

Memo

To: Graham Hunt; Mike Dyer; Bob Austin

CC:

From: Graeme Markland NPCO

Re: Technical consultation on implementation of neighbourhood planning provisions in the Neighbourhood Planning Bill 2016-17

Date:18/10/016

Dear all

At the request of Graham I responded to the consultation on the proposed new regulations that accompany the Neighbourhood Planning Bill. This has just gone through its second reading in Parliament. In order to make the response I reviewed the consultation document and the proposed regulations and accompanying schedule.

Many of the recommendations are sensible and should help Thame in amending or renewing its NP; I only responded where I thought we could influence or offer first-hand experience. By the way, in the text below a “qualifying body” is us as authors/keepers of the NP (planning law terminology).

Question 1: Do you agree that regulations setting out the detail of the process for modifying an existing neighbourhood plan should replicate as far as possible the existing regulations for making a new plan?

Y/N = No

The principle of mirroring the process of making a new plan is welcome. It is sensible as it will give equivalent weight to modified plans and certainly allow a faster track towards full examination, should that be required.

It is a given however that Local Planning Authorities (LPAs) vary nationally in their enthusiasm for neighbourhood plans. This enthusiasm can wax and wane depending on pressures arising over time. It is therefore inadvisable that LPAs should be given the sole say in deciding if a draft neighbourhood plan is appropriate for the new streamlined examination process, particularly where there is no proposed appeal mechanism. The best placed organisation to decide if modifications change the nature of their plan is the qualifying body itself; they have the greatest knowledge arising from their understanding of the vision, core objectives and ethos of their plan.

It is recommended that the qualifying body is given the initial authority to choose the appropriate modification process for the examination. Informed qualifying bodies would seek the views of their Local Planning Authority prior to submission and in any case, the draft regulations state it is the first duty of the examiner to decide if the streamlined examination process is appropriate. To help prevent spurious applications for the streamlined process the examiner could be granted the right to refuse the examination, rather than automatically continue the examination under existing regulations.

Question 2: Do you agree that a new basic condition is needed to ensure that a neighbourhood plan proposal does not adversely affect any existing plan that remains in place, in areas where neighbourhood area boundaries have changed?

Y/N = Yes

The proposed implementation of a test for adverse consequences is welcome.

Question 3 – Do you agree that local planning authorities should review (and if necessary update) their statement of community involvement at least every five years? If not, what alternative do you propose?

Y/N = Yes

Question 4 - Do you agree that local planning authorities should include their policies on providing advice or assistance to groups preparing neighbourhood plans and their policies for involving interested parties in the preliminary stages of plan-making in their statements of community of involvement within 12 months of Royal Assent to the Bill? If not, what alternative do you propose?

Y/N = Yes

Question 5 - Do you have any other suggestions for further strengthening neighbourhood planning?

Y/N = Yes

Confusion and frustration is being experienced among communities across South Oxfordshire and Buckinghamshire where local authorities are unable to demonstrate a 5-year housing land supply. Communities who threw themselves behind their emerging and adopted neighbourhood plans are seeing evidenced housing allocations and policies completely overridden. Too frequently the carefully researched mix and tenure requirements of specific sites are ignored and the identified needs of the community remain unfulfilled.

The requirement to prove a 5-year housing land supply is a useful, if blunt tool in forcing recalcitrant authorities to meet the objectively assessed need of their housing market areas. It also serves however in creating division between neighbourhood plan areas and their Local Planning Authorities; it brings disillusionment and undermines the sector of planning that should be the most effective tool in bringing development that is not only needed, but welcomed.

As a minimum, primacy should be given to policies that apply to housing allocation sites in order that proposed development approved through both public examination and referendum should not be overruled. It should be made clear that all neighbourhood planning policies, even those that refer to relevant housing policies as described in paragraph 49 of the NPPF, continue to apply to sites allocated in adopted (or post-referendum) plans.

A ministerial statement, or letter from the Chief Planning Officer is urgently required to clarify the tension between NPPF paragraphs 49 and 198; not enough attention is being paid by LPAs to non-housing policies, particularly where LPAs lack 5-year housing land supplies.

Question 6 - Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter? Is there anything that could be done to mitigate any impacts identified?

Y/N=No

Question 7 - Do you have any views about the potential positive or negative financial implications on local planning authorities, neighbourhood planning groups, or others, of our proposed changes? What evidence do you have on this matter? Is there anything that could be done to mitigate any costs identified?

Y/N= No