans. This is despite the early statement in 'Open Source Planning' about "*giving all local planning authorities and other public authorities a Duty to Co-operate so that there is a sensible conversation between all those involved in shaping neighbourhoods and the landscape*" (our underlining). Most NPs are focused on areas that do not contain all the appropriate community facilities – secondary school, doctors' surgery etc. Equally, some NPs do contain, for example, a secondary school but that may well serve a catchment of 10 or so other NP areas. We ourselves are aware of several NPs being prepared in locations where the NPs in adjacent parishes are suggesting that their parish wants, or even will have, the 'missing' doctors' surgery! Taking NP level decisions without being able – or required through a 'duty' - to plan coherently for important facilities located outside the designated area means that the overall net result is either a mess or key issues are simply not addressed by any single group.

5.4.11 One recent case we have experienced (only described here in basic summary) is even more worrying. The NP for this town includes a large area of land to the east of the town, outside the settlement. Much of this land is owned by the local authority and they are understandably keen, in these straitened times, to maximise their resource. They therefore commissioned a study of the potential for development of that land but neither in preparing the brief for this work, commissioning it or during the consultants' work has any contact at all been made with the NP group (the report is not yet out). Yet (a) it would only be through the NP that any development could proceed before the Core Strategy was reviewed and (b) the scale of development that the grapevine suggests may emerge from the study would undoubtedly be strategic, raising questions as above about how or whether NPs can deal with such proposals.

5.4.12 Reflecting on the above reinforces the statement in the Introduction that NPs are primarily instrumental; they are simply another way of delivering what the planning system, as construed by the government of the time (or, as in the case above, the local authority), wishes to see happen. This is the rationale behind the use of the highly bounded phrase 'general conformity' which only allows a very limited 'stretch' to what planning usually focuses on. We have, on occasion, been asked why NPs cannot be more forward looking (e.g. to consider the implications of electric cars, advances in IT and communications, alternative models of agriculture and of work), why are they trapped in 'visions' that suggest

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<sup>11</sup> Go to: [www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-12-12/HCWS346/](http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-12-12/HCWS346/)

little more than minor positive changes in the world as it currently is. As of now, we cannot answer that.

## **5.5. Evidence and Policy Development**

5.5.1 This is a key area for any statutory plan-making and one on which many NP groups have foundered, either because they have been poorly advised or they have 'gone it alone' by ignoring any advice they may have got. It is also notable that there is almost nothing within national or local guidance about the collection and use of appropriate evidence.

5.5.2 Those groups which appear to have struggled most with evidence are those in rural areas where there has been a tradition, for well over 20 years, of communities producing their own Parish or Town Plans. As suggested above, when such plans emerged, people were told that they could have status within the planning system, probably as what was then Supplementary Planning Guidance. This was wrong at the time for several reasons, but mainly because (a) the nature of evidence for Parish/Town Plans was simply not robust enough for statutory planning work and (b) such plans could include every possible aspect, not just those related to planning permissions. In addition, the 'evidence' most commonly collected for Parish/Town Plans was based on the results of what was usually just one questionnaire to local households. Such questionnaires often used a nationally recommended question set, which appeared to give them appropriate credibility but which in fact just sought people's aspirations. At worst, they became little more than 'wish lists'.

5.5.3 Given the lack of guidance or advice on the nature of appropriate evidence for a statutory plan, many NP groups either used their own previous Parish/Town Plan survey results or developed a new questionnaire using a very similar format to earlier ones. In addition, and once again as a result of referring back to Parish/Town Plan work, many of these communities did nothing more than a single questionnaire as their whole NP consultation (see next section).

5.5.4 We have seen and commented on many of these questionnaires and, in general, they continue to be solely about aspirations and, in almost every case, they have included, as above, questions about aspects that cannot be dealt with through a NP, for example traffic and social/community relations. If not picked up in advance, these have then caused serious problems for the NP working group because they do not generate appropriately rigorous and topical plan-making evidence and because they raise aspirations which cannot be achieved through the NP, and that inability to deal with often lots of issues must then be communicated to the (usually then unhappy) local community.

5.5.5 Once this issue is picked up and addressed properly, NP Steering Groups generally appear to understand it and to understand the nature of strong, clear, topical and appropriate evidence. However, the challenge of producing planning-relevant evidence is then considerably more than what one can get from a relatively quick and easy single questionnaire.

5.5.6 The issue of appropriate evidence also knocks on into other aspects of what type and quality of information is required for a statutory plan, in this case a NP. As with other plans, NPs are expected to include some form of overall vision, clear and deliverable objectives and defensible policies. If site allocations are to be included, this requires further amounts and types of information. Furthermore, much of this, especially objectives and policies, must be phrased in a very particular way, which we find it easiest to describe to communities as 'planner-speak'! It is clear from reading many examiners' reports that a large number of their comments are not about the content or aspirations of what is in an examined plan but about the appropriateness of the phrasing. In fact, many examiners very positively suggest improved phrasing.

5.5.7 Almost all of those with whom we have worked have struggled with both aspects of this: the things to cover (vision etc.) and the appropriate form of language. As consultants, we try to avoid doing all the drafting of such material ourselves because it is important for any Steering Group in particular to genuinely understand the meaning and purpose of what is in their plan if they are to play a full role in the future in using that plan to deal with applications. This is a challenge requiring some creative (and even enjoyable) approaches to help groups to understand what is required and enabling them to do as much as possible themselves. We have, however, found that, using good techniques, many lay people are perfectly capable of writing in 'planner-speak' and value that opportunity.

5.5.8 These stages of plan preparation also highlight issues of the relationship in terms of plan content between a NP and any Local Plan and in terms of working relationships between the local planning authority and the NP group.

5.5.9 In terms of plan content, one other fairly frequent comment by examiners is that policies included in submitted NPs simply repeat unnecessarily and do not add to, extend or localise strategic plan policies. There is a natural tendency for NP groups to wish to cover 'everything' and to be cautious about whether the broad-brush strategic plan that covers their area is specific enough to their particular context, but simply repeating strategic policies is inappropriate. Equally, we have found it useful to point out to groups that what they are developing is simply a repetition because that then prompts them to look hard for evidence (then perhaps objectives and policies) that genuinely does localise and adds to the strategic level material.

5.5.10 The other very basic procedural question that we have, on occasion, been asked, is why a NP can be developed without the full consideration and formal evaluation of genuine options (as mainstream planning has to do, for example on retail location); something that local people with other jobs experience on a daily basis in their work. We have not been able to explain this, especially difficult when, as has happened, a Steering Group member was experienced in and pressed the importance of genuine option appraisal.

## **5.6 Exceptions Sites and Related Issues**

5.6.1 One issue that has arisen fairly commonly is about ways to deliver more affordable housing, given the constant complaints, echoed at national level, about developers finding ways to avoid providing what is required through plans. This is becoming increasingly difficult at the level of rural communities because social housing providers are finding it ever more difficult to manage the small, often highly scattered developments of 3, 5 or 8 social/affordable homes, to the point that some providers will not longer support such projects.

5.6.2 This is exacerbated, mainly but not solely in rural areas, by the assumption by landowners – a reasonable assumption – that if their land is clearly brownfield or within a town or village settlement boundary and is seen as developable, it will therefore have full development value. Although one standard approach to this is through permissions given for 'exception' sites, that model does not generally appear to be working well.

5.6.3 As a result, we have now been faced with neighbourhood plan groups asking whether they can include an exceptions site within their plan. This is of course tautological; there has to be a plan *before* a site can be an exception to it! Two solutions are emerging but neither has been tested all the way through the process as yet. One solution for smaller towns and villages is to define a tight settlement boundary in the plan, in the full knowledge that a known and generally agreed housing site can be advanced as an exception as soon as the plan is made. The second option, which we have managed, if in a slightly different context, is for a site for affordable housing to be included in the neighbourhood plan and, in parallel, a Memorandum of Agreement prepared between the Town/Parish Council and the

landowner setting the development value of the land (i.e. below market level) and/or the full nature of the development.

5.6.4 The above issues are proving particularly challenging for Community Land Trust (CLT) models which are, otherwise, seen very positively by NP groups. (There have, however, been problems where a CLT group is developing its ideas while a NP group is doing the same, not necessarily all working together.) The problem is that a site cannot be allocated specifically for a CLT so such groups are left with no choice but to pursue one of the routes outlined in 5.6.3 above (or some other route.)

## 5.7 Involving Landowners and Developers

5.7.1 National guidance has always stressed the importance of checking with, or notifying, landowners about, any intentions to propose development on their land. It is our experience that even the basics of this - simple notification – is not always done or done too late and that has sometimes generated challenge (in one case leading to a short public hearing as part of the examination).

5.7.2 In some cases, the landowner may already have a relationship with a developer, even an option on a site. Working with developers is not dealt with explicitly in guidance but would seem to be recommended. In rural areas in particular, developers may have options on many sites but, from our experience, the majority of these are outside settlement boundaries (formal or otherwise) so the options are often still quite wide-ranging in terms of possible eventual value (which can remain at zero for a site if a neighbourhood plan settlement boundary remains unchanged).

5.7.3 We are currently going through an experience of working fully with a developer who has an option on a site currently outside the settlement boundary (hence limiting its value today) but which will probably be allocated in the NP. That experience has, so far, been extremely positive for both developer and NP group because (a) by starting the discussions early, the developer has had to be sensitive to (reasonable) local aspirations in sketching out a draft scheme, (b) the community is seeing some benefits coming back (the inclusion of a new surgery) and (c) the landowner will still receive a large sum when the land is sold, even if that sum is smaller than his or the developer's hope value. (The phrase 'so far' is very important however, because, in two other situations, the developer sold on the land in question and the new purchaser would not abide by what had been agreed.)

## 5.8. Consultation

5.8.1 According to Paragraph 183 of the National Planning Policy Framework, those producing any NP must demonstrate that it is a "...*shared vision for their neighbourhood...*". This makes clear that providing robust evidence that the NP is built on the results of some level of wide community consultation, involvement or more thorough engagement is necessary for a plan to succeed at examination. Every NP must, from Regulation 14 stage onwards, include a Consultation Statement that should demonstrate what community involvement was undertaken and how the results of that are (or are not) reflected in the final plan (and if not, why not).

5.8.2 Despite pressure from many groups and organisations in a government consultation about NPs a few years ago, 'consultation' was not made a Basic Condition. Neither has there been, very confusingly, any clear statement that community involvement in a NP must meet the standards laid down in an authority's overall Statement of Community Involvement (SCI) in relation to statutory plans. One would have thought that this would have been an obvious and easy step, although SCIs are no longer required to be produced, and many have become out of date or do not lay down any useful and clear principles and practical guidance.

5.8.3 From our own experience, this lack of clarity relates in part to concerns amongst examiners and Inspectors that they are not trained, and therefore do not have the skills, to assess the quality of community involvement, even when there is a thorough Consultation Statement. This judgement is certainly correct in that they receive no relevant training but assessing community involvement is, in principle, no different to assessing some of the other superficially more technical information in any main plan; a task with which they are very familiar. There are also now clearly established national standards that can be used in assessing involvement.

5.8.4 Practice across NPs appears to vary considerably. Many parish groups have assumed that a NP is little different to their Parish Plan and they have simply done a questionnaire, held an exhibition and then produced a Reg. 14 draft. Furthermore, almost all the questionnaires we have seen have been very poorly phrased, biased, asking about issues (e.g. community spirit) that a NP cannot deal with, or in some case all of these!

5.8.5 This takes us back to comments on Management above. The pattern appears to be very simple. Where a small group (a clique) is advancing the NP, then very little serious community involvement is done. Where the Steering Group sees itself as being managers of plan-making on behalf of the whole community, the extent and quality of engagement is far better. In some cases, the involvement has genuinely accessed almost all in a community, people have been offered genuine opportunities to contribute at various times and in various ways and, through a thorough report, it is possible to show clearly that a plan is properly a "shared vision".

5.8.6 The problem then comes when, given that 'consultation' is not a Basic Condition, some examiners have shown themselves unwilling to value the outcomes of even the best community involvement, and some NPs have cleared examination even when lowest common denominator consultation has taken place. Where a NP is trying to stretch the notion of 'general conformity', it should not just be the technical evidence that an examiner should use when assessing the use of the term 'general' but also the strength and clarity of the community support – to show the plan is a "shared vision".

5.8.7 To the best of our knowledge, only one NP has failed at examination stage because of (Inter alia) poor consultation. In this case the examiner stated that "*the Consultation Statement provides little substantive evidence to demonstrate how, or whether, all of the views and opinions of local residents were considered as the plan itself emerged through consultation*". This alone was the reason for requiring (very unusually) a public hearing on the plan, at which, when asked whether or not local people considered that the plan reflected a shared vision, "*the responses were overwhelmingly negative*". The examiner concluded his report by saying that:

*"I have reached the conclusion that public consultation was not robust. There is evidence to demonstrate that the Neighbourhood Plan fails to reflect the views of local people, despite efforts on behalf of local residents to have a direct and meaningful involvement in the plan-making process. .... Consequently, I cannot conclude that the Neighbourhood Plan reflects a shared vision for the Neighbourhood Area, having regard to Paragraph 183 of the Framework."*

5.8.8 Though this was an extreme example, many more NPs could, and perhaps should, have failed at examination for similar reasons. When asked, as we have been, 'why should we do X and Y by way of consultation when community A got away with almost no community involvement', it is difficult to provide a positive answer.

## 5.9 Use of Consultants

5.9.1 The grants managed through Locality<sup>12</sup> provide the opportunity for Steering Groups to gain funding to pay for outside consultants to undertake certain tasks in plan preparation. In the absence of proper monitoring, no information is available on how many NP groups have employed consultants, either with or without their work being covered by grant aid, what specific tasks they have been employed to undertake and how much in total or per day the consultants have been paid (although a day rate cap is set out in the Locality grant process). Neither is there any information on the manner of their work with communities; i.e. have they done all or some tasks entirely themselves or have they focused on skill-sharing, capacity building and enabling communities to do the work themselves?

5.9.2 This lack of information is not surprising; consultants – even on ‘community’ issues – are still in competition with each other and we have not yet been in a situation where we have taken over from other consultants, and hence could compare details of relative approaches (or others taking over from us). Our own approach varies according to context, though we have never been commissioned to ‘do’ a whole NP or solely to enable; we invariably do some of both. Anecdotally, we have heard of examples where the preparation of a NP has been passed almost entirely to planning consultants, but no examples dealt with solely through enabling with consultant support. The latter, in rural areas, may in part be the result of groups having had long term access to their local Rural Community Council, most of whom (if to different degrees) have provided their style of ‘community development’ support to NP groups

5.9.3 If there is any pattern emerging (still anecdotally) it is of consultants being involved more in the later and patently more technical/professional tasks of policy drafting, assembling evidence and preparing for or managing the work through Regulation 14 stage and on. In many cases, the work of consultants has taken 100%, or virtually 100%, of grant aid support applied for to Locality.

5.9.4 It appears that there are very few, if any, consultants, whose workload comprises only NPs. There are some, we suspect a few, who, like us, undertake a large amount of NP work. We are also aware of small planning consultancies who undertake occasional NP work and some larger practices do so but seemingly as a loss leader to help them into different markets. Perhaps the key point here is that the majority of the income of most planning consultancies comes from work to secure planning permissions for developers. Working on plan-making rather than trying to find holes on plans, and working with communities rather than against them is therefore almost counter-cultural for them (though their experience could provide very valuable advice to some NP groups on issues such as site allocations).

5.9.5 One important issue in relation to the use of consultants is how they are commissioned. Our own experience varies from straight, non-competitive commissioning as a result of a local reference (most recently, for us, from an adjacent Parish Council), through non-competitive commissioning following an initial, informal local meeting, to informal interviews in a competitive situation to formal interviews. We cannot be certain of the legal position of Parish/Town Councils which commission without any formal, competitive tendering procedure but that is our most common experience. Some local authorities will provide new NDP groups with lists of potential consultants but it is unclear on what basis such lists have been drawn up and no advice is given (nor should it be) on who or how to choose.

5.9.6 The key issue is that very few Parish Councils and few Town Councils are at all familiar with formal, competitive tendering. That lack of experience is then compounded by the fact that, by definition, none of them will ever have tendered before for NDP work and are almost certain to be unable to prepare genuinely clear, focused and appropriate briefs. This is not a

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<sup>12</sup> Locality administer the grant application process on behalf of DCLG. However, there are also other grants available from organisations such as the Prince's Trust.

criticism of NDP groups, not least because it is, from our experience, only when consultant work is underway that the brief becomes properly clear!

5.9.7 This poses a challenging 'Catch 22' for tendering and commissioning. Set up a robust, competitive process with a strong brief and that brief will almost inevitably be wrong, as will any costs provided by completing consultants and probably also the processes they include in their tenders. The only other choice currently available (apart from non-competitive selection) is to simply invite very open proposals based on some early background information and aims and the run interviews for which the choice is probably about little more than '*we liked consultants A but not B or C very much*'.

5.9.8 In our view, a middle line may be possible whereby some general guidance is provided to newly designated groups, including about whether consultants are even needed or what specific tasks they may be needed for, plus guidance on what will still be fairly informal quotations and interviews. That guidance would best come from local authorities which would mean it could be more carefully targeted to the local context (although, in its absence, we may try to produce some ourselves.)

## 5.10. From Draft to Submission Plans

5.10.1 Before commenting on these later stages it is important to note that almost all national guidance focuses heavily on the designation stage and then the stages from submission to referendum. The central stages – as above - of consultation, evidence collection, policy development and so forth are rarely covered.

5.10.2 Once all necessary work on evidence collection, policy formulation and community consultation (etc.) are complete, NP groups are required to consolidate everything into a Draft Plan for its first formal consultation. Almost all groups only reach this stage after discussing their emerging draft, perhaps even very early drafts and ideas, with their local authority. This is in line with Planning Guidance 6 that requires planning authorities to be proactive in providing Information to communities about neighbourhood planning and to constructively engage with the community throughout the process.

5.10.3 This is where questions of 'general conformity' with the strategic plan often arise. The planning authority (itself one of the statutory consultees) cannot require content to be removed or amended if, in their judgement, it fails to meet the conformity criterion. They can only advise and warn that they will object, but those preparing the NP can, if they wish, ignore such advice and leave specific points to be addressed later by the examiner, who may have a different view if issues are matters of fine judgement. (In the example mentioned earlier of design parameters not meeting those in the district-wide guide, the authority said that the plan was not in conformity, but the community chose to take it – and successfully from their perspective - to examination.)

5.10.4 Our own experience as consultants is, not surprisingly, that any draft shared with the local authority is technically sound but, on several occasions, issues have been raised about conformity which the community (with our advice) have chosen to ignore at that stage. Though we cannot (by definition) say for sure, it is likely that some communities, notably those not involving consultants, have reached this stage and experienced significant queries and concerns from their authority, perhaps enough to result in the redrafting of much in the draft plan. (As above this is most often because they included issues that land use plans cannot cover or failed to produce robust evidence.) Without the professional experience of consultants behind them, it is probably also likely that such groups have simply accepted the requests for changes rather than requested that uncertain issues be resolved at examination. (See later for comments on this.)

5.10.5 In addition to the main plan itself, this first formal consultation – Regulation 14 - must also include a Basic Conditions Statement, a Consultation Statement, an Evidence Report, any SEA/HR report and, if appropriate, associated documents such as a Design Statement. The statutory consultees are laid down by central government and the list is provided to the NP group by the local authority. That list will include specific local contacts for key organisations (e.g. the Environment Agency) and perhaps some others deemed particularly relevant by the authority. All those living in and having businesses in the designated area also have to be consulted. Interestingly, given the lack of any 'duty to cooperate' (as covered above), the authority's consultee list usually includes adjacent parishes or neighbourhoods. The formal consultation period is the usual 6 weeks and the consultation can be done electronically rather than just using hard copies, though hard copy material must be available. It is the responsibility of the NP group to administer this whole process, including a very thorough report of all comments made (to be added to and commented on in the final Consultation Statement).

5.10.6 Once again, with all responses to this consultation noted and reviewed, it is then necessary to have a further meeting with the local authority to decide how to proceed. And again the issue arises of how much to change or not, added to by the fact that objections may now have also come from other agencies, e.g. an AONB team. However, it remains the decision of the NP group as to what to do about these comments.

5.10.7 With any final changes now incorporated, the Submission Plan is ready and an examiner can be appointed. The local authority then undertakes a six week Regulation 16 consultation on the draft plan, and any comments made at this stage are submitted directly to the inspector.

## 5.11. Examination

5.11.1 Until recently, the choice of examiner was made primarily by the NP group, if often with local authority advice, although how a non-professional NP group could make a genuine choice was unclear (even with help from consultants). The actual appointment was then made by the authority. However, this came into some disrepute because grapevine messages between communities about examiners – some said to be 'softer' than others, some giving less weight to community consultation results and so forth – led to what were judged to be inappropriate choices. The Neighbourhood Planning Bill has now made the choice of examiner something for local authorities alone, if using a shortlist of three provided by the NP group.

5.11.2 The Localism Act made it clear that examinations would most commonly be managed by written representations, only rarely involving a hearing:

*"The general rule is that the examination of the issues by the examiner is to take the form of the consideration of written representations. .... But the examiner must cause a hearing to be held for the purpose of receiving oral representations about a particular issue at the hearing (a) in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case, or (b) in such other cases as may be prescribed."*

5.11.3 According to very early guidance, the examination was also to be "*light touch*", though no clarity was offered about the meaning of this. It was presumably intended to be (a) some sort of warning to landowners and developers not to engage teams of barristers, to press for hearings or to send them to hearings and (b) a way of reassuring local communities who might otherwise be put off by the rituals and pressures of full examination. (The 'light touch' idea has important implications later, see section 5.11.)

5.11.4 There is no evidence of how many examinations proceeded solely through written representations and how many included a hearing, although the latter appears to be very occasional (see later). We are also aware of cases where landowners or developers have requested a hearing but that has been refused by the examiner. There have, however, been very many cases where there have been objections by local landowners, land speculators and developers (with or without options on sites). One national company, best thought of as land speculators, has submitted objections on almost all NPs!

5.11.5 As well as seeing examiners' reports from those plans on which we have worked, we have also seen many others. In all cases, the examiner has suggested changes. Sometimes these have been on minor issues, for example about more appropriate wording (and therefore not challenging the content), sometimes it has been more significant, perhaps removing or radically altering suggested actual content. The reports then often end with a statement to the effect that, if the changes are made, the NP can proceed to examination. This has been the case even where some changes are more significant or where there are lots required, so most NPs have secured this result and it appears that most NP groups (and sometimes, but not always, local authorities) have agreed the suggested changes.

5.11.6 One interesting and unusual hearing example has already been mentioned; the one in which the examiner queried the community consultation. That was a result of lobbying from local people who felt they had been ignored but, as suggested, other examiners may not have given that degree of importance to consultation. Another was when there were significant differences of judgement, and no apparent determining evidence, about which of two small housing sites to choose. On that occasion the examiner chose a hearing specifically (and solely) to interrogate both the NP group and a landowner/developer.

5.11.7 There is also one other interesting and informative example which raises issues about the roles of community, authority and examiner. In this case the examiner required significant changes to the submitted plan. He then concluded that the plan could go to referendum if the changes were taken on board. The extent of the required changes so angered the NP group, and others in the community, that they were not willing to accept them. They complained about the examiner, although the suggested changes all appear to us to be perfectly correct and some other examiners may well have failed the plan completely. Because the NP group did not request that the plan be withdrawn, the authority took on the plan, made the changes and took the amended version to referendum. As a result this was the first referendum in the country to fail (see next section for a final stage in the story).

5.11.8 The key question, in general, from this example is why and how did this situation occur? What communication was there between the authority and the NP group at what stage – just early or to discuss the submission plan? Did planning officers make clear that what were blatantly unsupportable policies would not survive examination? Did the NP group ignore this (as above, they do not have to accept officer views)? Even more significantly, were the officers so patently not up to speed with NP processes and requirements that they failed to tell the NP group that much of the plan would fail? There may also be another explanation that is picked up later, that the authority officers were too 'nice' and wanted to support NPs, especially this one, almost regardless.

5.11.9 At a key point, robust, honest communication clearly either did not happen or was badly managed. While an extreme situation, this suggests some crucial points about the stage and quality of what the guidance calls 'collaborative' working between authority and NP group (see earlier section on policy making). Without this, examiners will always be inappropriately exposed to criticism.

5.11.10 The Neighbourhood Planning Act clarifies the status of a NP that has passed examination by saying that a local authority must "*have regard to a post-examination neighbourhood development plan when dealing with an application for planning permission,*

so far as that plan is material to the application".

## 5.12. Referendum

5.12.1 Once any necessary changes have been made to the examined plan, the local authority is then required to set up a referendum as soon as it is practicable for people in the designated area to vote either to support the plan or reject it. It is the responsibility of the local authority to manage all aspects of the referendum.

5.12.2 Those able to vote in a NP referendum are those on the electoral roll within the designated area. The examiner may recommend a larger area. In one case the NP's designated area was just the centre of a medium sized town so the examiner recommended that the referendum area be widened to include the whole of the town, not just the centre.

5.12.3 In a referendum only a simple support/not support question can be asked and the plan is deemed to have succeeded if more than 50% of those who voted supported it.

5.12.4 With one exception (see below), all referenda have succeeded and all NPs subsequently made (which must now be done speedily). At the time of writing, the highest 'yes' votes have been over 95%, the lowest just 53%. Almost all have achieved 80% 'yes' or over. Turnout has varied from around 25% to as much as 71% (this latter example also being one that only got the 53% support!)<sup>13</sup>.

5.12.5 Local authorities are encouraged to run referenda on the same day as some other election (district/county or even national). This is both to save on resources and to encourage a higher turn-out. As it happens, the highest turn-out (as above, 71%) occurred on the same day as the EU referendum! However, there is as yet no correlation between turn-out rates and whether or not the referendum was held on the same day as another election. Nor has there been any apparent change, either up or down, in percentages of support or percentages of turn-out since NPs started.

5.12.6 The one example of failure at referendum has already been mentioned, and it raises another question. The referendum regulations make it quite clear that the designated body for a NP (and the local authority) cannot engage in any form of lobbying in favour of 'their' plan. In the failed example, it failed in part because the Parish Council undertook a whole medley of activities to secure a 'no' vote. Technically speaking, the result of this referendum should now be null and void and, presumably, the Parish Council fined and the referendum re-run!

5.12.7 In more general terms, it has never been clear why it was decided that the final decision should be made through a referendum rather than, as with a Local Plan, on the basis of the results of the examination. Referenda remain rare in the UK, very much the exception rather than the rule. Our view reflects that of other commentators in making one particular argument. Why should a referendum apply to a NP, which will almost certainly have gone through a more rigorous consultation process than a Local Plan, involving directly a far greater proportion of the population and often to greater depth? If a referendum is necessary (for whatever unprescribed reason) at NP level, surely that is far more necessary at Local Plan level where levels of consultation are often derisory?

5.12.8 The argument may have been an assumed need to give clear resolution to often highly contentious and very local issues that raise difficulties at that local level. It could be the opposite; an assumption (prejudice?) that local level planning work is more susceptible to manipulation by 'the usual suspects' at neighbourhood level.

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<sup>13</sup> N. Croft, C. Loveday, E. Johnson and J. Reeves: 'The Referendum Question', *Town and Country Planning*, 2016, Vol. 85, no. 10, 422-430.

5.12.9 Either way, good quality community engagement, thoroughly reported, can certainly demonstrate that a plan has wide-ranging community support. One or two examiners have shown themselves willing and able to ask good questions about the quality of community engagement and then, if as yet rarely, to act on it in reaching their conclusions. Community engagement on many issues, including planning ones, has been challenged and hence tested through the courts and clear and measurable criteria can be defined. Examiners, perhaps with some additional training, would be perfectly capable of judging engagement work to the point where their examination could be regarded as the final assessment, not requiring any referendum.

5.12.10 There are anecdotal examples of people refusing to join in with NP preparation work because, as quoted in one case, "*I needn't bother; I can just vote against it later*". If people knew that their opportunity to contribute lay almost solely with their interaction in plan preparation, there would be more and better engagement at the stages at which it makes the greatest difference.

### 5.13. 'Making' Plans and Plans in Use

5.13.1 As stated above, once a 'yes' vote has been secured, the NP can be 'made' by the local authority. The Neighbourhood Plan Act requires this to be done without any real delay. Once made, the NP becomes part of the planning authority's suite of Local Development Documents.

5.13.2 In principle, this gives any NP as much status in determining applications as the Local Plan. As many people know, this is not absolute! There is not as yet, however, any reason to conclude that made NPs are any more likely to be over-ridden than are Local Plans (as remains the case with documents such as SPD). This does, however, rely very much on the quality of all plans in the authority's suite and on the operational links between those in planning policy and those in development management.

5.13.3 The limited anecdotal evidence is that made NPs *are* proving resistant to challenge by developers, for example about peripheral developments or additional housing numbers. There is as yet even less evidence about the extent to which NP policies are being used, and how successfully, in the development management process. The few anecdotes we know of are, however, raising important questions. It appears that some NP policies are proving to be poorly phrased and not robust enough, raising queries about why they passed successfully through the examination process. The suggestion is that the 'light touch' approach to examination may be being misinterpreted by examiners and some are being less rigorous, given that later challenges will still be as demanding as would be the case from a full Local Plan process. With several hundred NPs now made, recording and evaluating aspects of how, and how effectively or not, these made plans are being used by authorities, applicants and communities is now a clear priority

5.13.4 Once again, there is no evidence that this is being done by central government. Place Studio are, however, just launching (January 2018) a research project on the use of made plans across, initially, just the south west of England. This is targeted at Development Management Team Leaders (asking about their overall management in the use of made NDPS), Development Management Case Officers (asking about specific experiences in using made NDPs), Neighbourhood Planning Officers where they exist (asking about their role, if any, in continuing to support NDPs after they are made), Senior Policy Officers (asking about how they intend to use, or have used, made NDPs in their plan development work) and Parish Councils where there are made plans (asking how they feel their plans have been used). If this is successful, the aim is to extend the research nationally and secure support to make this a regular monitoring process as more plans get made and more applications come forward within those communities. (For more information, contact Place Studio.)

## 5.14. Pre-Application Community Involvement

5.14.1 The raised awareness amongst communities about planning has prompted a concern to be more involved in other aspects of the planning process. One of these is a wish to be offered increased opportunities to be involved fully on strategic plan-making, especially early in the process. We return to that later. The other is a wish to be more engaged – in some cases engaged at all – in pre-application work to develop the details of applications. In many cases with communities we are working with, preparations for site allocations are being progressed alongside pre-application discussions with local authorities which do not involve them.

5.14.2 A requirement for this to take place (if phrased very generally) was included in the Localism Act and further reinforced in the NPPF but has not as yet surfaced because it would require secondary legislation to make it a formal requirement. The NPPF stated the following:

*“Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.”*

5.14.3 This statement was followed up by guidance produced by a partnership of government, planners and developer<sup>14</sup>, although that failed to have any obvious impact given the lack of genuine government support.

5.14.4 One way forward that has begun to take shape is the production of ‘Pre-Application Community Involvement Protocols’ that still cannot require pre-application community involvement but can increase the informal pressure for it to happen, in part by outlining clear processes and clear, mutual responsibilities, primarily between applicant and community (the load on local authorities was tiny, in fact it may reduce demands on their time). Bristol City Council was the first to introduce such a Protocol<sup>15</sup>, although that was only agreed between representatives from planning and the community sector, not the development industry. The Protocol now in use in Stroud District was developed and agreed by all three.

5.14.5 We ourselves have been heavily involved in this, having managed the development of the Stroud Protocol<sup>16</sup>, and we have now drafted a similar one that was included in a NP<sup>17</sup>. That Protocol was accepted by the examiner (although, again, other examiners may have been more cautious, even negative about it). In all cases, however, any Protocol cannot be enforced, although both Bristol and Stroud agree that it has been very effective where followed and this is now influencing other authorities and developers to take a similar approach.

## 5.15. CIL and ‘Projects’

5.15.1 In addition to the obvious incentive to communities to produce NPs because that way they could, within limits as above, manage the future of their own area, a more explicit and direct incentive was also offered. Until the Localism Act, there were no requirements on local

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<sup>14</sup> Go to: [www.local.gov.uk/pas/pas-topics/planning-applications/10-commitments-effective-pre-application-engagement](http://www.local.gov.uk/pas/pas-topics/planning-applications/10-commitments-effective-pre-application-engagement)

<sup>15</sup> Go to:

[www.bristol.gov.uk/documents/20182/33928/Community+involvement+in+the+pre+application+process.pdf](http://www.bristol.gov.uk/documents/20182/33928/Community+involvement+in+the+pre+application+process.pdf)

<sup>16</sup> Go to: [www.stroud.gov.uk/environment/planning-and-building-control/planning-applications/other-useful-information/pre-application-protocols](http://www.stroud.gov.uk/environment/planning-and-building-control/planning-applications/other-useful-information/pre-application-protocols)

<sup>17</sup> Go to: <http://www.scpnc-ndp.co.uk/11.html>

authorities to pass on to affected communities any of the monies related to development collected through the Community Infrastructure Levy or Section 106 planning obligations.

5.15.2 The Localism Act changed this by introducing two new approaches. First, that a percentage of CIL monies from all developments would be required to be passed down to communities in areas where development took place. Secondly, that this percentage would be 15% where there was no NP in place but 25% if a NP had been made. The CIL to which this would apply is for any developments securing permission after the NP is made.

5.15.3 For many groups, as we ourselves have experienced and others have noted, this offered a significant incentive to communities to take on the onerous task of producing a NP. At the same time, there are two important queries about the real value of this as an incentive. Given the likely costs to a community of preparing a NP, and the fact that CIL does not apply to the affordable housing that is a priority for many groups, it could be the case that the net balance of costs of a NP and monies back via CIL would be fairly equal, perhaps offering no financial benefit in the end. There can also be occasions when pressure on local housing development means that permissions are secured before the NP is made, hence giving no financial benefit to the recipient community. (And what many people want – more affordable housing – is, as above, not subject to CIL.)

5.15.4 More topically, as the future of CIL itself is unclear, this is causing concern, even anger amongst communities for whom the choice to produce a plan was predicated on the likelihood of future financial benefits. In one case we have experienced, the Town Council of a large town certain to be experiencing major development made their decision to proceed very much on the basis of what might have been a six figure CIL sum but, halfway through plan preparation, their authority announced that they were not proceeding to put in place a CIL scheme. If CIL is suspended nationally, it is our view that this will significantly reduce the future take-up of NPs.

5.15.5 In terms of the operation of the procedure, in parished areas without NPs it was assumed that the CIL monies would be passed down for developments within their parish boundary. Again, this is less clear for urban Forums. Advice from Planning Aid states that "*in areas without a Parish council the local authority will need to agree with the local community how the money will be spent*". It is unclear whether the "*local community*" is the original Forum, assuming it stayed in existence after the NP was made, or some other group or organisation. Neither is it clear what constraints a local authority might or could place on the local group in terms of how the money was spent, ie. what is meant by "*agree*".

5.15.6 Where a NP is made for a parished area and a development secures approval after that and then starts on site, 25% of the CIL monies paid to the authority should then be passed to the designated Parish or Town Council to use at their discretion. There is as yet very little experience of how CIL monies are actually being distributed, although occasional stories surface of communities waiting a long time to receive the money owed to them.

5.15.7 The other benefit of the link between NPs and CIL that has gained ground in the last few years is the opportunity to pick up on those aspects regarded as a priority by communities but which could not be included within the examined core of the NP, notably traffic and transport. To some extent there was no need to address these other issues within any NP because that could be seen as a decision for later, once the CIL monies arrived. What some NP groups have now started to do is to include in their plan a local form of 'Infrastructure Delivery Plan' – a 'mini IDP' - including all the local projects and initiatives that they would hope to move forward during the implementation period of their NP.

5.15.8 Though such material could not then be formally examined, it was argued (and examination results suggest this was largely successful) that their inclusion would have two main benefits. First, that it would reassure the examiner about the 'professionalism' of the plan community, suggesting an ability, even commitment, to deliver in practical terms. Secondly,

having a mini IDP would strengthen the hand of that community (especially in an urban context) not just in relation to what they themselves might spend the CIL monies on but in relation to using the mini IDP to put pressure on the authority to spend the other 75% of the monies not solely on strategic infrastructure anywhere in the authority area but to spend more in the NP area. In some cases this went as far as a community proposing matched funding, i.e. they would pass back some of their CIL to their authority (for example on a traffic calming scheme) if the authority added their portion to make a viable project. The idea was that such offers would move such projects up the local authority's priority lists. Once again, there is as yet little evidence to suggest that this is succeeding.

### *5.16. The Effectiveness of Neighbourhood Plans*

5.16.1 This section is important but it is as yet difficult to comment on it in detail. It is important because plans in themselves are of little value; the only value they might have is in resisting inappropriate developments and fostering better ones.

5.16.2 Even once plans are made, they can be subject to challenge by landowners or developers wishing to pursue a particular development. There have in fact now been examples of policies in made NPs not surviving legal challenge. This and subsequent points raise questions about the validity of the 'light touch' examination process in particular. However, there have also, by contrast, probably been more examples of where challenges to made NPs have not been successful. This has been the case either because the evidence base for a plan or its policies have been so robust that the applicant does not think it worthwhile to appeal, or because an appeal was unsuccessful or even because the Minister has stepped in and ruled in favour of the made NP. The latter two examples are beginning to create a foundation of proven case law of benefit in the future.

5.16.3 One example of the first of the three reasons involves an application for a significant development, partly inside (on an allocated site) but also partly outside the made plan's settlement boundary (a plan on which we had worked). The local authority argued for permission on the basis of their own landscape and character assessment criteria rather than that of the already made plan and because they felt they could not reject a scheme when they lacked a 5 year housing land supply. The application was considered after the Ministerial statement about supporting made plans where authorities had a 3 year supply but the officer's report proposed approval. Following considerable lobbying by the NP community, the application, supported by strong evidence drawn from the plan, the application was refused by members against officer advice. No appeal was submitted but there is of course the chance that the developers will try a different approach.

5.16.4 There have been a few examples of local authorities themselves granting permission to schemes that do not accord with a made NP. For example, one authority granted permission to a housing scheme at a higher density than stated in the made NP and, in another case, an authority granted permission for an employment development on a site not supported by the NP.

5.16.5 It is also extremely unclear how local authority development management teams are making use of made plans in their assessments and reports on planning applications. The experience from a previous national initiative – Village Design Statements – is very mixed; some teams taking no notice of any VDS at all. From our own currently very limited experience, concerns have been raised that some policies in made plans are simply not useable because they are not clear enough or precise enough. This begs the question of how such policies passed examination, which brings us back to the point raised a few times before; that the light touch examination process may not be robust enough, that examiners are too keen to go with the national flow and approve what comes from a community in order to show support for the whole principle of Neighbourhood Plans. However, such an approach, should it be true, is in the end damaging to local communities if it means that the

plan to which they gave so much time, effort (and money) may not carry the necessary clout when it comes to local authority inputs let alone legal challenge by developers. That can only cause cynicism, even anger.

*NB. We in Place Studio have now (February 2018) launched some research to find out how made NPs are, or are not, being used and to what effect. For more information contact us via the website.*

## 5.17. Neighbourhood Plan Reviews

5.17.1 Once a NP is made it must be reviewed when the local authority is reviewing its own Local Plan. Funding is now available from Locality to support this but we are not as yet aware of any examples we could quote.

5.17.2 One interesting example will come when a Local Plan review that we know of suggests raising its housing numbers targets and those involved with the made NP in a village (one we helped with) – and the local authority - have to decide how to cope given that their plan already includes a figure a long way above the higher figure that the review is currently suggesting!

## 6. SUMMARY PERFORMANCE DATA

### 6.1. Plans

6.1.1 Of the 230 original 'Frontrunners' from around 2012, 105 now have made plans. DCLG have informed Place Studio that they hold no information on why more than 55% have not reached final stages after almost 5 years, how many have ceased completely and what stage the others have reached. The reasons for this very low level of progress are not clear, especially when one considers that it is most commonly high profile pilot projects that succeed (given all the 'other' support that such pilots generally receive). In one case we know of, the chosen Devon community was tiny and only had a Parish Meeting so could never have developed a plan at all. In another case we know of, the plan ceased when the local authority granted a permission on the only key site within the designated area and in another case the group simply stopped. We come back later to the financial implications of this.

6.1.2 As of April 2017, according to DCLG, there were around 2,000 NPs underway. Once again, DCLG do not have any information from the early years on when these were designated (hence how long the groups have been working) or what stages how many have reached. Those accessing the Locality Grants now have to disclose information such as date of designation and deprivation data. One article (Parker, Salter and Hickman<sup>18</sup>) noted the following:

- There had been 271 examinations up to October 2016 and five plans had failed at this stage. In some cases, completed plans were not submitted for examination (either an authority decision or a local group decision).
- Reasons for failure at examination focused mainly on failure to address the Basic Conditions.
- Some plans which had passed examination were not taken forward to referendum because the local group did not accept suggested modifications.

6.1.3 Over 300 plans have now passed referendum (with just one failure as described above). As with any new initiative, there was considerable momentum at the outset but it

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<sup>18</sup> G. Parker, K. Salter and H. Hickman: 'Caution: Examination in Progress', *Town and Country Planning*, 2016, Vol. 85, no. 12, 516-522.

appears that the take-up of the NP option is now slowing down. There could of course never have been any serious expectation that all 'neighbourhoods' would end up with a NP; some are too small and many urban neighbourhoods are fully developed with no space or opportunity for anything other than small infill projects, extensions and conversions. There do, however, appear to be enough still coming along to warrant a national programme, though for how long is uncertain.

6.1.4 The most common topics covered to date appear to be housing, design, Local Green Spaces and retention/enhancement of facilities. The most common policies and proposals in NPs that were later excluded (for whatever reason) appear to have been about the specification of house type mixes, parking standards, aspects of traffic and inappropriate Local Green Spaces. Very significantly, the latest research suggests that, on average, NPs were including 10% more than their formally or informally allocated housing numbers.

6.1.5 There have been a few minor examples of NP policies being close to not being in 'general conformity' with a Local Plan. In one case, design policies in a NP contradicted those in (or rather linked to) the Local Plan but the examiner agreed the rationale provided for this difference in the NP. In another case, a NP passed examination even though its parking standards differed from those set by the county. Most significantly, two NPs have now been made with policies distinctly different to those in the Local Plan. Both plans included policies to limit all new build housing solely to full-time residents of their areas<sup>19</sup>.

## 6.2. Programme and Funding

6.2.1 Establishing a clear and full picture of the full costs to government and communities of this programme is impossible; too many aspects are unrecorded and 'costs' can include unpaid community time.

6.2.2 In trying to assess the **government** input (i.e. from the taxpayer), the following would need to be considered:

- The cost of the Neighbourhood Planning team in DCLG (staff etc. only, not including funding given out). This team has existed since 2012 with varying numbers of staff. It is not clear if it is a distinct 'team', i.e. that it has its own separate cost accounting base. Even if it did, it is probably impossible, even via a Freedom of Information request, to find out these costs. We suggest a figure of c. £1,000,000 per year for 5 years, therefore c. £5,000,000 to date (and this will presumably be ongoing).
- The local authorities linked to the Frontrunner projects all received £20,000 from DCLG for each plan. That totals £4,600,000. 125 of these plans never completed and the money was not recouped.
- If the authorities for all 2,000 of the plans now underway\* eventually receive their £30,000 that totals £60,000,000. (\* It is not clear if this figure includes those plans already made, in which case the total is larger.)
- Locality (using money from DCLG) gave out grants totalling £5,800,000 over 18 months between April 2015 and October 2016 (perhaps totally 650 or so grants). Grants had been available for almost three years before then so the overall total to date may now be close to £20,000,000.
- Locality are also paid for the administration of their programme of grant support and advice. The cost of that is unknown. We suggest a figure over the full period of c. £2,000,000.

6.2.3 **This therefore totals around £90,000,000. That equates to £45,000 per plan** (at this time, but that includes setting up costs which will slowly be defrayed).

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<sup>19</sup> G. Gallent, J. Kelsey and I. Hamiduddin: 'Swimming against the Cornish tide', *Town and Country Planning*, 2016, Vol. 85, no. 6, 235-238.

6.2.4 There has also been a considerable input from **local authorities**, if highly variable from authority to authority. Despite the 'duty to support', each authority, guided by their members, has treated this duty differently. Some have provided considerable support: offering regular advice, attending meetings and events, employing dedicated officers, supplying maps and other practical material. Others have offered a bare minimum of support and, as above, there is no transparent accountability for this. Some of the costs are covered via the grants from DCLG, although just £5,000 of this is directly for support in plan preparation, the remainder being for examination and referendum. If this were to average out at twice the DCLG figure for advice and support (but leaving the DCLG figure out to avoid double counting) **that would total £10,000,000, i.e. a further £5,000 per plan.**

6.2.5 Assessing **community** costs is even more difficult and, given the use of so much voluntary time, may be iniquitous. From anecdotal experience, a rough estimate at community time might be 150 days. At a sweat equity rate of £150 per day, that totals c. £22,500 per plan or the equivalent of **£45,000,000** if all current NPs are completed. In addition, in many cases, some work has been undertaken by others such as Rural Community Councils (some free, some paid) and consultants. In all cases that we know of (i.e. where we have been employed as consultants), a large part of the costs has been covered by Locality (or other) grants. In all cases, however, and to different degrees, the Parish Council or Forum has had to cover some costs themselves. In one case, this was directly related to an increase in the Parish precept. In another case, a large town, it involved drawing on reserves.

6.2.6 **The total cost from all of the above might therefore be in the order of £150,000,000 or £75,000 per plan.**

6.2.7 These figures suggest that there could be some worrying questions about the overall value for money of the NP initiative. However, any assessment of value must include the value to local communities. Apart from the sheer relief that some have felt on completion of the task, there is undoubtedly also a strong sense of local pride in having a made plan in place done mainly if not solely by local people themselves. And this value should increase as NPs are used by development management teams and others, at which point some form of comparison of costs between NPs and Local Plans should at least be considered. Added to which there are all the benefits of increased awareness, community development and local capacity building that work on a NP inevitably encourages. The key problem, of course, is that no defensible monetary figures can ever be attributed to all this. (Conclusions follow shortly on whether the overall Neighbourhood Plan initiative has been 'of value' so far.)

### 6.3. Updates

6.3.1 There have been or will be shortly a number of amendments by government to various aspects of the NP regime. These have come or will come through:

- **The Housing and Planning Act:** This covers little of relevance to NPs that is not picked up better in the Act below. It proposes greater encouragement of and support for starter homes and self-build schemes. It does not, however, mention an issue very commonly raised by NP groups and communities: provision for people to downsize within their own communities.
- **The Neighbourhood Planning Act:** In the October 2016 edition of the DCLG's 'Notes on Neighbourhood Planning' newsletter it is stated that the Act would "*require local authorities to set out how they would involve communities in the earliest, preparatory, stages of their plan-making activities*". There is no sign that this appeared in the eventual Act and this issue is picked up again shortly. Within the Act there is a requirement that: "*A statement of community involvement must set out the local planning authority's policies for giving advice or assistance*" to NPs. The Act also states that significant weight must be given to a post-examination/pre-referendum NP.

6.3.2 The changes proposed to the NP process are fairly minor and will become clearer when associated guidance is issued. At the time of writing a general election was underway; this may result in further amendments, potentially even a change to the funding regimes, perhaps their demise. (It is valuable to note that, just prior to the 2015 general election, there was all-party agreement to continue the general support and funding for NPs.)

## 6.4. Links to Other Issues

6.4.1 NPs do not operate in isolation; they are just one part of the planning system. Experience to date has highlighted three key issues, as below, on which there are lessons to be learned from NPs for other parts of the system. There is also a new addition to the planning system in Wales – Place Plans – which draws from English NP experience and which, once it settles in, should offer some valuable lessons.

### *The Relationship between Strategic and Neighbourhood Planning*

6.4.2 There are arguments being developed nationally, for example through the TCPA, that the next phase of Local Plan making should and will become even more strategic, creating an increased gap between what type of planning is done by authorities and what is done by neighbourhoods. This relates back to the lack of any requirement for NP groups to liaise properly with adjacent communities and hence plan coherently, for example on health provision. This increased gap will only make things worse in terms of coherent, overall planning.

6.4.3 This problem is even more extreme in certain situations, several of which we have encountered but been unable to influence. One example involves a large town where no NP is being prepared, surrounded by several parishes due to receive proportionately very large amounts of housing and already preparing NPs. If all the NPs proceed, 25% of the total CIL monies will go to those surrounding parishes yet the major infrastructural impacts of the various plans will bear by far the most heavily on the central town, for example in terms of transport, shops and main facilities such as leisure centres. Yet there is no format through which any coherent overall plan can be produced for this soon to be enlarged town or to deliver the most appropriate infrastructure for it. There is, in other words, a huge hole in the current planning system between ever more strategic Local Plans and, without meaning it negatively, increasingly parochial NPs.

### *Community Engagement in Strategic Planning*

6.4.4 As quoted earlier, 'Open Source Planning' argued the importance of "*designing a local plan from the 'bottom up', starting with the aspirations of neighbourhoods; the evolution of the plan starting at 'ground level' in neighbourhoods with every single resident of the neighbourhood approached to take part*". As above, the DCLG, in October 2016, suggested that the Neighbourhood Planning Act would "*require local authorities to set out how they would involve communities in the earliest, preparatory, stages of their plan-making activities*". For our purposes here, it is likely that this latter statement was a result of anecdotal evidence that communities that have been through a NP process have become far more aware of and knowledgeable about planning and are now asking (a) why did we not get better involved in the last Local Plan process and (b) how can we ensure that we are genuinely involved in the Local Plan Review? It also picks up on evidence from the government's own research that the key principle of 'front-loading' community engagement in plan-making, as in the guidance that followed the 2004 Planning Act, had simply not been acted upon by the vast majority of authorities; the good old 'Issues and Options' paper produced in a darkened room by planners alone remained the out of date norm.

6.4.5 It therefore seems likely that one outcome of the growth of NPs is that better, especially earlier, community engagement in plan-making will be – like it or not for planners – back on the agenda for government both national and local, though experience suggests caution in expecting this soon, if at all.

### *Links to Development Management*

6.4.6 There is as yet almost no experience about whether, how or with what weight, those planning officers in development management use made NPs. There is some anecdotal evidence of them making little or no use and some of them finding it difficult to actually use NP material in determining applications. This would be picked up in the research outlined at the end of section 5.14.

### *Place Plans in Wales*

6.4.7 The planning system in Wales has recently been amended. One amendment includes what are as yet general statements about introducing a Welsh equivalent of Neighbourhood Development Plans. They call them 'Place Plans'. We are currently involved with producing guidance on Place Plans and several key aims have emerged:

- To ensure that Place Plans are less bureaucratic than NPs.
- To reflect the very different emphasis on housing delivery in Wales, i.e. that many communities are actually seeking development.
- To reflect the different availability of all forms of resources in Wales, i.e. they have less of everything (in their opinion!).
- To create an approach that is more flexible to local circumstances (development pressure, location, community resources etc.) than what is seen to be the 'one size fits all' approach of NPs.
- To deliver an approach that enables the inclusion both of patently planning issues and more general, non-planning issues (as covered in Wales through 'Well-Being Strategies'), reflecting the recent pattern of NPs to also include what we have termed a 'mini IDP'.

6.4.8 This latter point is important; it is an attempt to bring together the best of English NPs with the best of English Parish/Town Plans.

6.4.9 As of now, it is far too early to report any success or otherwise for Place Plans although several of the bullet point issues above demonstrate similar queries to those raised in the main part of this paper.

## *7. CONCLUSIONS*

### *7.1. Overall Conclusions*

7.1.1 Much of the above commentary goes into some detail. That is followed up below with a list of specific strengths and weaknesses of all aspects of the current system of NPs. Before that, however, and despite a long list of weaknesses, one overall conclusion is needed. In our view, Neighbourhood (Development) Plans are in general a positive addition to the English planning system and most of those 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, as suggested above, groups of people who understand the planning system better, know how to make good use of it (in part through their NP), have some sense of its weaknesses and are now 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?

7.1.2 This positive evaluation might not be shared by some land speculators and developers (frustrated by their failure to successfully challenge made NPs), perhaps some local authority officers (who see it all as diversionary and a waste of their time) and certainly, from our experience, some authority elected members (who sense a loss of power). If the prime original intention was to deliver more houses than the (still rather uncertain) general statistic that NPs have delivered 10% more housing than would otherwise have been the case will be good news to government. Whether government have fully considered the overall value for money remains uncertain, although there are, as of now, signs that the basic funding regime is set to continue, so political support appears to still be here. NPs have also added a further string to the bow of consultants, although neighbourhood level work is never a highly valuable source of income, perhaps even of reputation (it might damage any reputation with developers).

7.1.3 Before summarising the main strengths and weaknesses of the NP system, it is important to add that a strength for a community (e.g. avoiding large peripheral developments) can be a weakness for a landowner or developer (who may have put resources into planning that large peripheral development for some time). The lists below consider the system from the perspective of a local community, with occasional comments about the view of other players in the system

## 7.2. Strengths

- Just before the 2015 general election, representatives of the (then) three main political parties met and agreed that NPs have considerable value and all three would continue to support them regardless of the election result.
- The Secretary of State has intervened on several occasions to (if not always) support made plans against developer challenge.
- Grants – essential for almost all NP communities - are, as of now, available for at least some of the costs of preparing a NP (but also see Weaknesses).
- For rural communities, starting work on a NP can build on earlier work on Parish/Town Plans and Design Statements (but also see Weaknesses).
- Involvement in preparing a NP has been shown to provide at least some, occasionally many, within communities with often considerable learning about all aspects of planning. (This can be of benefit to planners though it can also generate further demands and challenges from up-skilled communities, for example for greater and earlier involvement in Local Plan work.)
- From the opposite perspective, we have 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 again'!
- In all cases we have experienced, and apparently in many others, the assumption about local people being NIMBYs, resistant to any development, has proved untrue. NP communities have either seen a need for development before starting their NP (or even done one for that reason) or have soon come to understand that further development is appropriate. In fact, as above, the latest figures suggest that NPs are now proposing some 10% more housing than any allocated figure.
- In most cases, NP work has generated more, wider, better community involvement both in planning and, it seems, more generally on other issues.
- It is by no means always the case but, quite often, NP work has helped to create an improved relationship with the local planning authority (if with the qualifications as above about further, more knowledgeable demands).
- NPs provide the planning system (and planners) 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 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 NP work has been the protection given to valued local green spaces through designation. (This may not be viewed the same way by landowners and developers or some local authorities, even parish councils, keen to gain value from development of their land.)
- Though 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 NPs should provide greater speed and certainty during development management. (This can be of value to planners and developers.)
- The possibility for a community of having access to and full control of 25% of CIL monies from developments in their plan area has proved to be significant incentive, though it is too early to offer any evidence of the monies actually reaching communities or of what they are spending it on
- Access to 25% of CIL monies does, however, in principle, provide communities with made plans with a major opportunity to make progress on often long-standing local project ambitions.

### 7.3. Weaknesses

- The rather basic information provided above (Section 6.2) suggests that, in these simple terms, the NP programme has been poor value for money. (This does, however, fail to properly value the considerable, conventionally uncostable but clearly highly significant value to communities and individuals.)
- Given the highly innovative, even experimental nature of the introduction of NPs into the planning system, the lack\* of thorough, regular government monitoring and evaluative research is very disturbing. (\* There may of course be some monitoring underway but this has not been made public.)
- The government has yet to produce clear and defensible guidance on the status of NPs 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 a NP.
- This is particularly the case in relation to 5 or 3 year housing land supply and when Local Plans are not yet adopted or at the start of formal review.
- There is not, as yet, any reliable guidance on what might constitute 'in general conformity' with higher level plans.
- Small communities where there is only a Parish Meeting cannot at present produce NPs even though there may be a wish for small numbers of new houses and, in many cases, key concerns about location and design which a NP could address.
- Nothing in the system yet appears to be helping to raise the level of NP action in urban areas (although there are many such areas where there is so little change or development that a NP would not be appropriate).
- The grant procedure via Locality continues to confuse local people and even turn them off starting a NP in the first place.
- The grant sums available are the same regardless of the size of NP community or the nature and scope of their plans, certainly leaving many larger communities short of the essential funding and perhaps passing across over-large sums to small communities..
- The grants available are 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 (e.g. via a raised parish precept).
- The whole NP 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, and the two points above, the system is clearly favouring wealthy, already aware, professionalised communities and those with, or with access to, funding or skilled free time. Disadvantaged communities are further disadvantaged by the lack of access to skilled people and so forth. The policy is therefore worryingly regressive.

- In the first few years in particular, NPs were patently oversold by ministers, MPs, local councillors and some consultants. As a result, too many groups committed to NPs when that was not the most appropriate mechanism for dealing with specific local issues; a Parish Plan, Design Statement or other available methods may have been more appropriate.
- The take-up of NPs 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 the second or third wave. There are no apparent processes in place to promote this.
- The overall processes for NPs are very long and bureaucratic to a degree that puts off many and raises continued concerns amongst those underway but wishing not to now cease. There are, in particular, signs of 'consultation fatigue'.
- There continues to be confusion amongst rural communities about the differences between Parish/Town Plans and NPs. This is not being addressed by national guidance but can lead, for example, to communities believing – wrongly - that (a) all the consultation and evidence collection they need to do can be addressed by a single 'wish list' questionnaire and (b) they can address 'everything', for example traffic and community cohesion, in their NP.
- There is no requirement on local authorities to formally account to an NP community for the money they receive from DCLG to spend on that NP; the whole process is not transparent and appears to have been abused on occasion.
- On a closely related topic, there are very varied patterns of local authority support, advice and guidance to NPs, 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 cooperate' as with Local Plans. As a result, many NPs are highly parochial and no coherent picture for a wider area can be derived from considering the content of several NPs in adjacent communities.
- There is still uncertainty about how, when and on what to engage with landowners in any NP area.
- Because community involvement is not a Basic Condition and is valued very differently by different examiners, communities are often very confused about what type, level and timing of community involvement is necessary or appropriate.
- Though common in all other areas of planning, there still seem to be too many examples in which community involvement, even sometimes the whole NP process, is dominated by what are termed the 'usual suspects'.
- 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.
- There continues to be frustration that NPs cannot deal in any significant way with issues of traffic, transport and parking, and about the fact that NPs cannot influence, for example, house types and prices.
- Creating topical certainty in submitted plans can occasionally be dependent on gaining access to information about ongoing pre-application discussions, something still usually denied.
- Access to CIL monies is as yet unproven.

7.3.1 There is, however, an important qualification to all of the above because it deals almost entirely with how well the NP system operates within its own overall frame in terms of delegation, scope, participation, democracy and so forth. In fact, the most common focus of the academic literature<sup>20</sup> is examination of this frame. In different ways, most academic commentators argue that the overall frame of neighbourhood planning is purely

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<sup>20</sup> For example: G. Parker, T. Lynn and M. Wargent: 'Sticking to the Script', *Town Planning Review*, 2015, 86 (5), 519-536 and M. Tait and A. Inch: 'Putting Localism in Place', *Planning Practice and Research*, Vol. 31, No. 2, 174-194.

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. The common (academic) view is that ideas such as 'general conformity', the requirement on any NP group to deliver at least as many houses as their area is allocated, the focus on consultation rather than more radical concepts of engagement or even collaborative planning, all limit what a NP can and cannot address and even the final stage of referendum seriously constrains what local people would otherwise wish to achieve.

## 8. THE FUTURE OF NEIGHBOURHOOD DEVELOPMENT PLANS

8.1 Neighbourhood Plans appear to be here to stay. This is a good thing because, as above, NPs have value in their own right. They also have value, however, because of the reducing resources for strategic planning and the consequent trend for strategic planning to become ever more 'broad brush', missing out on the sort of detail that helps to create distinctive places and best protects people against predatory applications.

8.2 This does not mean that all is well, as the above list of weaknesses suggests. Were we to be elevated to the heady heights of DCLG policy makers, there are, as follows a number of things that we would put in place to, in our view, improve the system.

### 8.3. System Changes

- Most basically, if now worryingly overdue, we would establish a proper national monitoring programme about NPs and also commission some research on key issues, e.g. the national distribution of NPs in relation to IMD figures.
- After a number of occasional, ad hoc announcements, and recognising that case law can still change things, we would produce a summary statement to clarify the status of NPs 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 provide some format whereby small communities run by Parish Meetings could undertake NPs, if perhaps through a form of 'NP lite'.
- We would set up a significant national 'refresh' of the whole NP initiative primarily targeted at generating a significant second or third wave of NP work.
- As part of this we would communicate to communities – and to authorities – the alternatives to NPs.
- We would establish genuinely and proactively targeted procedures of support (in all its forms) to urban communities, more disadvantaged communities and communities in as yet poorly represented areas of England and this would be reflected in a more sensitive approach to the size of available grants.
- This would include more support to patently poorer communities, probably involving some form of devolution on support decision-making to regions or even more locally – i.e. to those who really know their area best and can make such decisions.
- We would require local authorities to account to NP groups for exactly how they use their DCLG funding, also providing means of recourse should this not be done or the evidence shows poor use of the funding.
- We would also require local authorities to account in detail for their actions under the legal 'duty to support'.
- Moving on again, we would introduce a 'duty to cooperate' between NP groups and their adjacent with adjacent communities, whether or not these adjacent communities are undertaking NPs.
- 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, though many are already quite capable of doing this.

- We would ensure NP groups had appropriate access to pre-application discussion information that is key to progressing their plan.

## 8.4. Advice to NP Groups

8.4.1 Though we believe that the changes suggested above would be of real value, we are not in the heady heights of the DCLG, so what would we suggest, based on all the above, as the key things that a NP group could watch out for, ask about or do now to get the most out of the system as it is? Here are our suggestions:

- Be absolutely sure, before you set out, that a NP is right for you and what it means to finish one in terms of time, resources, skills, money etc.
- Start with, or aim to quickly build up, a Steering Group of around 10/12 people. This is important because there will be a number of specific tasks to undertake.
- Work on the principle that this group is there to 'steer' not necessarily to 'do', i.e. the aim should always be to recruit others to help on specific tasks.
- Establish a single person point of contact with your local authority as early as possible and agree an informal protocol for who should contact who (ideally not always directly via the contact officer but certainly by always copying in him or her).
- Also at this early stage, request that the authority provides you with good initial information about the type of help, support and advice they will give and the materials they will supply (maps, data etc.).
- Secure access to some professional advice, be that just some free, friendly advice from someone you happen to know or through the appointment of consultants.
- If you do appoint consultants, make clear that they are not there to do the plan for you but to help, advise, guide, instruct and brief you to do it.
- Keep checking that what you are working on, and especially what you seek community input on, is appropriate to a NP and in 'general conformity' with your overall Local Plan.
- Don't spend time on developing evidence and policies on issues that are perfectly well covered in your Local Plan (even if that is sometimes not enforced entirely as you would wish). Only develop policies where you are adding key local information and evidence that can genuinely localise an authority-wide policy
- If you are in a rural community and have experience of Parish or Town Plans, be aware that the type of consultation you might do or have done for one of those plans – classically an issues and aspirations questionnaire - is entirely different from what is needed for a NP. A NP requires community wide engagement from the very start to the finish using different methods (one of which might still be a form of questionnaire) with different people at different times.
- Get clear advice about what can be in a NP (e.g. design, site selection), what can't be (e.g. transport, community services) and what might be (e.g. some traffic issues, renewable energy).
- Be sure to communicate with adjacent communities about any issues that affect a wider area or where facilities might better be located in an area other than yours.
- Avoid being too carried away by the prospect of bringing in 'loads-a-money' from CIL. It does not apply to certain types and scale of development and it only comes to you (even if the authority is efficient at passing it on) once any development is complete, so waiting for all developments to be complete before doing a major project might take many years.