



Department for
Communities and
Local Government

Neighbourhood Planning



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Introduction

1. The purpose of planning is to help achieve sustainable development. It is important that the planning system supports delivery of the high quality new homes and supporting infrastructure that the country needs.
2. The Government recognises the importance of giving communities a stronger voice in planning decisions. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. For the first time community groups can produce plans that have real statutory weight in the planning system.
3. Whole communities are encouraged to engage with the development of each plan as it passes through several stages before being voted on in a referendum. So far more than 1900 communities across England, covering nearly 10 million people, have started the process of neighbourhood planning. Since 2013 all 200 plans that have progressed to the referendum stage have been approved by voters, with nearly 340,000 votes cast. On average 89% of people who have voted were in favour of the proposed plan for their neighbourhood.
4. Following a campaign to raise awareness of neighbourhood planning, the new neighbourhood planning 'Get Started' website was visited by over 72,000 users and over 2000 comments were posted on the Streetlife local social media forum. Evaluation of these conversations shows that even more people in areas across the country are now talking about setting up neighbourhood planning groups.
5. In February 2016, the Government launched a technical consultation on planning which set out a number of proposals for improving the planning system. Chapter 5 of this document put forward proposals to make it even easier for residents and business to come together to produce a neighbourhood plan or a neighbourhood development order, including the proposed approach to implementing measures in the Housing and Planning Act 2016.

Overview

6. The Technical Consultation on Implementation of Planning Changes was published on 17 February 2016 and consultation closed on 15 April 2016. Respondents were invited to reply online using an internet survey package or to email or post written comments to the Department for Communities and Local Government.
7. We received 392 responses to the neighbourhood planning questions. Respondents addressed some or all of the questions set out in the consultation paper, offered comments on the proposals, and in some cases made specific suggestions for revised wording.

Consultation responses

8. A breakdown of the types of respondent is shown below

Response by type of respondent	% breakdown
Local planning authorities	43%
House builders/developers/housing associations (development sector)	5%
Businesses	3%
Public Sector Organisations	5%
Professional institutions/associations	8%
Industry representatives/bodies and trade organisations	4%
Individual/voluntary/charity/community/research organisations, including representatives from parish councils and neighbourhood forums	32%
Total	100%

Consultation questions

9. The summary of responses is structured around the questions asked in the consultation document. We were grateful for all the responses received, including the alternative or additional text which some respondents offered. These have been given full consideration. It should be noted that in evaluating the responses to this consultation, the government has carefully considered the arguments put forward in support of, or against, any particular proposal, rather than reaching a view based on the absolute number for or against.
10. The Government intends to develop regulations and guidance as quickly as possible. Our objective is to lay new regulations in Parliament to come into effect – subject to the Parliamentary process – by October 2016.

11. The rest of this report sets out an overview of the responses to individual questions, and provides more detail on the Government's proposals for implementing the package of reforms.

12. Throughout the document, qualitative terms should be interpreted as follows:

Overwhelming support	90%+
Strong support	75%+
Considerable support	60%+
More than half	55%+
About half	45-55%

Consultation responses

Designation of neighbourhood areas

13. The consultation proposed that in certain circumstances a local planning authority must designate all of the neighbourhood area applied for, with no discretion to amend the boundary. The circumstances proposed were when:
 - a parish council applies for the whole of the area of the parish to be designated as a neighbourhood area, or applies to enlarge an existing designation of part of the parish to include the whole of the parish area; or
 - in other cases, a local planning authority has not determined an application for designation of a neighbourhood area within statutory time periods.
14. There would be an exception if any of the area had already been designated (other than where a parish want to enlarge an existing designated area), or if there was an outstanding application for designation.
15. As a result, a local planning authority's current requirement to consider parish applications and make a decision within eight weeks (with four weeks of publicity) would no longer apply. Instead, the designation would be made as soon as possible, once the authority is satisfied that the application is valid and complete.

Question 5.1: Do you support our proposals for the circumstances in which a local planning authority must designate all of the neighbourhood area applied for?
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16. There were 392 responses to this question. More than half supported the proposal that a local planning authority must designate all of the neighbourhood area applied for where the application is for a whole parish area, or where the local authority has failed to meet the statutory timetable for decision making (i.e. 13 weeks or 20 weeks where the area crosses local planning authority boundaries). Support for the changes was very strong among potential neighbourhood planning organisations e.g. parish and town councils and neighbourhood forums. A third of local authority respondents supported this proposal, with a further third not supporting and identifying local authority resourcing, a lack of discretion in proposals covering strategic sites, and the difficulty in making timely decisions in complex urban areas as issues.

Government response

17. Slow decision making by local planning authorities, particularly at the start of the process, is frustrating for communities and can discourage them from taking up neighbourhood planning. The Government notes and welcomes the considerable support for this proposal. We have considered carefully the points raised regarding the resource implications of our proposal. However, we do not consider that this proposal represents a new burden. The Government intends to proceed with the

proposals as set out in the consultation and may revisit the time limits in light of experience.

Designation of neighbourhood forums

18. The consultation proposed that local planning authorities should reach a decision on an application to designate a neighbourhood forum within 13 weeks. Where the application must be submitted to more than one local planning authority, it was proposed that this time period should be 20 weeks to allow time for the authorities to cooperate in considering the application.
19. It was proposed that there would be an exception to the time period where more than one neighbourhood forum application has been made in relation to the same or overlapping areas, including any under consideration.

Question 5.2: Do you agree with the proposed time periods for a local planning authority to designate a neighbourhood forum?

20. There were 341 responses to this question. There was considerable support for the proposal, particularly among parish and town councils and neighbourhood forums. About half of local authorities supported the proposal and there was considerable support from professional institutions/associations. However, some planning authorities thought 13 weeks would be too short a period in which to reach a decision for more complex cases, while others commented that the time limits could be achieved through the delegation of decisions to council committees or officers. Some respondents suggested that there should be a provision for timescales to be extended if necessary. Local authorities in particular expressed views about the resourcing of local planning authorities.

Government response

21. The Government welcomes the support for the introduction of time limits for decisions on neighbourhood forum applications. We intend to proceed with the proposals. Local authorities will still be able to decline an application if it does not meet statutory requirements, provided the decision is made within prescribed time limits. We have considered carefully the points raised regarding the resource implications of our proposal. However, we do not consider that this proposal represents a new burden.

Consideration by a local planning authority of the recommendations made by an independent examiner

22. The consultation proposed that there should be a time period of five weeks (from the date the authority receive the examiner's report) for local planning authorities to make a decision on whether the draft neighbourhood plan or Order meets the basic conditions and other legal tests (or would do with modifications) and whether a referendum must be held. The exceptions to this would be when:

- a local planning authority proposes to make a decision which differs from that recommended by the examiner; or
- a local planning authority and a neighbourhood group agree that more time than the proposed five week period will be required to reach a decision.

Question 5.3: Do you agree with the proposed time period for the local planning authority to decide whether to send a plan or Order to referendum?

23. There were 346 responses to this question. There was considerable support across the groups, with about half of local authorities supporting the proposal. Some respondents from the development sector considered that the local authority would need more time to consider the examiner's report and some local authorities suggested that 8 weeks would be more realistic. Local authorities expressed views about their resourcing and the need to consider internal reporting procedures.

Government response

24. The Government considers the proposed time period is realistic and we intend to proceed with the proposals as set out in the consultation. We may revisit the time limits in light of experience.

Notifications where the decision differs from that recommended by the examiner

25. When an authority's proposed decision differs from that recommended by the examiner the Secretary of State may prescribe people who must be notified and consulted. The consultation proposed that these should be the neighbourhood planning group and anyone who made representations during the period the plan was publicised by the local planning authority. This would also apply when the Secretary of State has intervened following a request from a neighbourhood planning group as set out below.

Question 5.4: Do you agree with the suggested persons to be notified and invited to make representations when a local planning authority's proposed decision differs from the recommendation of the examiner?

26. There were 336 responses to this question. The majority of those responding strongly supported the proposal with particularly strong support from parish and town councils and neighbourhood forums. Some local planning authorities suggested that neighbouring authorities and parishes should also be consulted along with statutory bodies if the neighbourhood plan is subject to a strategic environmental assessment. Some suggested that there should be discretion to invite additional stakeholders.

Government response

27. The Government welcomes the support for these proposals. It is clear that those responding placed a high degree of importance on consultation. We intend to take forward the proposals as set out in the consultation document, with an additional requirement that statutory bodies (ie Natural England, Historic England and the Environment Agency) are notified and consulted when a local authority proposes to disagree with an examiner's recommendation. Local authorities would continue to have discretion to extend the list more widely.

Consultation period for further representations

28. When a local planning authority comes to a different view to that of the examiner, this should not mean that there are long delays. The consultation proposed that the period during which further representations can be made should be limited to six weeks; and that the local planning authority should issue its final decision within five weeks of the end of that period (unless the authority considers it appropriate to refer the issue to independent examination).

Question 5.5: Do you agree with the proposed time periods where a local planning authority seeks further representations and makes a final decision?
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29. There were 334 responses to this question. There was considerable support from many respondents; particularly the development industry and parish and town councils and neighbourhood forums with around half of local authorities supportive. Some authorities cited the need to strike a careful balance between ensuring timely progress with the need for flexibility to respond to local circumstances and to avoid unnecessary burdens. A particular issue for local authorities was their ability to make decisions within the proposed 5 week period and fit with committee cycles.

Government response

30. The Government has carefully considered the responses and intends to implement the proposals as set out in the consultation.

Setting the referendum date

31. Before a neighbourhood plan or Order can come into force, it must be voted on by the local community in a referendum. Where the neighbourhood area has been designated as a business area, there is an additional referendum for the businesses in the area. The consultation proposed that local planning authorities should hold a referendum within ten weeks of the decision that a referendum should be held (or 14 weeks where there is also a business referendum).
32. Three exceptions to this were proposed. First, where a neighbourhood planning referendum can be combined with another poll that is due to be held within three

months of the end of the 10 or 14 week period described above. Secondly, where there are unresolved legal challenges to the decision to hold a referendum. Thirdly, where a local planning authority and the neighbourhood group agree an alternative time period.

Question 5.6: Do you agree with the proposed time period within which a referendum must be held?

33. There were 362 responses to this question. The proposal had considerable support and many respondents said that the time limits would provide much-needed clarity to the process. There was strong support from parish and town councils and neighbourhood forums and very strong support from the development sector. Some local planning authorities suggested there was an additional burden from the proposals. Some respondents suggested that further exceptions should be made for cross boundary neighbourhood plans, or where the local planning authority overseeing the neighbourhood plan is not the body arranging the referendum (as with mayoral development corporations or national park authorities).

Government response

34. The Government welcomes the support for the proposal. We intend to proceed with the reforms with some minor changes. We will express the time period in working days, to fit with existing referendum regulations relating to the requirement for the local authority to publish an Information Statement before the referendum. The time period within which a LPA must set the date for a referendum will be 56 working days for standard referendums and 84 working days for business referendums. This would allow 28 working days in all cases for the local authority to prepare the Information Statement. The 84 day limit will apply in two additional circumstances: where the neighbourhood planning area and referendum area falls within more than one local planning authority area and where the local planning authority is not the “principal authority” responsible for arranging the referendum, as with Mayoral Development Corporations or National Park Authorities. Exceptions to time limits will apply as set out in the consultation and paragraph 29 above.

Bringing neighbourhood plans into force

35. A local planning authority is required to ‘make’ a neighbourhood plan or Order as soon as reasonably practicable after a successful referendum (or referendums). This brings the plan or Order into legal force as part of the development plan for an area. The consultation proposed that a plan should be made within eight weeks of the date of the referendum or referendums, unless there are unresolved legal challenges to the decision to hold either referendum or around the conduct of either referendum.

Question 5.7: Do you agree with the time period by which a neighbourhood plan or Order should be made following a successful referendum?

36. There were 338 responses to this question. There was considerable support for this proposal across all groups, with strong support from parish and town councils and neighbourhood forums. There was very strong support from businesses, the development sector and professional institutions/associations. Although supporting the principle of time limits, some local planning authorities thought 8 weeks too short a period in which to reach a decision, particularly for complex cases. Respondents made the point that there needed to be sufficient time to arrange suitable publicity, and for flexibility, particularly during holiday periods. Some local authorities expressed views about resourcing, but others commented that the time limits could be achieved through the delegation of decisions to council committees or officers.

Government response

37. The Government considers that the proposed time period is realistic and intends to implement the proposal and the exception as set out in the consultation. We have considered carefully the points raised regarding the resource implications of our proposal. However, we do not consider that this proposal represents a new burden.

Question 5.8: What other measures could speed up or simplify the neighbourhood planning process?

38. 187 respondents provided comments, of which 110 were from local authorities, around 40 from groups such as parish/town councils and neighbourhood forums, and 36 from groups including professional bodies and house builders. The majority of respondents, particularly local planning authorities, mentioned that funding and resources were the key to speeding up and simplifying the neighbourhood planning process. The level and nature of support from local planning authorities was also identified as of importance, with many respondents calling for the local planning 'duty to support' to be strengthened. Other suggestions included:

- Encouraging local authorities to delegate decisions to officers
- Simplifying the sustainability appraisal process
- Requiring allocation of reserve sites in all neighbourhood plans, to boost the supply of housing
- The need for more clarity to be provided on the weight of emerging neighbourhood plans
- Introducing flexibility to change neighbourhood areas
- Making the recommendations of neighbourhood planning examiners reports binding
- Removing the requirement for a referendum.

Government response

39. The Government recognises that communities may need support, particularly from local planning authorities in order to plan for the future of their areas. We have noted all suggestions and are working with pilot local planning authorities to explore opportunities for improving support on neighbourhood planning. The Neighbourhood Planning & Infrastructure bill, to be introduced shortly, also addresses many of the issues raised. Planning guidance already encourages delegation of decisions to officers and allocation of reserve sites in neighbourhood plans. The government is committed to meeting the cost of new burdens on local authorities. To support the vital role of local authorities in the neighbourhood planning process, in March the Department announced updated arrangements for funding local planning authorities in 2016/17.

Requests for the Secretary of State to intervene

40. New powers in the Housing and Planning Act enable the Secretary of State to intervene at the request of a neighbourhood planning group, in the rare cases where a plan has passed examination but has been blocked by a local planning authority. The Secretary of State can intervene, in three circumstances:

- where the local planning authority has failed to take a decision whether to send the plan to referendum within the period prescribed, or
- where the local planning authority do not accept all of the examiner's recommendations; or
- where the local planning authority propose to modify the plan or Order proposal in a way that was not recommended by the examiner.

41. We consulted on a number of procedural issues.

42. The Secretary of State may prescribe the form and content of a request for intervention by a neighbourhood group and the date by which it must be made. The consultation proposed that a request for intervention must be made in writing, giving clear reasons why the proposed decision of the local planning authority should be reconsidered by the Secretary of State.

43. In cases where the neighbourhood group is making the request because the local planning authority decides not to follow a recommendation of the examiner; or makes modifications that the examiner has not recommended, the consultation proposed that the request must be submitted within six weeks of the date that the authority publish their decision.

44. The consultation also proposed using new powers to prevent a local planning authority from taking their final decision on whether a neighbourhood plan or Order

should proceed to a referendum until the Secretary of State has decided whether to intervene.

45. Once the Secretary of State has decided whether to intervene, the consultation proposed that the neighbourhood planning group and the local planning authority will be informed and invited to make representations. Views would also be sought from those who made representations during the original publicity period.
46. The consultation proposed using new powers to enable the Secretary of State to appoint a planning inspector to take the decision on the Secretary of State's behalf.
47. New powers allow certain matters to be set out, that the Secretary of State or an inspector must take into account when taking the decision on whether a neighbourhood plan or Order should proceed to referendum; and require a local planning authority to provide certain information to the Secretary of State or an inspector. The consultation proposed that the information provided should include: the examiner's report; all the documents submitted by the neighbourhood group with a neighbourhood plan or Order; any other documents submitted to the local planning authority by the neighbourhood group in relation to a neighbourhood plan or Order; any representations that were sent to the examiner; representations made in response to a local planning authority's proposal to depart from the examiner's recommendation; and the local planning authority's decision statement.
48. The consultation proposed that the Secretary of State must notify the neighbourhood planning group and the local planning authority of their decision and reasons for it; publish the decision and the reasons for it; and send, to any person who had asked to be notified of the decision in relation to the neighbourhood plan or Order, a notice explaining that the decision has been made, and where details can be found. The local planning authority may be required to notify certain persons of any decision the Secretary of State proposes to make that is not in accordance with the examiner's recommendations. The consultation proposed that these should be the same people set out in the response to Q5.4.

<p>Question 5.9: Do you agree with the proposed procedure to be followed where the Secretary of State may intervene to decide whether a neighbourhood plan or Order should be put to a referendum?</p>
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49. There were 318 responses to this question. There was considerable support for the proposed procedure. Support was strong among parish and town councils and neighbourhood forums and the development sector. About half of local authorities responding also supported the proposed procedure. A number of respondents, particularly from local planning authorities, raised the need for continued local authority resourcing and for transparency and accountability. Some respondents suggested that there should be time limits for Secretary of State decisions.

Government response

50. We intend to implement the proposals as set out in the consultation document. As made clear during the passage of the Housing & Planning Act 2016, we anticipate that this power would only be used in exceptional circumstances. We have been very clear that communities and local planning authorities should be working very closely on the neighbourhood plan or order proposal throughout the process.

Engagement in local planning

51. The consultation proposed amending existing regulations to include designated neighbourhood forums as consultation bodies that local planning authorities must notify and invite representations from where they consider the forum may have an interest in the preparation of a Local Plan.

Question 5.10: Do you agree that local planning authorities must notify and invite representations from designated neighbourhood forums where they consider they may have an interest in the preparation of a Local Plan?

52. There were 331 responses to this question. There was strong support across all respondents. Many local authorities were already notifying designated neighbourhood forums in regards to preparation of the Local Plan. Some local authorities questioned whether neighbourhood forums had sufficient training and the implications after the 5 year designation period for a forum expired.

Government response

53. The Government welcomes the strong support for this proposal. We intend to implement the proposal as set out in the consultation.

Public Sector Equality Duty

Question 13.1: Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equalities Act 2010? (a) What evidence do you have on this matter?

13.2: Do you have any other suggestions or comments on the proposals set out in this consultation document?

54. The consultation responses did not identify any equality impacts arising from the neighbourhood planning proposals set out in the consultation.

Government response

55. The overall aim of these proposals is to speed up and simplify neighbourhood planning. The proposals covered in this chapter have been assessed by reference to the public sector equality duty contained in the Equality Act 2010. None of the proposals in this chapter are specifically aimed at persons with a protected characteristic and we have not identified any adverse cumulative impact of these proposals.