

Neighbourhood Planning: Precursors, Lessons and Prospects

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Introduction

“Localism holds the key to economic, social and political success in the future.”¹

The magnitude and significance of the National Planning Policy Framework (“NPPF”) and the Localism Act 2011 needs to be placed somewhat into perspective. The somewhat hyperbolic claim on behalf of localism made by David Cameron above is scarcely worth close scrutiny. Is our “economic, social and political success” really dependant on localism? Surely not. Yet localism, and neighbourhood planning in particular, are flagships of the much mocked and now less overt “Big Society” philosophy that the Prime Minister pinned his Government’s reputation on when coming into office in 2010:

“a guiding philosophy - a society where the leading force for progress is social responsibility, not state control. It includes a whole set of unifying approaches - breaking state monopolies, allowing charities, social enterprises and companies to provide public services, devolving power down to neighbourhoods, making government more accountable.”²

The questions that are more pertinent are: will the policy vehicles used under this banner and that of localism improve planning outcomes? Will it produce better development? Reduce delay or prevent needed development? Will it at least see in a more collaborative planning that raises awareness and understanding of the issues, challenges and dilemmas routinely faced by professional planners?

In this paper a reflective review of neighbourhood planning (“NP”) in the context of changing governance in the United Kingdom is developed. There are emerging lessons learned so far in applying the Coalition Government’s aspirations for NP as a key tool in their localist governance project in England. This overview contains some consideration about how to “make it work”; including suggestions about refashioning NP. As such I point out the difficulties and issues that the NP project faces, based on past experience in researching similar activity,³ and given that such context retains significance alongside immediate lessons from NP Frontrunners. However it is the emerging experience in working closely with practitioners who are applying neighbourhood planning with the support of Planning Aid England (“PAE”) that provides the main source. The aim overall is to provide a critical, yet supportive, paper about the challenges and potentials of neighbourhood planning activity in the present but also a consideration of possible future efforts to generate effective and meaningful engagement in planning.

Neighbourhood Planning and Localism in England

The emergence of neighbourhood planning has been hailed as radical and exciting by some and seen as being fraught with risk and difficulties by others: the Coalition Government’s approach may be both of course. Significantly the approach has been informed by a longer experience of similar efforts and a wider

* My thanks to PAE staff for inputs to the cases and to Kelvin MacDonald for comments on a draft of this paper. All remaining errors are my own.

¹ D. Cameron, *Building a Big Society*. Speech dated March 31, 2010. See http://www.conservatives.com/news/news_stories/2010/03/plans_announced_to_help_build_a_big_society.aspx [Accessed September 27, 2012] at p.2.

² D. Cameron, *Building a Big Society*. Speech dated March 31, 2010.

³ See, G. Parker, “Parish and Community-led Planning, Local Empowerment and Local Evidence Bases. An examination of ‘good practice’” [2008] *Town Planning Review* Vol.79(1) 61–85; G. Parker and C. Murray, “Beyond Tokenism? Community-led Planning and Rational Choices: findings from participants in local agenda-setting at the neighbourhood scale in England” [2012] *Town Planning Review* Vol.83(1) 1–28.

context of a localist policy environment emerging since at least 1991. It is also underpinned by a particular ideology which rests on a belief in a mix of individual choice and social responsibility as expressed in the quotations drawn from David Cameron above.

This formulation of (*New*) *Localism* is a grander and longer term project which has been defined by Stoker as a “strategy aimed at devolving power away from central control and towards front-line managers, local democratic structures and local consumers and communities”.⁴ As the date of this quote indicates, localism as a concept has had some influence on successive UK governments and filtered into a number of policy vehicles and the modernisation project of the Blair Brown years. The general direction of a localist approach advocates local level decision-making and is influenced by a mix of theory including public choice theory.⁵

Such expressions of localism also raise questions over the real level of governmental commitment to localism and now to the NP programme. This is made more acute given the apparent tension between the localism agenda and the growth agenda promoted simultaneously by the Coalition. Among some there is still a perception that NP provides a vehicle to be used by the articulate and better resourced communities to protect their areas against development. This clearly cannot be the case if the NP regulations are followed and the independent examination is conducted dutifully but such thoughts persist in some quarters. Early experience is also showing that there is a degree of difficulty when producing Neighbourhood Plans in adhering to the tests confirmed in the NP regulations and this is a disincentive for communities.

Thus in such circumstances and in the early days of adoption there are likely to be questions raised about principle, design and of emerging practices and practical difficulties that can easily dominate discussions. A pity too; even *if* the underlying principle of trying to get people more involved and knowledgeable about planning is a widely shared aspiration. It has been said of course that in a perfect world we don't get all the government we pay for and indeed there is an element of this to be found in the localism agenda—that predates the current Coalition Government—which aspires to restrict public spending. Prior experience with community strategies and with forms of community led planning in the past two decades have produced only limited success or have not overtly attempted to tackle issues central to planning and development and which carry such heavy baggage. The effort to make NP work needs not only rhetorical support but adequate resourcing and understanding of the rationalities of communities and volunteers.

The National Planning Policy Framework and the Localism Act

The Coalition Government confirmed the reformed planning system, featuring of course the new “glorious experiment” of neighbourhood planning, enabled under the Localism Act 2011 and through the finalisation of the NPPF for England in March 2012. Other notable changes include the removal of housing targets set regionally and the removal of the regional tier of planning. Just as controversial has been the replacement of policy guidance with the very much desiccated NPPF; seen by government as a key part of the reforms intended to: “make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth”.⁶ Opinion remains divided about whether the reforms will make it less complex or navigable for any party. Indeed many in the development industry have adopted the view that NP will add a further degree of uncertainty and complexity into the planning system at a time when numerous development projects are struggling.

The NPPF has a stated aim of shaping sustainable development, under which thirteen themes or strands are set out and where the emphasis is placed both on growth and on a “move away from unaccountable decision-making” in favour of a devolved approach (but notably retaining the plan-led system). This places

⁴ G. Stoker, “New Localism, Progressive Politics and Democracy” [2004] *Political Quarterly* Vol.75(S1) 117–129.

⁵ G. Boyne, “Competition and Local Government: A Public Choice Perspective” [1996] *Urban Studies* Vol.33(4/5) 703–721.

⁶ *The National Planning Policy Framework* (London: DCLG, March 2012) p.ii.

great store on the local level and the local plan, alongside the optional take-up of the new “rights” anchored at the “neighbourhood” scale. The NPPF introduction explains this and the assumed linkages:

“In order to fulfil its purpose of helping achieve sustainable development, planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives. This should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them. Dismantling the unaccountable regional apparatus and introducing neighbourhood planning addresses this.”⁷

Hence the general idea is that reduced guidance and the removal of targets should free-up local authorities and neighbourhoods to plan in the way that they wish, as long as it is “sustainable”. The new tool that is being promoted vigorously is neighbourhood planning (“NP”). Neighbourhood planning and the associated “rights” contained in the Localism Act 2011 are purported to be designed to provide a “powerful set of tools for local people to ensure that they get the right types of development for their community”, and this is qualified inasmuch that the “ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area”.⁸ This indicates how Neighbourhood Plans will need to conform to a traditional planning hierarchy. This raises the first possible tension: that is how to manage the interplay of the bottom-up ideas and preferences that may emerge through NP processes, with “top-down” policies as set out nationally and in local plans. Such a situation gives rise to questions: is there real scope for neighbourhoods to plan for themselves? Does the constricted freedom that the NPPF and Localism Act provide give enough net incentive for neighbourhood activists to mobilise and stay with the NP experiment? The emerging evidence does indicate some quite serious difficulties as discussed below.

The new neighbourhood rights and neighbourhood planning

NP has been trialled since April 2011 via the Frontrunner scheme which saw 234 neighbourhoods embark on the process of creating a Neighbourhood Plan. These were staggered across five “waves” or pilot neighbourhoods and culminated in the last wave announced in March 2012. The basic facts and parameters of NP are first outlined before discussing the experiences and issues gleaned so far.

There are three main rights⁹ enabled under the Localism Act which are most relevant here in terms of planning and development and it is the Neighbourhood Development Plan that I will concentrate on, but the other two “rights”: Neighbourhood Development Orders (“NDOs”) and Community Right to Build Orders (“CRBOs”) appear set to be little used—partly because they do not appear to offer much more than pre-existing powers and similar channels to bring forward development.¹⁰ Significantly the key inertias that require different levers (e.g. land ownership, costs to communities and viability questions—all of which are beyond the scope of this paper) still pertain. I also take the view that in many places financial incentives are likely to have limited effect and only in certain circumstances.¹¹ Furthermore the Neighbourhood Plan should provide the framework within which locally determined developments would proceed in any case. It could be that some communities wrap-up specific NDOs or CRBOs into their NP process, or are happy to see specific sites allocated without using the CRBO/NDO tools.

⁷ *The National Planning Policy Framework* (London: DCLG, March 2012) p.i.

⁸ *The National Planning Policy Framework* (London: DCLG, March 2012) para.184.

⁹ i.e. the Community Right to Build Orders (“CRBOs”) and Neighbourhood Development Orders (“NDOs”), alongside Neighbourhood Development Plans. There is also a community right to challenge power, see <http://communityrights.communities.gov.uk/what-are-community-rights/> [Accessed September 27, 2012] which was introduced in June 2012 and another expected in Autumn 2012—the “Community Right to Bid”.

¹⁰ See annex 1. See also S. Ricketts and D. Field, *Localism and Planning* (London: Bloomsbury, 2012).

¹¹ Financial incentives such as the community share of Community Infrastructure Levy income and funds attracted under, e.g. the New Homes Bonus. It is still unclear if these will be relevant in less economically strong areas, if the amounts will be significant enough to make much difference, or indeed whether in some places they may be seen as tantamount to bribery and harden attitudes in communities towards local authorities, government and development overall.

Completed Neighbourhood Plans will become part of the statutory planning policy framework, setting out a range of policies and site allocations in that neighbourhood. The Neighbourhood Plan itself can be broad and attempt to consider the widest range of planning questions for the area, or it can be much narrower in focus. In this sense NP is flexible with a host of possibilities open and “flavours” available. In order to be recognised formally as a Neighbourhood Plan, the planning process that the parish or town council or neighbourhood forum will need to follow should conform to the procedures and regulations published by government.¹² The Neighbourhood Plan will also need to be in general conformity with the local plan and the NPPF; the content should be “pro-growth”; in simple terms it cannot advocate any less development than that indicated in the local plan.

In brief, there are five necessary steps involved: first to define the neighbourhood area and establish the neighbourhood forum; then prepare the plan which must then undergo the independent examination. After this the referendum is held and lastly the adoption of the Neighbourhood Plan by the local authority when it has been accepted. The procedural rules are more prescriptive and no Neighbourhood Plan has yet proceeded through all the steps (at the time of writing in July 2012), so how the regulations and the examination steps are applied and interpreted are still rather open to speculation. However, we can be sure that the investment involved in the NP process means that the risk of being found wanting against required procedure will weigh heavy on the minds of neighbourhoods and planning authorities. It is worth detailing the steps a little more here with some of the possible and already identified issues to be overcome highlighted.

Although at first glance straightforward, there are possible obstacles in the initial stage.¹³ There are three parts in fact that require thought. Fora will need to submit details of the area in question, along with a statement of why the area should be designated and in non-parished areas a statement of why the group wanting to be the neighbourhood forum should be regarded as a “qualifying body” to the LPA, i.e. that they can lay claim to achieving representative status for that area. The minimum size of the group is 21 people living or working in the area. Then the LPA publicises the details of the forum application and allows six weeks for comments and rival applications. The local authority will then make a decision to confirm the forum after that point.

This stage has already seen some interesting groups come forward and express their claim to be the Neighbourhood Forum. For example, the Norland Preservation Society in the Borough of Kensington and Chelsea lodged their request in April 2012 with a claim to: “enhance and protect the character and historic features that define Norland’s sense of place”¹⁴ and they were confirmed in status in June 2012. Closer inspection of the role and statements of the group indicate that more liaison and brokerage from the LPA may have been beneficial here and most likely elsewhere. It may be that local authorities will need to play a more proactive and mediatory role in brokering group composition and intervening in this early phase to avoid damaging intra-community conflict and problems in later NP stages. Furthermore careful thought will be required about imposing boundary lines, or how to overcome shared cross-boundary issues. This is particularly important given the NP tests, as discussed below, and the possibility of a draft plan falling at referendum or examination stage.

In terms of the preparation phase the Neighbourhood Plan must be representative of local opinion, it must have involved a participatory process that affords opportunity for views to be expressed and this will need to be demonstrated and be satisfied at the examination stage. How communities will fare here is interesting. There is clear scope to ensure that advice and support in meaningful and inclusive engagement

¹² See <http://www.legislation.gov.uk/uksti/2012/637/contents/made> [Accessed September 27, 2012] for the regulations in full.

¹³ Those already living in a parish or town council area already bypass this step “defining the neighbourhood”—as this unit of governance is deemed to be the neighbourhood forum. However, there are circumstances where the coverage of a Neighbourhood Plan will need to be defined as part or more than one parished area, or part thereof.

¹⁴ See <http://www.rbkc.gov.uk/businessandenterprise/towncentresneighbourhoods/neighbourhoodplanning/norlanddesignation.aspx> [Accessed September 27, 2012].

are used. Lessons from the Community-Led Planning approach consolidated by Action with Communities in Rural England (“ACRE”)¹⁵ can be usefully drawn upon given the range of experience gathered over the past ten years or so. Whichever process or techniques are brought to bear, there will be a need to develop sufficient consensus over what may be quite a contentious draft plan. The conclusion here is that both for durability of process and necessary community buy-in to the idea of NP and towards draft plans, it is clear that community development work is vital.

The draft plan will then need to be publicised to people who live, work or carry out business in the area and a period of six weeks is to be given for comments. The neighbourhood forum or parish council will need to consult statutory bodies as appropriate. Then the final draft is submitted to the LPA with a consultation statement detailing who was consulted, how they were consulted and a summary of the main issues and concerns and how those have been addressed. Once this is checked, such that it meets the “basic conditions”, the plan is passed to a competent assessor for the examination—a paper based exercise akin to the established written representations approach.

The independent examination stage is the scrutiny test which involves checks that include conformity to NPPF and the local plan (where it exists) as well as checking that the process has been conducted properly and associated necessary material is present. The examiner is appointed by the LPA with the consent of the relevant parish council or neighbourhood forum. The person appointed must be independent from both of the above parties; have no interest in land in the area; and hold suitable qualifications and experience. In terms of the latter it would be sensible to think in terms of Chartered Town Planner status (i.e. MRTPI) as one key competency criteria and to ensure that relevant training for such examiners is stipulated.¹⁶

The final test is to ensure community support for the plan through the community referendum and to achieve a simple majority of those voting. There is some concern over cost and apportionment of cost here, yet it appears to be quite clear in the regulations that the referendum should be organised and funded by the local planning authority.¹⁷ This democratic test outlines the importance of securing wider community support at the earlier stages. Yet there is concern that referenda may add an extra level of cost and risk for neighbourhoods and LPAs. It may be necessary to review this stage—perhaps to allow a vote at public meeting instead as a substitute.

If these steps are performed satisfactorily the draft plan will need to be adopted as part of the statutory planning framework of the local authority in question and thus be confirmed as a Neighbourhood Plan. The minimum consultation or publicity periods totted up amount to 24 weeks without allowing for the preparatory work before and between stages. It is difficult to see that any group could complete a plan within a year. Indeed there are already groups who have been working for longer than this before they have reached the examination stage—estimates are that two years may be a more typical time frame.

Examples and lessons from neighbourhood planning practice: “if you can’t be a good example, then you’ll just have to be a horrible warning”

Examples of neighbourhood planning Frontrunners who have benefited from Planning Aid England’s support provide a useful pool of knowledge from which to draw. The observations made here stem from a wide absorption of emerging experiences but several different Frontrunners who have been making progress with NP are highlighted below. These demonstrate not only that NP can work with support, but

¹⁵ A revised toolkit for CLP was issued by ACRE in June 2012. See <http://www.acre.org.uk/our-work/community-led-planning/NEW+CLP+Toolkit> [Accessed September 27, 2012].

¹⁶ At the time of writing, an expert panel has been set up by a group of relevant institutions and bodies, including the RICS and the RTPI, to develop criteria and assess candidates for this role.

¹⁷ It has been confirmed that part of the £50m DCLG budget to support NP until 2015 is earmarked to support examination and referenda.

also that there is a real need to understand the tensions and draw out lessons, issues and suggestions for future improvement and implementation of neighbourhood planning.

- **Caistor, Lincolnshire**

Caistor is a parished rural market town in West Lindsey District with a population of 2,700. This small town had completed a community-led plan (the “Caistor Town Plan” in 2010).¹⁸ It was a second wave Frontrunner designated in April 2011¹⁹ and during the Autumn 2011 Planning Aid talked to all of the six Lincolnshire Frontrunners, offering a range of potential support services in connection with the preparation of Neighbourhood Plans. Caistor was eager to talk through the type of support that they would find most useful. It became clear that understanding the planning system and technical plan preparation issues, such as policy writing and compiling an evidence base were key. These support needs were reflected in an agreed support package and embodied in the project plan for the Caistor Neighbourhood Plan. As a result, PAE has delivered a number of events and workshops and is putting in place a seven-strong team of volunteer mentors to work with community members on the development of key policy themes.

PAE has been keen to try and deliver support in such a way that it can be absorbed and passed on. It is recognised that NP in future iterations will need to be an ongoing self-perpetuating process. It is to be hoped that early investment will make NP more self-sustaining and less resource intensive²⁰. The work on the plan has been pulled together as a team effort involving partners such as Community Lincs, Design Council CABE, PAE, the local council and Central Lincolnshire Planning Unit, plus the core group of Caistor activists. The key planning issues that have emerged are aspirations for a new link road to access the industrial estate to the south of the town (and the future development pressures that it may bring); the problem of derelict land and vacant properties in the town centre; the desire for new or enhanced health facilities; and the protection and creation of nature sites, linking the town to the countryside and to support a new “Gateway to the Wolds” theme for the town.

Despite good progress, there have been obstacles around: LPA support—which is being resolved; skills, knowledge and the management of conflicting aims and ambitions within the community; and the maintenance of community and steering group enthusiasm in the face of technicalities/regulations which have been seen to impede the aspirations for change. It is envisaged that the Plan will reach referendum stage in May 2013—some two years after commencement.

- **Balsall Heath, West Midlands**

Balsall Heath is an inner-city suburb in Birmingham with a population of around 15,000. The Balsall Heath Neighbourhood Forum was established 20 years ago to improve the quality of life in one of the most deprived areas in England. Today the forum has over 1,000 members and employs 20 staff.

In April 2011, Balsall Heath became one of the first neighbourhood planning Frontrunners.²¹ Twelve months later the forum wrote to Birmingham CC to request that it be formally designated as a neighbourhood forum and the boundary confirmed as a neighbourhood

¹⁸ The Caistor Town Plan is located at <http://www.caistor.net/> [Accessed September 27, 2012].

¹⁹ The website for Caistor NP is <http://parishes.lincolnshire.gov.uk/Caistor/section.asp?catId=32133> [Accessed September 27, 2012].

²⁰ Planning Aid has worked to develop a set of support materials and online support, in addition to the use of staff and volunteers on the ground, see <http://www.rtpi.org.uk/planning-aid/neighbourhood-planning/> [Accessed September 27, 2012].

²¹ See <http://www.planningbalsallheath.info/> [Accessed September 27, 2012].

planning area. Following a six-week consultation, the City Council has approved the applications, having received no representations. It thereby became the first local group in England to be formally designated as a neighbourhood forum with responsibility for producing a statutory Neighbourhood Plan. With support from a Planning Aid volunteer, the forum has now prepared a draft plan. This work has been co-ordinated by a practising architect and urban designer who lives locally. Community consultation is part of the work, including an exhibition in the local library.

The forum members' prior knowledge gave them a head start for the neighbourhood planning. They are a well-established organisation, nevertheless they have come across a number of difficulties. One of the first was accessing funding, most notably to pay the co-ordinator's fees. Initially the City Council intended to retain the entire £20,000 awarded to each Frontrunner, but eventually half of this was released to the forum. A Planning Aid volunteer has also been asked by the City Council to prepare a comprehensive sustainability appraisal, despite advice from DCLG to the contrary. In part this has been prompted by a local landowner who has expressed some concerns with the process. As a consequence of the above the NP process has been slowed.

- **Dawlish, Devon**

Groups who started Neighbourhood Planning early did so prior to the regulations covering NP being published. As such some early adopters have fallen foul of the regulatory procedures. However despite the status of their efforts being questioned their experiences still provide some useful lessons. The case of Dawlish, Devon made the headlines in April 2012 as the "first Neighbourhood Plan" to get to examination stage. This early adopter went ahead with an examination prior to this being legally possible. It was an interesting exercise and has become a valuable learning exercise.²²

The draft document could not be considered formally as a Neighbourhood Development Plan as the then emerging regulations had not been followed. Dawlish highlights that a prerequisite for all NP groups is that they fully understand and adhere to the procedures. This is primarily because of the scrutiny that such plans will be under during the process of adoption and indeed afterwards by legal teams, typically working for developers, disaffected community interests and amenity groups.

The relationship between the core strategy/local plan and the Neighbourhood Plan are brought to light in this case too. It should be noted that the examination held at Dawlish did not follow the regulations regarding how an examination should be held. There are two points; one procedural and one substantive. In terms of procedure the examinations should be written representations in the first instance and also should assess whether the Plan meets the basic conditions outlined in the Localism Act (i.e. not the "tests of soundness"—see example below and Annex 2) and as such it should not be seen as an independent examination of a draft Neighbourhood Plan.

A Neighbourhood Plan can exist without an up-to-date development plan being in place, however the Neighbourhood Plan has to have regard to the strategic policies of the Local Plan (not only emerging ones as was argued at Dawlish) NPs can meet the test even if the Local Plan has not been reviewed as there will in almost all cases be strategic policies in place (i.e. saved policies regardless of the stage of the emerging plan). However, the risk is

²² The Local Planning Authority never intended the Dawlish Plan to be a formal Neighbourhood Plan under the provisions in the Localism Act even though it was reported in both Planning Magazine and Parliament as such. This demonstrated the uneven understanding of NP, even among planning professionals at that time.

that once the Local Plan has been put in place there is a danger that the new strategic policies will make the Neighbourhood Plan obsolete if there is a conflict between the two. This resolves to the established planning principle that if there is a conflict, it is the most up to date policies that take precedence. The Dawlish group had little support from qualified planners and the main substantive issue arising was the relationship between the draft plan and the emerging Local Plan's strategic policies and in particular the strategic land designations.

- **Haybridge and Glencot, Somerset**

The emerging Neighbourhood Plan process for Haybridge and Glencot in the Mendips has run into some difficulties. The main question mark hanging over this case relates to the creation of Neighbourhood Plans where the LPA have not completed the review of the Local Plan for the area. The view of Mendip DC is that since the Core Strategy for the area is not complete it would not be possible for a Neighbourhood Plan to demonstrate that it had objectively taken the local planning authority's plans into account. It was therefore recommended to the Parish Council that any decision to create a Neighbourhood Plan should be deferred until the local planning authority adopted their Core Strategy.

As with the Dawlish case, above, the Council are being very cautious in their assumptions. Advice on this point is that NP does not have to demonstrate it has taken the emerging plan into account, but simply meet the basic conditions as set out in the Localism Act. It would appear that the decision to put the Plan on hold is at least in part due to the findings of the Dawlish examination. This is unfortunate given the assumption in the Dawlish case that the neighbourhood required an up-to-date local plan to be in place in order to have a Neighbourhood Plan. The wisdom is that NP can be in place ahead of a reviewed local plan, but that it has to accord with the strategic policies of extant plans, i.e. the prior local plan and the NPPF.²³

This difficulty is rather acute in this case, given that the parish had seen an important role for the Neighbourhood Plan as a tool to designate Local Green Spaces. Such designations would protect such areas/sites from development. Thus the main sticking point that is manifest here is that the Council are wanting to allocate sites in the parish regardless of the NP group's intentions. There is an argument (depending on what the Neighbourhood Plan covers) that the Neighbourhood Plan will effectively become out of date when the new local plan/core strategy is produced as it is the most up-to-date policies that take precedence where there is a conflict between the Neighbourhood Plan and the new strategic policies. The advisable course of action is to produce the Neighbourhood Plan in conjunction with the Council's local plan review—highlighting the need for collaboration.

It would be advisable for the NP group to work with the LPA on site allocations in the Local Plan. However over such crucial questions and when the NP process is still settling down there is some resistance. There is a continuing danger that LPAs and NP groups will try and continue to plan independently, perpetuating mistrust.

The latest twist in this case is that the Parish called a halt to their Neighbourhood Plan in July 2012²⁴ (albeit a possibly temporary one) due to these issues and citing the lack of certainty that the NP process sustains in some contexts and particularly given the pressures

²³ This is regardless of whether they are "saved" policies or not. Of course, over time these matters will resolve themselves, at least in terms of procedure, but the local political climate and necessary collaborative relations are likely to be worsened in such situations. It can be argued that even in early the stages of an emerging plan the Planning Authority should have a good idea of the general direction the strategic policies are going—which could inform an emerging Neighbourhood Plan and prevent later conflict.

²⁴ Reported in *Planning Magazine*, July 27, 2012 p.5.

to achieve other planning targets and tasks (e.g. the local plan) that planning authorities face and notwithstanding the attitude of some towards neighbourhood planning in the current economic and policy climate.

Summary

Overall these and other examples from the Frontrunners indicate a mixed picture. It is apparent that some communities want to be proactive about planning and development in their area. Existing parish arrangements and past experience are very helpful for a head start, given that defining the neighbourhood for some areas may be quite problematic or sensitive. While some have been enthusiastic about the general idea of having more control over planning and development, there is also a feeling that some have either not understood, or had NP carefully explained early on, that the scope for that control is set within fairly tight boundaries.

There is also some evidence emerging that some areas have held back from NP leaving some frustration for community members who have wanted to forge ahead with NP. It may well be that waiting until important lessons are learned from other places could ultimately prove to be a wise option. Some Frontrunners have found neighbourhood planning more difficult and to be taking longer than first thought, with some concern with what is being perceived as a drawn out process. As some of the examples cited above show, there is also a question over not just the validity of Neighbourhood Plans allocating sites or creating policies prior to local plan reviews, but of how sensible this actually is in the long term and the danger of damaging relations between neighbourhoods and the LPA.

PAE experience is that local authorities have been generally supportive in the areas where Frontrunners are working, but again emerging voices since April 2012 indicate that not all LPAs are ready, willing or able to countenance support for NP, or at least they feel aggrieved that NP is being pushed hard. There is a danger of ignoring or “performing” ongoing local plan work; one reading is that they want to retain control of the integrity and shape of the local plan. Part of this is surely linked to the “culture of planning” questions that are being regularly aired. The very fact that the Frontrunners volunteered to pilot NP means that the sample of active neighbourhood planning groups is probably unrepresentative of all neighbourhoods or parishes and it is tempting to think that they should have had enthusiasm, or at least some support, given their Frontrunner status (albeit that it is the local authorities who applied for the scheme on their behalf).

Neighbourhood planning clearly requires enthusiasm and commitment and a good understanding of the planning system. Moreover understanding the workings and requirements of the public and private sectors are important too. Some reported issues in these terms are of landowners being overly influential or absent and acting to skew or frustrate the implementation of NP policies or development sites. Ideally the Neighbourhood Plan needs a strategic planning context (i.e. a local plan) to be in place and there is some tension emerging over who and on what basis site allocations can be made in Neighbourhood Plans where a local plan is absent i.e. where there are no “up-to-date” strategic policies regardless of what NP regulations indicate are permissible.

Prospects and lessons learned from early neighbourhood planning

The local authorities and local politicians appear to be split on neighbourhood planning; some are enthused, some sceptical, some downright opposed and many just hanging back; either hoping it will not happen, or that a less resource heavy approach will emerge from the early adopters and the lessons of the Frontrunners. Beyond reticence or inertia there are other key points that emerge for discussion, arising from the above:

- **Community engagement is a “good thing”?**

Despite some concerns over co-option and the abuse of participation opportunities²⁵ the basic assertion is that attempts to get people engaged with and understanding the challenges and needs of society must be prima facie a good thing. So it follows that mechanisms that provoke engagement in planning and development questions need to be encouraged, but we also need to be careful about keeping the motives and interests of communities in mind when designing such tools (or for example, in creating useable “toolkits”) to encourage better more inclusive planning within the parameters of “sustainable development”. This means ensuring that processes and levers are supported and can be easily taken up and pursued successfully. How we operationalise and support such mechanisms is still open and widely debated. While neighbourhood planning may benefit from support in principle, the real tests appear to lie in terms of usability, relevance and the tractability of support and in the net good that such approaches may (or may not) engender, i.e. can the tools be used and will they produce benefits?

- **Priorities and resources in a time of austerity**

NP is being rolled out in a context of austerity; we are operating in difficult times with severe cuts to funding. Public sector planning budgets generally are suffering as part of wider cutbacks and there is reduced fee income for planning departments in this period, given that development applications have dropped-off. As such resources and the balancing of planning priorities are a consideration for local authorities in straightened times. They are also faced with maintaining other aspects of their service and in getting their local plans confirmed. Some have claimed that a Neighbourhood Plan could cost more £60,000 to produce with referendum costs contributing significantly to that figure. There may well be a need for a model that is more self-sustaining and less costly. Ideas around this need to be thought through but one option would be to decouple NP from the statutory process to align more closely to either Community Led Plans (“CLPs”) or place more emphasis on pre-existing statutory tools such as Area Action Plans (“AAPs”) or Local Development Orders (“LDOs”), whilst retaining the central notion of communities having the right to press for such planning documents.²⁶

- **Cooperation and joint working: “it won’t work unless everyone plays their part ...”**

The relationship and ability to work together effectively between the forums or parishes and the planning authority will be crucial. Yet rarely are we starting from zero position. There will be history and associated inertias that pre-date this latest initiative impact on NP. One factor in many areas will be longstanding fractious relationships between neighbourhoods and their local authority. There is still a challenge remaining in getting local authorities working genuinely, openly and supportively with neighbourhoods. Resources and a lack of trust about motives still plague such interactions and a culture shift still needs to be worked through and will take time and effort on the part of government, national organisations and others. This is connected to the following point about heterogeneity across communities.

²⁵ Discussed at length in the academic literature see, e.g. M. Taylor, “Community Participation in the Real World: Opportunities and Pitfalls in New Governance Spaces” [2007] *Urban Studies* Vol.44(2) 297–317.

²⁶ See Annex 1.

- **“Not all neighbourhoods are the same”**

The basis for designing the NP process appears to carry certain assumptions about the homogeneity of neighbourhoods and the receptiveness of communities to such schemes. There are some relatively homogeneous and stable communities and in such areas, (and for example where there is a demand for development) those neighbourhoods may find it more straightforward and advantageous to engage with NP. There are clearly a range of difficulties and obstacles in many urban areas and particularly where there is either a lack of developed capacity or demand for development (qua growth).

It is also somewhat disingenuous to assume that those without NP have made an active and informed choice—is it really correct to assume that their preference is not to have a Neighbourhood Plan? This raises the issue of the danger of a “postcode lottery” in NP, exacerbated by socio-economic context. The question of whether it can be right to have a patchwork approach emerging is one that needs to be borne in mind. Indeed this aspect is really important: it cannot be right that NP remains realistic only for those with deep pockets, or in areas where an active and articulate group can already steer the community. There will be some important lessons to be learned from the Frontrunners who are identified in the worst-off neighbourhoods.²⁷ There are a limited number of less than 25 per cent of NP Frontrunners who fall into the category of the 20 per cent most deprived.²⁸ Regardless of this initial number there is a real concern that deprived areas will not engage with NP through a combination of inertia, lack of resources and skills and a general cynicism about governmental programmes.

- **Inclusivity and quality of process**

There is commitment and enthusiasm apparent amongst the Frontrunners but also some indication that it is burdensome to create a high quality Neighbourhood Plan that will comfortably pass the regulatory tests. The quality and representativeness of the Neighbourhood Plans is clearly important in terms of legitimacy, and also the likelihood of passing the examination and referendum stages. Community factions may come to the fore during the NP process and will need to be understood and recognised too—a role that local authorities will need to be mindful of. The requirement to demonstrate adequate engagement as part of NP is important too; there is a danger that we could see some examples where corners are cut or that consensus is forced or fragile, lead to frustration and possible abandonment of NP—and only sometimes in favour of alternative routes to similar ends.²⁹ This points towards the next issue of alternative means to achieve similar ends.

- **Alternatives are available ...**

Pre-existing planning tools are still available for LPAs and communities to use and different options may be suitable for different circumstances³⁰ but which could serve the specific needs or priorities of local planning stakeholders. There are incentives for LPAs to engage creatively, but also (and sometimes advantageously) for them to steer communities away from the formal NP process. Other options may actually be more suitable for some communities and Supplementary Planning Documents (“SPDs”) and Local Development Orders (“LDOs”) are still valid options to be adopted as development plan documents.

²⁷ The Indices of Multiple Deprivation (“IMD”) used to target support are found at <http://www.communities.gov.uk/publications/corporate/statistics/indices2010> [Accessed September 27, 2012].

²⁸ This is difficult to pin down exactly as the LAs in which the Frontrunners fall may be classified as IMD 20% but the particular neighbourhood/Parish may not be deprived.

²⁹ See Annex 1.

³⁰ See Annex 1 for examples.

Alternatively—or indeed additionally—a more general “plan”; drawing on the more established non-statutory process developed through Community-Led Planning may suit the neighbourhood or be a very important basis for further NP or similar work.³¹ It may indeed be that Community-Led Planning is tomorrow’s process as much as yesterday’s practice. There are clearly many benefits in simply getting more people interested in planning questions early-on and making the links to development, services, quality of life and the needs of the future in the way that CLPs have done in recent years. These have clearly helped raise awareness of needs and for example, the connections between development, quality of life and local services. If NP by default helps in this way and extends the reach of CLP-type processes it will be a clear benefit; even if the end product is not a statutorily recognised Neighbourhood Plan. The final point to be made under this heading is that a significant number of communities may well fight shy of the Neighbourhood Plan referendum, particularly if they have numerous policies or proposals on the table and they fear failure or knock-back on any of their long-list.

- **Support is crucial**

The need for support and advice is crucial, regardless of the design of the community planning process or vehicle. This is both necessary in terms of early community development work to galvanise and raise interest and understanding in planning issues and also in terms of technical and expert planning knowledge and understanding.³² The role of intermediaries such as professional planning volunteers or community development workers are not to be underestimated or taken for granted here. In the early years of neighbourhood planning these inputs will be prerequisite as neighbourhoods will be unlikely to navigate the NP process on their own. As time passes, experience develops and is refined there will still need to be support and advice available, though possibly at a less intense pitch. However it is clear that poorly resourced local authorities may struggle to fulfill their statutory duties here.³³

- **A need for action learning and evaluation**

There is a wealth of pre-existing understanding of prior community-led or neighbourhood planning tools and already a lot of learning is going on in the Frontrunners, again aided by the NP support organisations. It is important that such learning and sharing of issues and consideration of ways to overcome, or consideration of amendments to NP, be collected and thought through. It is becoming clear that a proper action learning evaluation of NP should be undertaken to support the work of national government and its partners.

Reflection and the future

The issues and points discussed above may paint a rather less than rosy picture of neighbourhood planning. It is, of course, normal for such a review paper to look for the problems and anticipate the obstacles. Indeed a new policy such as this is likely to have teething troubles. However, underpinning this account there is a critical enthusiasm for neighbourhood scale planning efforts in the round. There is clearly a need to raise

³¹ See ACRE, *Community-led Planning toolkit* (2012 version) at <http://www.acre.org.uk/our-work/community-led-planning/NEW+CLP+Toolkit> [Accessed September 27, 2012].

³² There were four groupings of organisations appointed to support neighbourhood planning groups from 2011 and primarily the Frontrunners. These are: RTPI/Planning Aid; Locality; CPRE; Prince’s Foundation.

³³ Please note this paper was written prior to the announcement by DCLG, on August 29, 2012 to incentivise local authorities to support neighbourhood planning by providing some extra money.

awareness and understanding of planning and development generally and the competing needs and difficult choices faced by society. Direct engagement at the very local level assists here.

So, how should communities, planners, developers and others respond to NP? There are clearly merits in developing better understanding of need and the benefits of development and coming together to mitigate and improve the quality of development. Taking the wider view, it is high time that planning took more account of local and community-rooted views, preferences and attitudes. Many voices have been saying similar things for some considerable time and yet previous efforts to build-in community engagement in planning, or more widely into local governance structures have had limited success. There has been little enthusiasm shown overall by local authorities and where there has been progress it has been the exception rather than the norm. Bringing in a truly localist approach in the way that has been rhetorically promoted, requires understanding, patience, constancy and commitment over the long term. It is unclear if the current formulation and approach taken by the Coalition can bring this about.

One positive is that the “genie is out of the bottle” now in terms of encouraging communities to have a say more proactively in planning and development matters. If NP (and variations of it) over time is to prosper, there is a need to provide well supported engagement options. There is clearly an appetite in communities where they think that some real say can be had. Yet such enthusiasm will wane if such influence—and outcomes—fail to materialise and if the process remains just “too difficult” or too off-putting.

Overall the lessons learned and prospects for NP will also crucially depend on how government and others respond to issues and difficulties experienced in this first period of implementation. There is a need to really clearly think through what should be done most appropriately and at which scale and by whom. The familiar subsidiarity and transactions costs arguments both weigh heavy here and the overriding concern that the planning system still works effectively to direct and shape development remains integral. This clearly resonates with another big issue that is not being faced up to properly: that is how to fairly and transparently integrate and mesh strategic needs and priorities with local preferences and ideas. Some might say we need stronger leadership—more government and less governance perhaps. It is clear that mechanisms to ensure that “dialogic feedback” between local level and national or other strategic planning and information needs to be better embedded in our approach to planning.

Politicians may struggle to justify retrenching from here, but it is inevitable that lessons will need to be learned about the costs and details of NP. Ideally such tools should feature as few qualifications as possible; for example by overtly linking NP to the growth agenda it may well backfire. Not all communities will be willing to pursue neighbourhood level planning if such constraints are imposed. In my view NP activity should not be burdened with government agendas, as this opens it up to charges of not being localist, but instead representing a form of centralism effected locally.

The advent of NP also brings into focus the debate over no less a topic than the role and skills needed by planners in the future and it also highlights the ongoing need for reticular and strategic thinkers at all scales in planning. Getting neighbourhood scale planning right (or at least viable) is in all our interests, getting it wrong could involve planning “failure”, as witnessed at other scales, being replicated at a very local level. Whether or not community scale planning and community development is a good worth pursuing as an end in itself or not, some kind of planning at this scale is likely to persist beyond the life of this government. Thus getting involved in shaping it and developing a more collaborative approach for all stakeholders to benefit in the long term is a task that government will need to continue working on with developers, local authorities and communities.³⁴

³⁴ Further references: T. Lynn and G. Parker, “Localism and growth? Neighbourhood planning and new housing” (2012) *Town and Country Planning*, January 2012, Vol.83(1) p.15–19.

Appendix 1: Neighbourhood Planning: alternative or supplementary tools

The three new tools or “rights” are Neighbourhood Development Plans, NDOs and CRBOs. The key point is that communities working with LPAs could bring together a range of these tools in combination if they choose and with, or without, the new NP rights. The main obstacles, beyond technical knowledge, appear to be financial and political ones. The table below summarises options that can be used by communities in conjunction with Planning Authorities in supplement, or as alternatives to, NP.

Tools	Status	Comment
<i>Parish or Community-led Plan</i> <i>Village Appraisals</i> <i>Village Design Statements</i> <i>Community Action Plan</i>	Non-statutory (but could be adopted as SPD by the Planning Authority)	Can be additional or facilitate a later or tandem Neighbourhood Plan. Possibility of Development Plan Document status but would have to be high-spec. Councils often adopt community-led plans but only where they are based on a robust and sound evidence base. Such documents can still be a material consideration without statutory status but the weight attached will depend entirely upon the evidence that sits behind it and whether or not the statutory development plan is silent on the matters contained within (policy vacuum on a subject is one instance). It should be noted that many community plans are aspirational and deal with “non-planning” matters (e.g. services, amenities).
<i>Planning application or objection</i> <i>Planning Appeals</i>	Statutory	Option to promote development by “using the planning system as it stands”. Can also use existing planning system to react to “inappropriate” development by objecting to a planning application/appeal. Some community groups have actually achieved status as consultation bodies on planning applications (e.g. some tenant and resident associations, conservation groups). Normally Parish/Town Councils are consulted on all planning applications in their area. Reactive method rather than proactive (in terms of objection as opposed to submission by group). Can be used to bypass planning principles (for example if Councillors are making decisions they can go against officers’ recommendations etc). It should also be noted that certain development is considered “exempt” from neighbourhood planning i.e. Nationally Significant Infrastructure Projects (“NSIPs”) and minerals and waste applications. As such the only option open to communities to influence these is either through the statutory policy creation process (Local Plan or National Policy Statements - in the case of NSIPs it is NPS) or the planning application process/ NSIP application process.
<i>Planning conditions</i>	Statutory, discretion of Planning Authority	Relates to planning applications above. Can be used to control development and mitigate potentially adverse impacts (hours of opening for example could be subject to conditions).
<i>Area Action Plan</i>	Statutory	Enables local issues to be highlighted. Similar to NP but typically used to boost/highlight need for regeneration.
<i>Local Development Order</i>	Statutory—(e.g. instead of a NDO)	Avoids referendum but carries its own statutory process and must be led by the Planning Authority.
<i>Active consultation: “Early and meaningful engagement” (NPPF)</i>	Non-statutory/loosely defined	Brings Planning Authority to the table citing possibility of unsoundness or Judicial Review.
<i>Design statement</i>	Non-statutory (but could be SPD, or even DPD as part of an Area Action Plan)	Provides a guide for developers. Can act as bridge between community and developer aspirations.
<i>Enforcement action</i>	Statutory (discretionary power with no statutory obligation for Planning Authority to take action)	Make use of enforcement service to remedy relevant issues. Should be noted that enforcement powers are discretionary and will not always be applied by LPA. The test for the LPA is whether or not enforcement action is both expedient and in the public interest.
<i>“Article 4” direction</i>	Statutory	To vary the Permitted Development rights regime in a given area to restrict development that would otherwise not require a formal planning application.

Tools	Status	Comment
<i>Community Infrastructure Levy (“CIL”)</i>	Statutory	Allows communities to push for the types of infrastructure they wish to see in their areas. A key theme for wanting to get involved in NP is “lack of infrastructure” and NP is not the most appropriate way of getting infrastructure delivered.
<i>Local Plan (Strategic)</i>	Statutory	Provides the strategic vision for an area that underpins the detailed policies/proposals of the Local Plan. Will outline what development is to be promoted and broadly where as well as the amount of development (housing) required over the plan’s lifetime. Whether undertaking a Neighbourhood Plan or not it is important to get involved in this process as a Neighbourhood Plan must have regard to the strategic policies of the local plan.
<i>Local Plan (Site allocations)</i>	Statutory	Sites can be promoted (or resisted) through this document. The Council must base their site selection on an objective assessment based on viability, deliverability and availability.
<i>Supplementary Planning Document</i>	Statutory	Supplementary planning documents provide guidance on local planning matters. They can be quicker and simpler to prepare than development plan documents. There is no requirement for them to be listed in a local planning authority’s local development scheme, so they can be brought forward as circumstances change. Whilst they are not examined by an Inspector, SPD is still subject to a process of consultation and engagement with relevant parties (cf. NP reg.17). SPDs are not required to have a specific link to, or “hang off” a development plan document policy, but they must be consistent with national planning policy and the relevant regional plan. Where development plan documents exist, this consistency will be achieved by ensuring that the supplementary planning document is not in conflict with them. In the absence of relevant local policy, a SPD may provide supplementary detail to a regional policy which forms part of the statutory development plan for the area and which would benefit from further elaboration at the local level. Some SPDs are actually formed from Parish Plans especially where the plan is based on robust evidence.

Appendix 2: Implications of the Dawlish examination (based on Planning Advisory Service/DCLG material)

Whilst there are some important lessons to be learnt from the Dawlish examination it does not provide a precedent for forthcoming examinations into Neighbourhood Plans prepared under the Localism Act. Teignbridge DC wanted to give the community an opportunity to help shape the Teignbridge Local Plan and did not intend the Dawlish Parish Neighbourhood Plan to be a formal Neighbourhood Plan under the Localism Act.

Neighbourhood Plan policies will not be judged against the emerging strategic policies. However, at a practical level local planning authorities and communities will want to make sure that neighbourhood plan policies are not in conflict with the local plan policies as soon as they are adopted because where there is a conflict between policies in a development plan, the approach to be taken is set out in primary legislation (i.e. s.38(5) of the Planning and Compulsory Purchase Act 2004). Principally, that the decision-maker should favour the more recently adopted policies of the development plan.

One approach to take in this light is to:

- ensure that the Neighbourhood Plan is in general conformity with the adopted development plan but be able to explain in writing and with evidence exactly why that might not be the case given how out-of-date the development plan is;
- be clear on how the Neighbourhood Plan fits with the emerging strategic policies of the local plan and be able to clearly explain the rationale for any difference.

The LPA's work on establishing their strategic policies for the Local Plan will provide a wealth of information and analysis which the community can use to justify their policies—especially if they depart from the strategic policies of the adopted development plan.

It will be for the Independent Examiner to weigh the issues in the balance and reach a view on any competing priorities existing between the development plan and national policies, when considering whether the Neighbourhood Plan has met the basic conditions.