

NEIGHBOURHOOD PLANS IN USE

A research report by Place Studio

For the Campaign to Protect Rural England
South West

engage • design • deliver

place



1. INTRODUCTION

1.1 As of March 2018, a government statement suggested that 500 Neighbourhood Plans had successfully passed at referendum and were therefore 'made'. Once made, these plans should then be used as a full part of the planning system* and should be referred to and carry weight in determining planning applications within their designated areas. (* In England only.)

1.2 Place Studio is a small company that has played an extensive and wide-ranging role in all aspects of Neighbourhood Plans since their introduction through the Localism Act of 2011. That role has included national training for planning officers and councillors, authority-wide training for Parish and Town Councils, preparing guidance, undertaking informal research and, perhaps most importantly, supporting around 30 Neighbourhood Plans across the south west of England.

1.3 Drawing on information from planning magazines and journals, and from their own experience with communities and authorities, the team at Place Studio became concerned during 2017 about the number of both positive and negative stories emerging about how made Neighbourhood Plans were, or were not, being used effectively in practice. Though it can be valuable to record, even celebrate, getting over 500 Neighbourhood Plans made, this is not the test that really matters. The real test is whether made plans are then used successfully to prevent inappropriate development and encourage better located and better designed developments that enhance their communities.

1.4 At that time (2017), the stories about the value of made plans were no more than anecdotes, which prompted the idea of undertaking some research to establish a more robust picture of how Neighbourhood Plans were being used. It is, however, important to note that, although 500 plans may now be made, some are too recent for any planning applications at all, certainly not any significant number, to have passed through their local planning system. This may in fact also apply in small rural areas where plans were made a few years ago.

1.5 The pattern across the country was also certain to be very varied. With around 350 authorities and 500 made plans, that equates to just over one made plan per authority. Yet some authorities have a number of made plans already – Herefordshire had 35 in April 2018 – while some have none in place. As will be seen, there are and always will be various other provisos to undertaking research on the use of made plans, but the decision was taken to at least try to 'test the water' and generate some comparative information, both for the value of that in its own right and for what it might highlight about the need for, timing of and methodologies for some more extensive and genuinely thorough research in the future.

1.6 This report introduces the research project that was commissioned subsequent to Place Studio's aspiration to check progress, describes the methodology used, includes all the key findings and draws conclusions both about this project and about further research.

2. THE FORMAT OF THE PROJECT

2.1 Setting Up

2.1.1 In seeking funding for the research, contact was made with officers at the Gloucestershire branch of the Campaign to Protect Rural England (CPRE), where Place Studio staff members already had long-standing personal links.

2.1.2 Although the initial proposal to the Gloucestershire group was well received, some initial checking established that there would almost certainly be too few made Neighbourhood Plans in Gloucestershire alone to produce even a very basic sample. The Gloucestershire contacts then approached other CPRE branches in the South West with which they have regular contact, aiming to bring others, and their respective areas, on board. Support was then secured from, as well as Gloucestershire, the Avonside (the old County of Avon area), Somerset, Wiltshire (but not including Swindon) and Dorset CPRE branches.

2.1.3 As a result, the research area covered 17 local planning authorities areas where Neighbourhood Plans had been made, although there were also 5 where no plans had yet been made. Of these, 12 were District Councils, 4 were Unitary Authorities and one was a (very large) County Authority. The resulting sample base for made Neighbourhood Plans then became 55.

2.1.4 This sample number was of course subject to the level of response. Authorities were not contacted at this point for their support (see later) although Place Studio were known, sometimes very well known, to planning officers and many communities in some of the authorities.

2.1.5 The five CPRE branches took on a role for some of the administration of the project, but their prime contribution was the funding for Place Studio's work which was provided by CPRE Gloucestershire and the CPRE South West Regional Group. **Place Studio would like to place on record their considerable thanks for this support.**

2.2 Methodology

2.2.1 The core of this research focused on seeking responses from local authorities, Parish and Town Councils and groups in urban areas about how, both in general and also in particular cases, made Neighbourhood Plans were being used in determining planning applications. There was also a secondary and still anecdotal aspect to the work; reporting from relevant cases covered in the national planning press.

Contacts

2.2.2 A database was produced at the outset of:

- All planning authorities in the areas to be covered, with, where possible, contact names and details for key officers (usually a head of development management).
- All Parish and Town Councils, or other groups, with made Neighbourhood Plans, also with contact details.

The full list of authorities and communities with made plans is set out in Appendix 1. This also shows those from whom responses were received.

Making Contact

2.2.3 Place Studio prepared and sent email messages to all local authority contacts seeking their support. The message was not just seeking a contribution from the contact person; it also asked them to encourage other officers to contribute (details below).

2.2.4 Parish and Town Councils, and a few urban groups*, were all sent a message from their relevant CPRE branch encouraging them to contribute. (* Such groups – urban forums - would not, however, normally be expected to be in existence once their area's plan is made.)

2.2.5 In all cases, these initial messages included the way to access the survey forms. The forms were prepared, sent out and returned using Survey Monkey. The messages and forms were sent in February 2018.

Survey Forms

2.2.6 Forms were provided for four different authority officers. They were as follows, with the questions asked of each:

2.2.7 Development Management Team Leaders

- Are made Neighbourhood Plans (NPs) now on the list of documents that must be consulted by case officers?
- How do you know or check or get informed that there is a new Neighbourhood Plan in place?
- What guidance is given to case officers about how best to use made NPs?
- From general experience, do you have any of your own concerns about what is in made NPs and how you and case officers might or might not be able to use them?
- Do case officers come to you with queries about how to address specific issues raised by NPs when assessing applications?
- What is your overall view of the value of NPs?
- What do you believe could or should be done to make NPs stronger when used in development management cases?

2.2.8 Development Management Case Officers

- For planning applications in places with made NPs, have the plan policies proved to be of value in drafting reports and making recommendations?
- How in general have you dealt with any differences between what is in a made NP and what is in the Local Plan?
- Have comments been made by Parish Councils or local community people on applications quoting references to their NP?
- Have there been examples of applications being submitted patently at odds with NP policies, which were then refused and went to appeal?
- In general, how effective do you think the made NPs in your area have been in (a) preventing inappropriate developments and (b) enabling better quality, more locally distinctive developments?
- What is the application reference number which we can use to view the application and your report? *(NB. The introductory message mentioned making reference to specific applications.)*
- What factors were important for you in deciding what weight to give, or not give, to the relevant NP policies?
- If your recommendations went against something in the made NP, what were the reasons

for that?

- What is your overall view of the value of Neighbourhood Plans?

2.2.9 Neighbourhood Planning Officers

- Do you play a role in ensuring that, once any NP is finally made, it goes to the relevant development management team?
- Do you provide any formal or informal advice to development management officers about how best to make use of made NPs?
- What is your general experience of how development management case officers make use of made NPs?
- What is your overall view of the value of NPs?
- What do you believe could or should be done to make NPs stronger when used in development management cases?

2.2.10 Senior Policy Planning Officers

- How do you see the status of already made and emerging NPs as Local Plan Review is underway or as it approaches?
- Will (and/or how will) this be affected by national guidance on 5 year and 3 year housing supply figures?
- Will you be using made NPs to inform your Local Plan Review and if so, how?
- What do you believe could or should be done to make NPs stronger when used in development management cases?

2.2.11 The forms for **Parish and Town Councils** included the following questions:

- What is the reference number of the planning application, which we can use to view the application and the officer's report? *(NB. The introductory message mentioned making reference to specific applications.)*
- Very briefly what was the subject of the application?
- Did you make comments on the application that referred to compliance or non-compliance with your NP?
- Were you happy with the weight given to your NP in the determination of the application?
- If the answer to 4 above was 'No', please explain why not.
- In general, do you consider that your NP is now, or is likely in the future, to prevent inappropriate applications and/or encourage better ones?
- If the answer to 4 above was 'No', please explain why not.

Responses

2.2.12 The following responses (completed forms) were received:

- Development Management Team Leaders: 5
- Development Management Case Officers: 8
- Neighbourhood Planning Officers: 6 (NB. Not all authorities have such an officer)
- Senior Planning Policy Officers: 6
- Parish/Town Councils: 13

2.2.13 Responses were received from 11 out of 17 authorities and 13 out of 46 Parish/Town Councils. This is good in comparison with some other surveys (especially for any research involving development management staff) but slightly disappointing in terms of generating a reasonable sample. Comments are made later on some reasons for this response rate and the implications for the results.

3. FINDINGS

3.1 All the findings that follow come with some cautions. When a case appears where a decision was made apparently against the Neighbourhood Plan, the team did not go back and examine that plan in detail to perhaps discover if the relevant policies were poorly phrased such that a case officer could not use those policies to propose rejection of the application. This would have been a largely subjective judgement and important local details (for example knowing a site well) could not be used. It could equally be the case (there is in fact one in what follows) where councillors made a decision against the officer's recommendation. Also, for those examples where an Inspector's conclusions, or those of the Secretary of State, are mentioned, it was not possible to delve in full detail into case records. (This methodological challenge is picked up again in the final section of the report.)

3.2 SURVEY FINDINGS

3.2.1 Even with a 100% response, the survey numbers were certain to be too small to introduce any statistical analysis and around half of the questions sought views rather than any form of numerical answer. In addition, the questions sought responses in terms of practice – the actual use of Neighbourhood Plans - as well opinions on all aspects of plans and the associated processes. All these factors should be borne in mind in considering the results that follow.

3.2.2 The first sections below focus on the 'coal-face', with the responses from Development Management Case Officers. The next section focuses on the responses from what might be called the new major partner in the planning process – Parish and Town Councils (there were no responses from urban communities). The next sections consider responses from Development Management Team Leaders, Neighbourhood Planning Officers and, finally, Senior Policy Planning Officers.

3.2.3 Any reference to Neighbourhood Plans is to made plans unless otherwise stated and the acronym NP is used. Only a selection of comments is used below, mainly because, with perhaps just one application submitted and just one plan made, it was seen as too early to comment productively.

3.3 Development Management Case Officers (8 responses)

3.3.1 When asked whether NP policies had "proved to be of value in drafting reports and making recommendations" this was the response:

- Never: 1
- Rarely: 2
- Occasionally: 2
- Mostly: 1
- Always: 2

3.3.2 The more positive responses to this question were about NPs which provided a good level of locally detailed information, especially on design issues, and where the NP clearly added value to the Local Plan:

- "I think they've been very effective in guiding development to appropriate sites."
- "Can be a useful tool to ensure high quality design."
- "No notable differences - NPs in accordance with the Local Plan".

3.3.3 Member support was also mentioned. However, 5 of the 8 respondents suggested that they did not, or felt unable to, use a NP in determining an application. Several reasons were offered for this:

- The NP added nothing to what is already in the Local Plan: *"they seek to control nothing more than the Local Plan"*.
- The NP included policies that, in the officer's judgement, could not validly be used to refuse an application: The NP *"cannot prevent all houses in gardens (as the Parish would want)"*.
- The NP was judged to be *"overly conservative"* or *"parochial"*.

3.3.4 Several respondents mentioned the established principle of 'balance' or 'weighting' between what is in a NP, what is in the Local Plan and the points made in the application, citing this as a reason for supporting a proposal apparently against the NP.

- *"As ever in DM, it is a case of balancing any policy tensions on a case-by-case basis. We would not in principle afford NP policies more weight than others"*.
- *"Tried to take a pragmatic approach and balance the two"*.

3.3.5 This was also argued on occasion in terms of the other well established principle of 'harm', i.e. that the degree of harm resulting from approval would be insignificant.

- *"We were not satisfied that in itself the proposed development was demonstrably harmful"*.
- *"They caused no harm and were generally in accord with sustainable development principles"*.

3.3.6 Recommending approval against a NP generated some negative reactions:

- *"The differences between the two (NP and LP) tend to generate complaints whereby the officer is accused of not complying with the NP when in fact the policies are often poorly worded and weak at best"*.

3.3.7 Looked at the opposite way, in terms of refusals, respondents were asked whether there had been appeals against refusal. Just under one third of respondents stated that this had occurred; in only one case was the outcome mentioned. (The final outcome on such cases was not sought.)

3.3.8 What was perhaps surprising was the response in terms of whether or not Parish Councils cited their own NP in commenting on applications. The response was as follows:

- Never: 0
- Rarely: 0
- Occasionally: 3
- Mostly: 5
- Always: 0

3.3.9 General views of NPs were often expressed in responses to questions other than the one directly about general views. Some were reasonably, if not greatly, positive:

- *"Fairly effective"*.
- *"Clearly they have value to local people and officers in certain cases"*.

3.3.10 Some comments were cautionary, if not actually negative:

- *"Have not come across any occasions where there has been a direct conflict".*
- *"As they seek to control nothing more than the Local Plan they have made very little effect on the outcome of DM decisions".*

3.3.11 However, in direct response to the question about overall views, the results were generally more cautionary or negative, for example:

- *"The wording of the NP policy is highly important and how that relates to individual cases, and needs to be considered more closely" (sic).*
- *"I'm yet to be convinced of their value at all, as they add a further policy layer, which are likely (at best) to replicate LP policies".*
- *"They are already part of the Local Development Plan. The quality of the made NP influences the strength and influence of the NP".*
- *"I am not sure that Neighbourhood Plans are necessary".*

3.4 Development Management Team Leaders (5 responses)

3.4.1 Perhaps surprisingly, 2 respondents stated that NPs are not on the list of documents to be consulted by case officers. All but one said that they are made aware, if by different routes (e.g. via NDP officer, from policy team) of the existence of any newly made NPs. Once this has taken place, case officers are always given some form of guidance, in some cases at team meetings but, for some, fairly bluntly:

- *"It is part of the Development Plan"!*
- *"The advice is that they are part of the Development Plan and once made, must be given full weight in decision taking and their policies, where relevant, referenced in decision-making and reports"*

3.4.2 Most officers stated that only occasionally do case officers come to them, as team leaders, for advice on how to deal with NP policies in relation to applications.

When asked about the general usefulness of NPs, two considered comments were made:

- *"Some of the policies are not that well worded to be used in the DM process, for example they are similar to but different from the Local Plan policy but without any clear reason for that difference".*
- *"Some NPs are devoid of useful content, but others do have thought-out policies that can guide development. Some are over-optimistic on brownfield development and can also approach criteria based policies in an overly legalistic manner".*

3.4.3 In terms of the overall value of NPs, the following are some comments:

- *"They can add some local context where well prepared, but can also be problematic. They raise expectations (for example that development can be prevented or more controlled); site allocations are not always based on the level of evidence that would be required for a local plan site allocation etc".*
- *"Limited. If there is a very active group prepared to devote considerable time and energy to the plan I can see the value, especially in terms of improving design quality. However, this does not necessarily reflect where effort and development should necessarily go. It does little to serve those areas where residents are perhaps less able to devote the time and effort involved".*
- *"They can be useful tools for local people to decide where new housing should go and what the Limits of Development should be".*

3.4.4 The final question sought views on what might be done to make NPs more effective. This added little to the comments above but the following two points stood out:

- *"Stronger evidence base of delivery"*.
- *"The early ones with site allocations need to be looking at updating them once the new NPPF is through. Policies need to be realistically framed in the first place, otherwise they get deleted by Examiners and the resulting plan is devoid of useful content"*.

3.4.5 There was also one challenging response as follows:

- *"I don't consider they should be made stronger"!*

3.5 Neighbourhood Planning Officers (6 responses)

3.5.1 The first question for this group addressed the question of whether, as Neighbourhood Planning Officers, they play a role in ensuring that NPs get properly to Development Management Case Officers. Four officers said 'yes', one said 'no' and one suggested a *"limited role"*. The second question followed up in terms of whether they offered practical advice to case officers on the use of NPs. In this case, two said 'yes' two said 'no', one felt that was the responsibility of the policy team and the other (same as above) again suggested a *"limited role"*.

3.5.2 In terms of general experience of how case officers use NPs, some comments (which are slightly more positive than some results above) were as follows:

- *"It varies on the NP, obviously whether there are relevant policies but mainly on the level of evidence and information supporting those policies. NP status and where they are in the process are always referred to in reports. Policies referred to if relevant"*.
- *"They take the NP into account. This district has not to date received applications with allocation policies"*.
- *"Case officers do seem to be using them, but seem to feel that they are too long and not always relevant to the planning application. Responses/complaints from parishes seem to suggest that they feel that they are being overlooked"*.
- *"They are utilised and referred to where they are made"*.
- *"They refer to them in reaching decisions"*.

3.5.3 As with Team Leaders the final two questions asked about the general value of NPs and about what might be done to improve things. Some comments about the general value were as follows:

- *"The value of NPs varies hugely. They are an educational tool about planning policy. They enthuse community and increase involvement in planning process, community activities and local government. The level of supporting information will determine their robustness and effectiveness. In long term (c.10 years) will NPs still be around? Depends why community wish to do a NP. They are not always the "right tool for the job" and we try to make sure communities are aware that, if they are concerned about influencing the form of infill development, a Village Design Statement may be more effective, if their priority is affordable housing working directly with the local authority may be more effective, if they have many social community priorities a Parish Plan may be more appropriate"*.
- *"I think they offer a high value, particularly in their potential to deal with local/specific issues. They also provide a framework for Parishes to use when responding to planning applications"*.
- *"A valuable tool for communities, but under-utilised due to complexities and costs of producing them. Too often seen as anti-development device"*.

- *"In theory, NPs could be transformative. In practice, they are often conservative, focusing on protecting the interests of current residents. Moreover, the initial concept fails to recognise the legal complexities of the planning system, so community ambition can often collide with the realities of the English planning system"*.

3.5.4 Comments about how to make the system more effective included the following:

- *"Shorter NPs that deal with specific local issues. More understanding from the outset of who the end users are, e.g. applicants or Case Officers determining planning applications"*.
- *"Parishes need to be made aware that it is their document and therefore their responsibility to respond to applications using their NP. DM officers will refer to it but parishes need to take some responsibility in their planning responses"*.
- *"Attributed more weight and then tested at appeal"*.
- *"The Local Planning Authority needs to be recognised as a key partner in the development of the plan, not just the owner at the end of the process. We have frequently given advice on DM usability at an early stage, followed by representations at pre-submission, still to find the same content at submission. While in many cases Examiners have deleted or modified such points, this has still led to policies which work poorly in practice"*.

3.6 Senior Policy Planners (6 responses)

3.6.1 This group was included in the survey for two main reasons. First because the key link for parish groups in preparing their plans is with policy officers, secondly because made plans will now have to be used in some way in Local Plan review. The first question asked about the latter point: officer views on the status of NPs in the lead-up to Local Plan review. Some comments were as follows:

- *"Depends on policies in NPs and how far in process emerging NPs are. Key Words: Opportunity, Filling a policy vacuum, Policy Precedent, Joint Evidence, Sound Community Engagement"*.
- *"We have worked closely with NPs to ensure that they would be in general conformity with our emerging Local Plan. This way we hope to not conflict with any existing NPs once the Council's Local Plan is adopted"*.
- *"NPs that have been made under the current Core Strategy may potentially be superseded by a new Local Plan, particularly where they make housing allocations. At a recent examination into the Neighbourhood Plan there was considerable discussion as to whether the plan should be judged against current adopted policy or emerging Local Plan policy. We are awaiting the Examiner's report but the point was made that the NP might be superseded in part within a short time. An alternative is for plans to have some flexibility and contingency policies to enable the planned consideration of additional sites if needed"*.
- *"Made NPs are part of the statutory Development Plan and they continue to carry full weight whilst the Local Plan review is being undertaken. At an advanced point in the preparation/review process (e.g. once the Local Plan Inspector's Report has been received) the weight attached to a NP in decision-making is likely to diminish in relation to areas/policies where there is conflict with the Local Plan (as reviewed). Where conflict between a made NP and Local Plan review is likely early commencement of work reviewing the NP should be considered. Parishes will be advised accordingly and support given. Emerging NPs need to conform with strategic policies in the adopted Local Plan, but regard should be had to likely/emerging policy direction in the Local Plan review"*.

3.6.2 There was some uncertainty about replying to the next question about the effect of national guidance on 5 year and 3 year housing land supply. While it was noted that the 3 year supply statement from the Minister had been received positively by neighbourhood

planning groups, most respondents felt that the next round of plans, and Local Plan review, would mean that NPs would make little difference to what is proposed in plan reviews. The point was also made that some NPs do not actually allocate sites, so no numerical analysis can usefully be done.

3.6.3 When asked whether NPs will be used to inform the Local Plan review, the answers were almost all positive (the exception was from an authority with only one NP in place). Some comments were as follows:

- *"Yes, good basis for information on community priorities, community engagement, community evidence - even if robustness of it or 'bar' for it is much lower than for Local Plans in terms of 'soundness'. NPs used for Local Plans, IDPs, CIL prioritisation, other strategies such as children's play or sports pitches, etc"*.
- *"Yes - we have worked closely with NPs ~~plans~~ to ensure there will be consistency with the Local Plan"*.
- *"Yes as evidence base, identifying changing issues and opportunities, setting local priorities, health checking local visions (in cluster areas) and setting guiding principles for those areas. Information will also inform a vision, objectives, future plan strategy, core policies and delivery policies"*.
- *"Going forward there are opportunities to use both NPs and any local evidence base to inform emerging plans"*.
- *"Where relevant, yes, e.g. in relation to considering spatial strategy/development distribution options in the Local Plan Review and potentially the consideration of site allocations. Many NPs give a clear indication of the community's position with regard to development and contain linked useful site/needs analysis and evidence. Where up to date this will inform the Local Plan Review. However, if and where the Local Plan Review is likely to depart from the NP position early discussion/engagement with parishes is key"*.

3.7 Parish Councils (13 responses)

3.7.1 Perhaps not surprisingly, the most responses were received from this group.

3.7.2 All of the specific planning applications mentioned were for housing. Developments were proposed for 1, 4, 16, 19, 27, 28, 36, 50 and 71 houses. Three of these projects were described as outside the settlement boundary and rejected for that reason. Two appeals were mentioned on the larger projects, one apparently rejected. Two projects were for more minor extensions. (It is important to remember that these were the examples people chose to mention.)

3.7.3 When asked if the Parish Council had commented on these applications, everybody replied that they had done so. This might seem to contradict the result above from Case Officers that not every Parish Council had submitted comments citing their NP, but that was a general comment and may not apply to the examples quoted. As someone said: most applications *"have only small cross references to the NP"*.

3.7.4 However, when asked if they were happy with the weight given to their NP in the determination of the cited application, eight of the 17 respondents said that they were not happy. Some typical comments about this were as follows:

- *"Swept aside at development committee. Planning officer spoke with his view for half an hour; we got the timed 3 minutes"*.
- *"Our representation was ignored completely"*.
- *"Whilst reference was made in the officer's report, the policies on number of bedrooms/house size and need to keep development reflecting character etc. were both ignored"*.

3.7.5 The latter comment above relates back to Case Officer comments about some of the policies in made NPs not being genuinely useable in determining applications. In this case, however, the NP apparently included policies on bedroom numbers and house types that should probably never have been accepted by the Examiner in the first place. (This issue is picked up in the conclusions.)

3.7.6 Also in relation to earlier comments about the need for 'balance' in determining applications, one respondent simply said that "you don't win them all".

3.7.7 Having asked about specific practice, the next question asked whether people believed that their NP "is now, or is likely in the future, to prevent inappropriate applications and/or encourage better ones". The response was:

- Yes: 56%
- No: 44%

3.7.8 When those who answered 'no' were asked to explain their judgement, some typical comments were:

- "There are at least six applications where officers have either not made reference to the housing policies or have acknowledged the policies but have not supported the PC in their response".
- "We were 30th in the country to adopt at referendum. Over 1,500 said yes, yet here we are in limbo waiting for the Secretary of State to back it. He has deferred so many times. The 3/5 year land supply seems to be the problem".
- "NP does not have enough teeth. Planning officers are too stretched to have time to properly consider NP policies. Developers use viability as an excuse to get their own way".

3.7.9 More reflective, and relating back to comments about balance, is the following:

- "The answer is both yes and no! The Parish Council have experienced difficulty with progressing the made Neighbourhood Plan linked planning applications progressing through planning. The Parish now has an application that was approved pre-NP with a planning permission close to expiry for 20 houses. The developer has changed and there is likely to be a new planning application - which will go against the made NP as this land was not selected for development and was previously pushed through prior to the making of the NP".

3.7.10 The final question sought general views about the value of NPs and, by implication, what might need to be done to improve practice. Some typical comments (these were the longest responses to any question in the whole survey) were as follows (all included here but not always in full):

- "Judgements supporting Neighbourhood Plans are helping to prevent inappropriate applications, but government still needs to clarify the relationship between Local Plans and national policies such as action against land banking by developers, and sustainable development to meet national housing needs. For better applications, which will speed up the planning process, there needs to be change in the culture of the planning system, which is unnecessarily bureaucratic and opaque. The current requirement for community consultation by developers is mere "wallpaper" - an attempt to impose or "sell" a preconceived development to the community. If community views are to be properly taken into consideration, constructive negotiation on the basis of agreed NP policies should be an early part of the process with developers and planners".

- *"We believe that there is an opportunity for the NP to be stronger if the planning officer at had a closer relationship with the Town Council Neighbourhood Plan review team, to assist with understanding the limits of any technical planning application as well as the emotional community feelings towards examples such as the one above".*
- *"There appears to be a lack of knowledge and understanding of the authority of the made Neighbourhood Plan and its legal standing by councillors at Area Planning Committee meetings. NP supported planning applications should be approved if no material considerations indicate otherwise (NPPF paragraph 12). The authority of the NP should be understood and adhered to and decisions must be made lawfully".*
- *"Better knowledge by local planning officers. Early consultation by District Council on planning applications".*
- *"Improve the way that data is made available to neighbourhood planners. Provide some ongoing funding once a plan is made. The NP process is complex as it must conform to the strategic policies of the Local Plan. Investment in time and resources means that, once a plan has been made, it can be difficult for communities to sustain momentum - from maintaining engagement and keeping abreast of relevant changes (in community as well as policy terms) to subsequent amendment of the Plan. Give greater weight to non-planning, but related issues. NPs have limitations, for instance, non-planning matters may be addressed but are not given statutory weight. This means that infrastructure issues which may impact the local community as a result of development - including transport/traffic, employment, medical services and schools - may be downplayed by developers. These issues, as well as NP policies relating to appropriate design, energy efficiency, and local housing need to be given greater weight in the planning process".*
- *"Officers need training and the authority need to recognise the presence of NPs, the process undertaken and take account. At present the Case Officers appear to be disconnected".*
- *"Once adopted, planning officers seem to take note but often need reminding. The best one can expect is for the NP to be accepted as strong material guidance as a part of the local authority planning rules".*

3.8 PLANNING PRESS FINDINGS

3.8.1 The Place Studio team regularly collect articles from the planning press, and occasionally other sources, about Neighbourhood Plans and neighbourhood planning generally. This is never intended as an exhaustive process so some articles may have been missed and coverage depends completely on the judgement of the journalists involved as to the significance of the issues covered.

3.8.2 Amongst what has been a regular flow of articles about Neighbourhood Plans since mid 2016, some articles have highlighted examples of the use of made plans. Not surprisingly, the frequency of coverage of this issue has increased as more plans have been made, related applications have been determined and cases have been challenged and reached the courts or required ministerial decisions. Although what follows provides some valuable examples, it must nevertheless be treated as anecdotal.

3.8.3 One particular factor to also bear in mind in relation to these findings is that some examples were about plans made before the Ministerial announcement* (December 2016) that Neighbourhood Plans could stand even if the authority lacked a five year housing supply, as long as there was a three year supply. Very importantly, this took some aspects of the final decision-making out of the hands of case officers drafting reports on applications. (*This announcement was challenged in the courts, unsuccessfully, by a group of developers.)

3.8.4 Some examples picked up at this stage, in the months before the announcement, all in places with Neighbourhood Plans, were as follows. (In summary only, details for all the following examples are given in Appendix 2.)

- 28 houses approved by an Inspector, against the Neighbourhood Plan, primarily on the basis that the authority could only demonstrate a 4.2 year housing land supply.
- 100 houses refused, in support of the Neighbourhood Plan, by the Secretary of State, against an Inspector's conclusions. The Secretary of State chose to give substantial weight to the Neighbourhood Plan, despite the authority not having a five year housing land supply.
- 200 houses refused, in line with the Neighbourhood Plan, by the Secretary of State, in line with an Inspector's conclusions and despite the lack of a five year housing land supply.
- 190 houses allowed, against the Neighbourhood Plan, by the Secretary of State, against an Inspector's conclusions, citing a lack of a five year housing land supply.
- 50 houses allowed, against the Neighbourhood Plan, by the Secretary of State, in line with an Inspector's conclusions, citing a lack of social and environmental harm. (No mention made of land supply in this case).

3.8.5 Until late in 2016, it appears that the five year plan supply figure was a regular feature in allowing schemes that went against Neighbourhood Plans but, as above, not always. There is continuing national debate about the apparent inconsistencies in such decisions but, once again, this may be inappropriate given the potentially very varied details of specific examples; an issue made more important given the very nature of detailed Neighbourhood Plans.

3.8.6 The uncertainties about the status of made Neighbourhood Plans, even in the current context of the three year land supply issue, are highlighted particularly strongly in the following example.

- A scheme for 97 houses was initially rejected by the local authority because it did not accord with the emerging* Neighbourhood Plan. The subsequent appeal was dismissed by a planning Inspector but that decision was overturned by the High Court. The Secretary of State redetermined the application and allowed it, while at the same time saying that the decision "*could lead to an erosion of local confidence in neighbourhood planning which would be a harmful outcome having regard to the importance placed on this in national policy*".

(* The meaning of 'emerging' is still debated but this was an example where it was agreed by all that the Neighbourhood Plan was so well advanced that it should be given full weight.)

3.8.7 From April 2017 to April 2018, the only examples noted that relate to the status of Neighbourhood Plans all show the effectiveness of Neighbourhood Plans in facing off challenges. Seven have been noted, as follows:

- A scheme for 27 houses was refused by the authority and that decision was upheld through the appeal because it was against the emerging Neighbourhood Plan.
- A scheme for five houses was refused by the authority and that decision was upheld through the appeal because it was against the made Neighbourhood Plan.
- A scheme for 27 houses was refused by the authority but supported at the appeal. The Secretary of State called it in and refused the scheme because it conflicted with the made Neighbourhood Plan.
- A scheme for 130 houses was refused by the authority but supported at the appeal. It was then called in by the Secretary of State who refused it because it conflicted with the made Neighbourhood Plan.
- A scheme for 200 houses was refused by the authority and that decision was upheld through the appeal and then by the Secretary of State because it was against the made Neighbourhood Plan.

- A scheme for 350 houses was refused by the authority but supported at the appeal. It was then called in by the Secretary of State who refused it because it conflicted with the made Neighbourhood Plan. Again more useful if the sources of these are referenced

3.8.8 The seventh case in this list is both interesting and different, and it is being named because it is generally so well-known. The case concerns a challenge to the made Neighbourhood Plan for St. Ives, Cornwall. Very controversially, the plan included a policy requiring all new homes to be occupied as the buyer's main residence. This policy was challenged in the High Court but the challenge was thrown out, thus supporting the Neighbourhood Plan.

3.8.9 Putting aside the now historical five year/three year issue, and some apparent inconsistencies (which are likely to always occur), these results suggest that Neighbourhood Plans, certainly those that are made and perhaps some that have reached the stage to genuinely be regarded as 'emerging', are holding out successfully against challenges at all levels.

3.9 SOME ADDITIONAL COMMENTS

3.9.1 A summary of the results as above was shared in a presentation at a CPRE Gloucestershire workshop in June 2018 with the aim of seeking further, perhaps different reflections. Although there were people present from parishes with made Neighbourhood Plans, all the comments following the presentation were about the examination process rather than the use of those made plans.

3.9.2 Not only that but all of the comments were particularly vehement about the way in which their communities' plans were, as one person termed it, "eviscerated" by the examiner, even though they were then all eventually made. There was considerable frustration and a clear loss of confidence in the whole approach of Neighbourhood Plans from these participants, so it was not perhaps surprising, but rather disappointing, that only one of their Parish Councils responded to the main survey.

3.9.3 (This does, of course, beg the question of how plans could have reached the stage of being sent for examination if they were – apparently - so patently non-compliant. Had this not been picked up in authority advice, in any consultant advice or during the first Regulation 14 consultation?)

3.9.4 The response above does, however, raise the issue that, if a community feels that their final made plan does not fully reflect their aspirations, that may well influence the way they use it once it is made. They might consider that it is no longer worth bothering and not engage properly in assessing and commenting on planning applications, or they could perhaps become even more proactive and assertive in an attempt to (in their terms) rescue the situation. Either way, it seems understandable that the easy or difficult progress of a plan to completion, examination and finally being made can affect how it is then used by its host community.

4. CONCLUSIONS, IMPLICATIONS AND NEXT STAGES

4.1 The Overall Findings

4.1.1 Overall, the findings look fairly positive. Made plans appear to be stopping what might be termed predatory applications (i.e. on unallocated sites, outside settlement boundaries overlarge etc.) in their tracks, especially now with the three year housing land supply criterion in place. In general, plan-compliant applications appear to be securing permission and other patently non-compliant ones are being refused (and surviving appeal etc.). However, it is not yet possible to say whether what now has permission is any better (more locally distinctive etc.) than what might have been the case without a Neighbourhood Plan.

4.1.2 As several planning officers commented, it can sometimes be difficult to know exactly what Neighbourhood Plans add to what is in Local Plans. There appear to be too many examples of Neighbourhood Plans simply repeating what is in a Local Plan. Although one would expect Neighbourhood Plans to be particularly strong in relation to issues such as locally distinctive design, that was rarely mentioned explicitly (except in a comment or two about a lack of design guidance). The revised NPPF reinforces the role of Neighbourhood Plans in relation to all sorts of local detail, so this was particularly disappointing.

4.1.3 There is also varying practice at all levels: from Neighbourhood Plan officers ensuring that made plans get to Case Officers, to Development Management Team leaders providing guidance to Case Officers and to Case Officers themselves who appear to vary considerably in the final weight they give to made plans. Though difficult to be certain given the number of responses, it does not, however, appear that this is causing particular problems and such variations are common between different authorities and may not affect end practice.

4.1.4 It is also likely that problems occur when plans are overlong and the policies are not as clear and precise as they should be. Responsibility for that clearly cannot be laid at the door of those communities preparing the plans. They need good advice (though some appear to choose not to get that) and there is also a need for consistency and perhaps more rigour in the examination process. The original intention to make examination a 'light touch' process was intended to be more about the manner in which the examination was handled; it did not mean being 'soft' on proposed policies because that is no help in the end to the plan communities.

4.1.5 Despite all of this, there are, and always will be – perhaps should be – issues about the correct weight to be given to a made Neighbourhood Plan rather than the Local Plan, or even national policy. Several officers made comments that were in effect about 'balance' and one officer also raised the inevitably judgemental issue of 'harm'.

4.1.6 The study results also serve to confirm what the Place Studio team have often experienced; that nearly all communities preparing Neighbourhood Plans have a rather inflated (sometimes seriously inflated) view of what their plan can achieve, i.e. that it will be totally challenge-proof and every future application will either fit their plan exactly and speed through or be refused if it strays from their plan in any way at all.

4.2 Methodological Implications

4.2.1 A phrase used in the Introduction to describe this research was 'testing the water'. That certainly proved to be the case given the number of authorities and Parish/Town Councils contacted and the percentages of responses (which was nevertheless very reasonable). In some cases, email replies suggested that a lack of response was simply due to the fact that no significant applications had yet been submitted since a particular plan had been made.

4.2.2 This was therefore not a robust statistical sample. At the same time, it has proved extremely valuable in terms of the range and variety of responses received, backed up by the still largely anecdotal evidence from planning press coverage. The study has indeed tested the water and shown that it needs testing more fully! What has emerged suggests that a study across all of England, with 500 plans now made, would almost certainly yield a genuinely robust sample, even now. What is more, that study is needed as a matter of real urgency if valuable lessons are to be learned for all involved in Neighbourhood Plan work: central government, local government and especially those communities (around 1,500) underway with the preparation of the next tranche of plans.

4.2.3 There are, however, several awkward methodological problems that this study raised - or in some cases put aside - and which would have to be addressed or at least taken into account in further work. Some key ones are as follows:

- As the general experience of the Place Studio team has shown, Neighbourhood Plans vary in quality, coverage and detail. It may therefore be that a failure to use made plan policies in reaching a determination on an application is solely to do with the inadequacy of the plan policies themselves. This study was not able to look in such detail and, anyway, this raises awkward problems of whose judgement should be used in any future research to assess the adequacy of any plan?
- The inevitable parallel to this is that some Local Plans may also be poor and unable to deal successfully with certain applications. There was neither time nor resource to consider this and, once again, whose judgement would or should this be?
- As the study can only suggest, there is likely to be quite different practice according to the nature of applications received and the general policy and administrative context of the authority receiving them.
- As with the first point above, the team were not able to look in detail at all the applications about which people responded and it could well be that these were rejected because they were inherently poor (not approvable even in the absence of a Neighbourhood Plan) or approved because the plan (or Local Plan) provided inadequate evidence for any other conclusion.

4.2.4 All of the above are important if a far sharper picture is to emerge from any further work but the hints at greater depth to any future research raise the challenge of securing reasonable response rates; in general the longer any survey gets, the lower the response rate.

4.2.5 It is also important to add that only certain features and potential benefits of Neighbourhood Plans have been checked through this study, i.e. the effectiveness of made plans in influencing the determination of planning applications. Many communities chose to produce Neighbourhood Plans at least in part because of the additional Community Infrastructure Levy (CIL) monies that would come to them from future developments with a made plan in place. That may perhaps outweigh any negative effects of an application that the community – and the made plan - did not entirely support.

4.2.6 There are also other known reasons for starting a Neighbourhood Plan and benefits coming from that process, beyond just securing more control over applications. For some communities it can be about working towards a generally higher level of influence over planning and local decisions, or about raising community awareness and action on anything or everything happening, or what perhaps should be happening, within their community. In addition, as the Place Studio team have picked up from their own work with communities, for some communities their plan becomes secondary once made when their priority then becomes the related projects.

4.2.7 Finally, there were some questions not asked that should be asked in a fuller study, notably whether the plan-making group sought independent professional advice and/or

what nature of advice they received from their local authority. Any further study probably also ought to check the role, if any, of elected members from the local authority.

4.3 Next Stages

4.3.1 It is difficult to make recommendations on the basis of this limited study, although one is extremely clear. As stated above, **a more thorough national equivalent of this research is needed and needed urgently.**

4.3.2 In terms of everyday practice, the following slightly cautious recommendations suggest themselves:

- Neighbourhood Plans have been generally oversold, raising false hopes amongst local communities about what they can achieve on their own and in relation to national policy and Local Plans.
- There is also a lack of understanding about the fact that the UK planning system has always been (as it perhaps should be) about weighting, balance and judgement, not just about what is in any particular plan at any one time.
- All plan-making communities should have access, at least in the later stages of plan preparation, to tough-minded professional advice about the precise details of policies and evidence, and this should be backed up by consistent and tough (but still 'light touch') approaches by examiners.
- Though not covered in this study, it also seems sensible to suggest that there should be some level of briefing and guidance for local authority elected members to help them support their communities in all aspects of neighbourhood planning.

4.3.3 Finally, it is almost certainly true that too much emphasis has been placed, and is still being placed, in the national promotion of Neighbourhood Plans and in all the now enormous body of guidance, on getting a plan finished and made, as if this is the end of the process. Getting a plan made is, to quote Churchill, only 'the end of the beginning'. More advice, guidance and support is essential on what to do once their plan is made and in use. That advice is also needed urgently and not just for communities; it is also needed for all local authority planning staff and members.

APPENDIX 1

LOCAL AUTHORITIES CONTACTED

This only includes those where Neighbourhood Plans had been made at the time of the survey. Those responding (in no cases all contacted officers) shown in italics.

West of England

- *Bath and North East Somerset*
- Bristol
- North Somerset
- *South Gloucestershire*

Dorset

- North Dorset
- *Poole*
- *Purbeck*
- West Dorset, Weymouth and Portland

Gloucestershire

- *Cotswold*
- *Forest of Dean*
- *Stroud*
- *Tewkesbury*

Somerset

- Mendip
- *Sedgemoor*
- *Taunton Deane*
- West Somerset

Wiltshire

PARISH AND TOWN COUNCILS CONTACTED

Those responding are shown in italics. NB. 5 did not provide details of their parish.

Bath and North East Somerset

- Chew Valley
- Clutton
- Englishcombe
- Freshford and Limpley Stoke
- Publow with Pensford
- *Stowey Sutton*
- Whitchurch

Bristol

- Lawrence Weston
- Old Market

North Somerset

- *Backwell*
- Long Ashton

North Dorset

- Shillingstone

Poole

- Poole Quays

Purbeck

- Lytchett Matravers

West Dorset, Weymouth and Portland

- Cerne Valley
- *Loders*

Cotswold

- *Lechlade*
- Tetbury and Tetbury Upton

Forest of Dean

- Lydney

Stroud

- Eastington
- Hardwicke
- Kingswood
- Stonehouse

- *Stroud Town Centre*

- Whiteshill and Ruscombe

Tewkesbury

- *Gotherington*
- Highnam
- Winchcombe and Sudeley

Mendip

- Frome
- Rode

Sedgemoor

- *Ashcott*

Taunton Deane

- Bishops Lydeyard and Cothelstone
- Trull

Wiltshire

- *Ashton Keynes*
- Bradford-on-Avon
- Bremhill
- Calne
- Compton Bassett
- Devizes
- *Downton*
- Great Somerford
- Holt
- *Idmiston*
- Langley Burrell
- *Malmesbury*
- *Pewsey*
- *Potterne*
- Urchfont
- *Warminster*
- Wootton Rivers

APPENDIX 2

This appendix provides references to the examples quoted in section 3.8 of the main report. All are from the 'Planning Resource Daily' news notification. (NB. This resource sometimes uses alternative terms for Neighbourhood Plan such as 'village plan' or 'parish plan'.)

BEFORE THE 3 YEAR LAND SUPPLY CHANGE

- *'Homes approved despite clash with village plan'* (28 houses): 18th November 2017.
- *'What recent decisions reveal about parish plan strength'* (100 houses, 200 houses and 190 houses): 18th November 2017.
- *'Disappointment for villagers as housing allowed on site not in neighbourhood plan'* (50 houses): 24th November 2016.

POST THE 3 YEAR LAND SUPPLY CHANGE

Questioning Neighbourhood Plans:

- *'Javid approves 97 homes despite risk of erosion of confidence in neighbourhood planning'* : 20th March 2017.

Supporting Neighbourhood Plans:

- *'Housing scheme refused on village open land'* (27 houses): 4th April 2017.
- *'Neighbourhood plan WMS prompts inspector's dismissal of Herefordshire appeal'* (5 houses and 27 houses): 5th April 2017.
- *'Javid refuses 130 homes against inspector's advice'*: 20th July 2017.
- *'Town edge homes failed on neighbourhood plan'* (130 houses): 20th July 2017.
- *'Neighbourhood Plan trumps land supply deficit in housing secretary's Somerset homes refusal'* (200 houses): 29th March 2018.
- *'Javid refuses plans for 350 Surrey homes due to neighbourhood plan clash'*: 3rd April 2018.