

Notes on Neighbourhood Planning

Edition 21, December 2018

Produced by the Ministry of Housing, Communities and Local Government

Welcome

The Ministry of Housing, Communities & Local Government welcomes our new Secretary of State, James Brokenshire & our new Housing Minister Kit Malthouse to the department.

On 30th April 2018, The Ministry of Housing, Communities & Local Government welcomed our new Secretary of State, James Brokenshire, to the department. This follows Sajid Javid's move to the Home Office which the Prime Minister announced on the morning of James Brokenshire's appointment. Before joining MHCLG, the Secretary of State held the position of Secretary of State for Northern Ireland from July 2016 to January 2018.

On 9th July our new Housing Minister, Kit Malthouse, joined the department. Kit was previously the Parliamentary Under-Secretary of State for Family Support, Housing and Child Maintenance from 9th January – 9th July 2018. Kit has been a keen advocate for neighbourhood plans, and has several neighbourhood plans present in his constituency.

Our Ministerial Team is as follows:

- The Rt. Hon James Brokenshire - Secretary of State for Housing, Communities and Local Government
- Kit Malthouse MP - Minister of State for Housing and Planning
- Rishi Sunak MP – Parliamentary Under- Secretary of State, Minister for Local Government
- Jake Berry MP – Parliamentary Under-Secretary of State, Minister for the Northern Powerhouse and Local Growth
- Heather Wheeler MP – Parliamentary Under-Secretary of State, Minister for Housing and Homelessness
- Lord Bourne of Aberystwyth – Parliamentary Under-Secretary of State at the Ministry of Housing, Communities and Local Government

Policy Update

Publication of The Revised National Planning Policy Framework

The Ministry of Housing, Communities and Local Government published the updated National Planning Policy Framework (NPPF) on 24th July 2018. The updated framework confirms the Government's continuing commitment to neighbourhood planning as a key part of our plan led system.

Areas of particular neighbourhood planning interest include the second chapter entitled, "Achieving Sustainable Development," and in particular paragraphs 12 – 14.

This section confirms and fully incorporates the important protection for neighbourhood plans from speculative development which were initially introduced in December 2016's Written Ministerial Statement.

The NPPF gives the criteria for the protection of neighbourhood plans when there's a lack of a 5 year housing supply in a local planning authority (LPA). Here's what's required:

1. A neighbourhood plan has been part of the development plan for 2 years or less;
2. A neighbourhood plan contains policies and allocations to meet its identified housing requirement
3. The LPA has at least 3 years supply of deliverable housing sites
4. The LPA has delivered at least 45% of their housing requirement over the previous 3 years
5. The NPPF gives a requirement for local authorities to provide designated neighbourhood planning areas with a housing requirement figure, to help them progress their plan.

EU General Data Protection Regulations (GDPR)

You may have heard of the new data protection laws, GDPR that came into effect on Friday 25 May 2018. If you are handling personal information as part of your neighbourhood plan preparations you may want to read associated guidance that the Information Commissions Office (ICO) have prepared: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>. It may also be useful to consult guidance that the Planning Advisory Service has created specifically aimed at local planning authorities:

<https://www.local.gov.uk/our-support/general-data-protection-regulation-gdpr>.

Finally, The National Association of Local Councils (NALC) published a comprehensive toolkit in February 2018. This toolkit is free to its members, and provides practical tools to assist local councils with GDPR compliance, in the form of an action plan checklist and a data audit questionnaire, in addition to templates for privacy notices and consent forms:

<https://www.nalc.gov.uk/news/entry/959-nalc-launches-new-toolkit-on>.

European Union Habitats Regulations Ruling

On 13th April the Court of Justice of the European Union published its ruling regarding the 'People Over Wind' legal judgement on Habitats Regulations Assessment & the Habitats Directive.

The Court of Justice clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an 'Appropriate Assessment' must be undertaken.

Prior to the judgement, a screening could identify that development of a site may have a likely effect on a protected habitat, but that mitigation could be planned to be in place to mitigate the adverse effect of development and mean an 'appropriate assessment' – i.e. a full appraisal of the impact on the habitat – would not be needed.

In light of the judgement, there's an expectation that a plan needs to be screened without considering mitigation, meaning more plans could be considered to have a likely effect on EU-protected sites.

We are aware that this judgment has led to uncertainty for those working on neighbourhood plans, and that it has also rendered a range of other planning tools inoperable where a case is 'screened in', including Neighbourhood Development Orders. We intend to make changes to regulations, including to one of the basic conditions for neighbourhood plans, which will allow neighbourhood plans and affected orders to proceed following Appropriate Assessments. The amendments will be laid in Parliament on 7th December and will take effect from 28th December.

Our support provider Locality will continue to offer technical support for neighbourhood plans on Habitats Regulations Assessments.

Neighbourhood Planning News

It's been a busy time for neighbourhood planning!

Neighbourhood plan referendums break through another milestone!

In December we have had over 700 neighbourhood plans progress to referendum! Here's an example of what communities have achieved:

- Hampstead have included a policy to provide greater protection for conservation areas and listed buildings, providing opportunities to enhance and restore features that make a positive contribution to Conservation Areas.
- Hykeham's plan has a policy identifying the Grade II* listed church of St Michael & All Angels and has been recognised in the Central Lincolnshire Local Plan as an 'Important Open Space'.
- The Knightsbridge plan has included policies which will frame the redevelopment of the former Household Cavalry Barracks at Hyde Park, providing employment opportunities and a major boost to local housing need.

Neighbourhood planning champions

George Trubody, a councillor for Rame Peninsula, spoke on BBC Radio 4 World at One on 2 April about second home ownership in Rame and Cornwall.

Recently George has helped groups on the peninsula to bring forward a neighbourhood plan where, following the example of St. Ives, they have sought to include second-home policies to provide new-builds for the local market.

"The problem is it's too idyllic!" Trubody said to the BBC, "We need to try to keep families here to keep the primary school and the shops sustainable all year round. We need a full-time population to keep services viable in places like this - otherwise they just become ghost villages."

Would you like George or another one of our planning champions to help out your group or attend a regional or national neighbourhood planning event? Get in touch with Locality, who administers the national champions network.

Our champions collectively supported hundreds of groups last year. For more information about our champions network, including where they are and how to get in touch with one, please visit the dedicated web page:

<https://mycommunity.org.uk/help-centre/champions-map/>.

Social Network and Support

The latest on our social network and more news on the support for neighbourhood planning

#neighbourhoodplanning on Twitter

Twitter is a great place to share your neighbourhood planning progress and news. If you have a good story, need help, want to collaborate or seek views, why not tweet about it? To help people to find it, please include the hashtag: #neighbourhoodplanning. Just some of many recent posts are shared below!

Neighbourhood Planning Support for Communities 2018-2022

From April 2018, a new £23.5m 2018-2022 neighbourhood planning support programme was rolled out to give more financial support to neighbourhood plans.

The new programme started on 1 April and will continue to provide the resources and expertise that communities may need to plan for the future of their areas.

Grants are available alongside professional planning support on key issues like housing, design and establishing neighbourhood forums. In mid-March a new website was also launched, which provides further details about the programme.

Tony Armstrong, CEO of Locality, said, “We believe that local communities are powerful and are the key to building a fairer society. The new neighbourhood planning contract will help thousands of local groups to create a neighbourhood plan, giving local people a direct say in what happens in their local area and helping every community to thrive.”

Stuart Woodin, the lead Technical Director at AECOM said (who delivers much of the specialist planning support to communities): “Our support provides vital evidence to a whole new generation of ‘lay planners’ from all walks of life who are grappling with the opportunities as well as the challenges presented by planning their places. We are thrilled to be involved for another four years with Locality in this unique Private-Voluntary Sector Partnership.”

Custom Build Policies and Neighbourhood Planning

Ziva Bolton and Xavia Morbey from MHCLG’s Housing Diversification Team

Neighbourhood Planning and Self and Custom Build

As many of you know, neighbourhood plans are a great way for local people to decide where and what type of housing is built in your community.

Why not consider including self and custom build policy in your neighbourhood plan or consider designation lots and land for self and custom build communities.

Neighbourhood plans can be a useful tool to bring forward self and custom build homes and there are already examples of communities doing this with Lawrence Weston Neighbourhood Development Plan in Bristol or the Petersfield Neighbourhood Development Plan in the South Downs.

What's the difference?

When people hear about self-build homes they often think of Grand Designs, but the reality is people building their own homes doesn't always end in drama, delays and divorce!

Self and custom build housing is about people bringing forward homes that they want to live in, having input into the design and layout so that it is suitable for their needs.

Custom build housing is a more consumer friendly form of self-build, the developer provides 'shovel ready plots' with services already provided (sometimes known as 'serviced plots') and outline planning permission.

An individual may then work with a small house builder or specialist custom build developer who would do all the building and hard work but to the family or future owner's vision and specifications.

Self and custom build homes are about bringing greater choice and diversity in the new build market. In 2016/2017, 13,000 self and custom build homes were built across England and the Government's ambition is to increase that to 20,000 by 2020.

Community self and custom build

People who want to bring forward self and custom build housing often already live in the community or go on to become active members of it. Many self and custom build home projects are brought forward by local groups or Community Land Trusts (CLT's). There are examples across the country such as:

- Community Self Build Agency's Nelson Project in Plymouth
- Rural Urban Synthesis in Lambeth
- Older Women's Cohousing Community in Barnet

These groups often want to bring forward homes that local people want such as affordable, sustainable or meeting specific needs such as for older people.

Did you know?

Under the Self and Custom House-Building Legislation, ('The Right to Build'), local planning authorities across England must keep a register of people waiting to bring forward self and custom build homes in their respective areas.

In addition to this they have to have regard for self and custom build homes when carrying out their housing and planning functions such as local plan. Find out more at gov.uk.

Further Information

More information and case studies on self and custom build project can be found in the Right to Build Toolkit.

The Right to Build Portal also contains information on the Right to Build Taskforce who are providing help and advice for community groups to bring forward self and custom build projects including their regional 'Expo' events.

New Neighbourhood Planning Resources

The library of online resources continues to grow as we learn more about neighbourhood planning and respond to suggestions from communities around the country. The newest resources are:

1. **Community Infrastructure Levy: Neighbourhood Planning toolkit**
This toolkit aims to help those involved in Neighbourhood Planning to consider the issues of infrastructure provision and improvement in their neighbourhood development plan.
2. **The Good Councillor's Guide to Neighbourhood Planning**
This guide is designed specifically to help parish and town councillors support their communities and council in deciding whether or not to produce a neighbourhood plan for their area and, if they decide to go ahead, to guide them

through the process of producing the plan and thinking about how it will be delivered.

3. **Memorandum of Understanding: a toolkit for neighbourhood planners**
This toolkit explains the purpose, content and use of a Memorandum of Understanding between a qualifying body for neighbourhood planning and stakeholders critical to the development of a successful neighbourhood development plan or order.
4. **Neighbourhood Plans: Regeneration**
This tool has been prepared to help neighbourhood planning groups to address regeneration issues in their neighbourhood plans. This can involve a wide range of issues, including regeneration of housing estates, town centres, and industrial and commercial areas.

Other online resources are available at: <https://neighbourhoodplanning.org/resources/>.

The Neighbourhood Planning Team at MHCLG

There have been several staff changes in the Neighbourhood Planning Team at MHCLG. From October 2018, Helen Keen has re-joined to lead the team (part-time) and will be joined by Rebecca Miles as a job-share partner in December. Stephen Wright and Patricia Bongani lead on support programmes and finance; Sujata Talukdar, Shuvro Bose and Ben Hand continue to support the team. If you wish to get in contact regarding Departmental issues, please send MHCLG a message via <http://forms.communities.gov.uk/>.

Locality continue to provide advice directly to groups on neighbourhood planning through their website at <https://neighbourhoodplanning.org/>.