

NEIGHBOURHOOD PLANNING: THE IMPLICATIONS FOR HILLINGDON

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Planning, Transportation and Recycling
Officer Contact	Jales Tippell – Planning, Environment, Education & Community Services
Papers with report	Appendix 1: response to consultation

1. HEADLINE INFORMATION

Summary	Members are asked to (i) note the response sent by officers to the Government's recent consultation on Neighbourhood Planning Regulations; and (ii) note the potential implications for Hillingdon of the Government's introduction of a Neighbourhood Planning system.
Contribution to our plans and strategies	The neighbourhood planning system potentially offers closer community engagement with the Council in the future planning of individual areas of Hillingdon
Financial Cost	Under the Localism Act the Council will have a duty to facilitate the introduction of the neighbourhood planning system, with potential staff and other costs, the extent of which are unknown.
Relevant Policy Overview Committee	Residents' and Environmental Services
Ward(s) affected	All

2. RECOMMENDATION

That the Cabinet:

- 1) Notes and endorses the response sent by officers to the Government's recent consultation on Neighbourhood Planning Regulations.
- 2) Notes the potential implications for Hillingdon of the Government's introduction of a neighbourhood planning system.
- 3) Instructs officers, after the Neighbourhood Planning Regulations come into force, to facilitate a workshop in each of the four areas referred to in paragraph 24 of this report and to report the outcomes to a future Cabinet meeting in 2012.

Reasons for recommendation

The planning measures in the Localism Act are expected to come into force in April 2012. The Council needs to give early consideration to the potential implications for Hillingdon and how it will meet its new statutory duty to facilitate the introduction of neighbourhood planning in the borough.

In October 2011 the Department for Communities and Local Government (DCLG) issued its proposed Neighbourhood Planning Regulations for consultation. The consultation deadline was 5th January 2012. The Government's proposed Neighbourhood Planning Regulations will govern the process for establishing neighbourhood areas and forums, the requirements of Community Right to Build organisations, and the preparation of neighbourhood plans and neighbourhood development orders, and the Community Right to Build Orders. These new regulations will have significant implications on the land use planning system and the influence that local councils and communities will have on future developments within their areas. Given the deadline, approval was given by the Leader and Cabinet Member for officers to submit the enclosed response. It is now brought to Cabinet for information and endorsement.

Alternative options considered / risk management

None.

Policy Overview Committee comments

None at this stage.

3. INFORMATION

Supporting Information

Background to the Localism Act 2011

1. The Localism Bill was introduced to Parliament on 13 December 2010, and it was given Royal Assent on 15 November 2011, becoming an Act. It is a key part of the new Government's strategy of decentralising powers from Whitehall down to local level. Various commencement orders necessary to implement its provisions are expected to be implemented in April 2012.
2. Members will be aware that the Act provides for wide-ranging changes to the planning system. These include:
 - Abolition of regional strategies (but not the London Plan).
 - Abolition of the Infrastructure Planning Commission and return to a position where the Secretary of State takes the final decision on major infrastructure proposals of national importance.
 - A duty on local authorities and public bodies to co-operate on planning issues.

- Reforms to how local plans are made limiting the discretion of planning inspectors to insert their own wording into local plans.
- Changes to the Community Infrastructure Levy, which will give local authorities greater freedom in setting the rate that developers should pay; and allows some of the money raised to be spent on items other than infrastructure. Some of the money will be available for the local community.
- Provision for local residents and businesses to prepare neighbourhood plans.
- Provision for neighbourhood development orders to allow communities to approve development without requiring normal planning consent.
- A requirement for developers to consult local communities before submitting certain applications.
- New planning enforcement rules, giving councils the ability to take action against people who deliberately conceal unauthorised development.
- Increased powers for councils to remove illegal advertisements and graffiti and prevent fly-posting, and gives planning authorities stronger powers to tackle abuses of the planning system
- An end to the system for overseeing the behaviour of councillors by abolishing the Standards Board
- Clarification of the rules on predetermination in order to free up councillors to express their opinions on issues of local importance without the fear of legal challenge
- Provision for councils to return to the committee system of governance, if they wish.
- Provision for communities to bring forward proposals for development they want - such as homes, shops, playgrounds or meeting halls, through the Community Right to Build.

Neighbourhood Planning

3. The Localism Act introduces new powers for communities to influence planning decisions in their neighbourhood. By producing Neighbourhood Plans, they will be able to shape new development, such as where the building of new shops, offices or homes should take place or which local green spaces should be protected.
4. In October 2011 the Department for Communities and Local Government (DCLG) issued its proposed Neighbourhood Planning Regulations for consultation. Officers have prepared a response and submitted this prior to the consultation deadline on 5th January 2012. This is attached as Appendix One to this report.
5. The key aspects for neighbourhood planning are as follows:
 - Neighbourhood planning can be taken forward by two types of body - town and parish councils or 'neighbourhood forums'. Neighbourhood

forums are community groups that are designated to take forward neighbourhood planning in areas without parishes.

- The criteria for establishing neighbourhood forums are being kept as simple as possible to encourage new and existing residents' organisations, voluntary and community groups to put themselves forward.
- Neighbourhood forums and parish councils can use new neighbourhood planning powers to establish general planning policies for the development and use of land in a neighbourhood. These are described legally as 'neighbourhood development plans.'
- Local authorities have a duty to provide 'technical advice and support' to communities preparing Neighbourhood Plans. This could include providing evidence, help with facilitation and advice on consultation. Engaging communities in this way will be important for ensuring that any developments proposed have regard for the strategic policies specified in the local plan, are based on solid evidence and are genuinely representative of broader community interests.
- In an important change to the planning system, communities can use neighbourhood planning to permit the development they want to see - in full or in outline – without the need for planning applications. These are called 'neighbourhood development orders.' Local Planning Authorities (LPAs) will have the power to designate a neighbourhood area where a "relevant body" – in London this will be designated Neighbourhood Forums - has applied to the LPA for the area to be designated. Regulations will specify procedures, form, content and requirements for LPAs in discharging this power.
- Local councils will continue to produce development plans that will set the strategic context within which neighbourhood development plans will sit.
- Neighbourhood development plans or orders do not take effect unless there is a majority of support in a referendum of the neighbourhood. They also have to meet a number of conditions before they can be put to a community referendum and legally come into force. These conditions are to ensure plans are legally compliant and take account of wider policy considerations (e.g. national policy). In summary the conditions are:
 - To have regard to national planning policy
 - To be in general conformity with strategic policies in the development plan for the local area (i.e. such as in a core strategy)
 - To be compatible with EU obligations and human rights requirements.
- An independent qualified person then checks that a neighbourhood development plan or order appropriately meets the conditions before it can be voted on in a local referendum. This is to make sure that referendums only take place when proposals are workable and of a decent quality.
- A proposed neighbourhood development plan or order needs to gain the approval of a majority of voters of the neighbourhood to come into force. If it receives approval via a simple majority of the vote, the new

plan will form part of the statutory development plan and any planning applications in that neighbourhood will be determined using those policies.

- Local planning authorities must publish details of every Neighbourhood Area Order they make, and maintain a map showing these designations.

6. There will be five key stages to neighbourhood planning:

Stage 1: Defining the neighbourhood area

7. First, local people will need to decide which organisation should lead on coordinating future work. Existing or new community groups may want to put themselves forward as a Neighbourhood Forum to do this. The Government is proposing that they should comprise at least 21 members and must be open to new members.
8. The Forum will then need to apply to the Council for formal recognition by submitting a plan or statement explaining the area covered and a justification for the proposed designation and include a formal written constitution. The Council must publicise the proposal in the local area for a period of six weeks and invite responses before it then goes on to determine whether the designation is acceptable.
9. Where a local planning authority has already accepted an application, they cannot accept a subsequent application that is received more than 28 days after the information was first published on their website.
10. The Council will have a duty to keep an overview of all the different requests for neighbourhood planning in its area and must check that suggested boundaries for different neighbourhoods make sense and fit together. The Council may not approve a proposal where, for example, two proposed neighbourhood areas overlap.
11. The Council must also be satisfied that community groups who want to take the lead on neighbourhood planning meet adequate standards, e.g. they should not be too small or not representative enough of their local community.
12. Provided a community group meets the Council's standards, the group will be able to call itself a 'neighbourhood forum' (the technical term for groups which have been granted the legal power to undertake neighbourhood planning).

Stage 2: Preparing the Neighbourhood Plan

13. A neighbourhood forum will be able to establish general planning policies for the development and use of land in a neighbourhood. They will be able to say, for example, where new homes and offices should be built, and what

they should look like. The Government's advice is that the neighbourhood plan will set a vision for the future and can be detailed, or general, depending on what local people want.

14. With a neighbourhood development order, the community can grant planning permission for new buildings they want to see go ahead. Neighbourhood development orders will allow new homes and offices to be built without developers having to apply for separate planning permission.
15. Local people can choose to draw up either a plan, or a development order, or both. It is entirely up to them. Both must follow some ground rules:
 - They must generally be in line with local and national planning policies
 - They must be in line with other laws
 - If the local planning authority says that an area needs to grow, then communities cannot use neighbourhood planning to block the building of new homes and businesses. They can, however, use neighbourhood planning to influence the type, design, location and mix of new development.

Stage 3: Independent check

16. Once a neighbourhood plan or order has been prepared, consultations should be held on it within the local area for at least six weeks. An independent examiner should then be appointed to check that it meets basic planning standards – e.g. that it conforms with the London Plan and the borough's Local Development Framework. If it does not, the examiner can then recommend changes. The Council will then need to consider the examiner's views and decide whether to make those changes. If the examiner recommends significant changes, then the neighbourhood forum may decide to consult the local community again before proceeding.

Stage 4: Community referendum

17. The local council will organise a referendum on any plan or order that meets basic planning requirements. The Government wants to do this to ensure that the community has the final say on whether a neighbourhood plan or order comes into force.
18. People living in the neighbourhood who are registered to vote in local elections will be entitled to vote in the referendum. In some special cases where, for example, the proposals put forward in a plan for one neighbourhood have significant implications for other people nearby, people from other neighbourhoods may be allowed to vote too. If more than 50 per cent of people voting in the referendum support the plan or order, then the local planning authority must bring it into force.

Stage 5: Legal force

19. Once a neighbourhood plan is in force, it carries legal weight. Decision-makers will be obliged, by law, to take what it says into account when they consider proposals for development in the neighbourhood.
20. A neighbourhood order will grant planning permission for development that complies with the order. Where people have made clear that they want development of a particular type, it will be easier for that development to go ahead.

Implications of the Neighbourhood Planning System

21. **How will individual neighbourhoods be defined?** This is likely to be problematic in a diverse, densely-developed city. London is characterised by communities which are very complex and difficult to define in geographical terms. They are often fragmented (e.g. where they might be divided by major road routes), have a wide socio-economic range and high population turnover. It is difficult in those circumstances to expect a single neighbourhood forum to come forward which can readily agree on a set of common objectives.
22. It may be possible to base neighbourhoods around individual town centres or well defined housing areas. A neighbourhood plan for that area might then readily relate to a wider borough-level local planning framework and the London Plan. But where that is not possible or where proposed neighbourhoods cross individual borough boundaries, or as can happen in outer London, cross the Greater London Authority boundary, there will be issues for local authorities in resolving how to take a neighbourhood plan forward.
23. Hillingdon has a number of active residents' associations with a long involvement in local planning matters. It is likely that these associations might be expected to come forward with individual proposals for neighbourhood plans. It is also anticipated that existing community engagement and initiatives by the Council, such as town centre improvement initiatives, may also result in some interest in drawing up neighbourhood plans in parts of the borough. However, the likelihood is that these neighbourhood plans may look to protect and enhance the existing character of their local areas, rather than to encourage new development. There may also be an issue of reconciling local aims with wider borough or London strategic priorities.
24. The Government has not prescribed the size of a neighbourhood and therefore a plan could be prepared for an area which just includes a high street or a few streets. This means that there could be a large number of neighbourhood plans being produced across the borough. Each is likely to take about two years to complete, because of the process involved and therefore there will be significant commitment and resource implications on behalf of the local community, local councillors and council staff. In order to

maximise the benefits of the neighbourhood planning system, communities should be encouraged to produce neighbourhood plans for larger geographical areas, although the Council cannot insist on this. The larger areas could focus on the existing established community engagement areas which have been created using known ward building blocks as follows:

- the north area (Harefield; Northwood; Northwood Hills; Eastcote and East Ruislip)
- the metro wards (Ickenham; West Ruislip; Manor; Cavendish; South Ruislip)
- the Uxbridge Road area (Uxbridge North; Uxbridge South; Hillingdon East; Brunel; Charville; Barnhill; Yeading)
- the Community Trust area (Yiewsley; West Drayton; Botwell; Townfield; Pinkwell; Heathrow Villages).

25. Given the above, it is suggested that officers facilitate a workshop in each of the four established community engagement areas above, in order to encourage neighbourhood plans for wider geographical areas.
26. **Will neighbourhood plans be produced where the development potential is greatest?** The Government sees the neighbourhood planning system as a means of promoting growth in new homes and jobs. It believes that local communities will work together to plan for new development and it has therefore introduced the neighbourhood planning system in a way which deliberately gives local communities the lead role in terms of a) the choice of whether or not to produce a neighbourhood plan, b) when it will embark on that process; c) the geographical area to be covered; d) the topics to be addressed in the plan and e) what the plan will contain. The Council therefore can only act as a facilitator and consultee in the process rather than the 'initiator' or a key decision maker.
27. Whilst the Council may wish to facilitate neighbourhood plans in parts of the borough where there is the greatest capacity for new homes and jobs, as set out in Hillingdon's Core Strategy, it cannot take a leading role in ensuring that this happens. There is a concern therefore that resources may be diverted to areas where the potential for new development may be very limited but where local communities who are most active, rather than focussing on areas where there are significant opportunities for growth in housing and jobs but where neighbourhood forums have not come forward. In order to ensure that neighbourhood plans are able to have maximum influence on shaping future new development in the borough, communities should be encouraged to produce neighbourhood plans for areas where a large number of new homes and/or jobs can be accommodated.
28. **Will neighbourhood plans encourage greater local involvement in planning?** It remains to be seen whether the introduction of neighbourhood plans will result in those parts of the borough which have been less involved in planning matters to date now taking greater interest. Without a major, sustained development focus in their area they may remain disengaged from the planning system.

29. The Localism Act is part of a general initiative by the government to shift power to local communities, helping them to do more for themselves. For this to happen, communities need support to be able to confidently research, discuss and agree priority actions for improving their neighbourhood. They will need a formal structure in place to do this. Establishing a steering or management group for a Neighbourhood Forum may be difficult without considerable support from the local council. This support might also be required to help keep that group functioning during what could be a lengthy process of plan research, preparation and consultation. There will then need to be a means of ensuring the neighbourhood plan is implemented and actively monitored by the community.
30. **How will neighbourhood plans fit with existing plans?** The draft National Planning Policy Framework issued by the Government states that neighbourhood plans 'must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhoods will have the power to promote more development than is set out in the strategic policies of the Local Plan' (paragraph 50).
31. Hillingdon's Core Strategy is well advanced and will provide a good strategic framework for neighbourhood planning in the borough. However other complimentary key Local Development Framework documents will also need to be produced to ensure the provision of robust strategic policies in the borough, including the proposals map and the Development Management Development Plan Document.
32. The draft National Planning Policy Framework also states that 'Outside these strategic elements, neighbourhood plans will be able to shape and direct development in their area, subject to the presumption in favour of sustainable development. When a neighbourhood plan is made, the policies it contains take precedence over existing policies in the Local Plan for that neighbourhood, where they are in conflict.' There is therefore the potential for tension between the neighbourhood plan and the local plan in determining planning applications.
33. Experience in Southwark in bringing forward initial neighbourhood plans there has suggested that it can be difficult to focus neighbourhood forum groups on what the output of their local neighbourhood plan should be. Before doing detailed work there may need to be some time spent in agreeing what the final form and content of the neighbourhood plan will be, if it is not to be too wide-ranging in scope and unmanageable for a neighbourhood forum to attempt. As a first step to producing a plan, it might help to have an agreed project plan or memorandum of understanding in place to avoid this.

34. This is where the facilitation role by the local authority or an independent planning advisor (e.g. a planning consultant) may be important in advising local neighbourhoods on the implications of their proposed plans and whether they are in general conformity with the borough LDF and London Plan. An alternative source of advice and support for neighbourhood plans in London might be the Planning Aid service which has extensive experience of supporting local community groups' in the planning system.
35. **What are the most likely issues for local communities in engaging with the planning system?** – Hillingdon has a number of active residents' associations with a long involvement in local planning matters. The main involvement has generally been with regard to planning applications, because these tend to relate to specific areas which local people know and appreciate. It has generally been more difficult to engage the public in planning policy documents, because these tend to be perceived as very technical and they normally cover much wider geographical areas and are more strategic in content.
36. Experience in Hillingdon has shown that local communities tend to focus on local issues without reference to that wider perspective, and also they are primarily concerned with protecting and enhancing the assets that they have locally, rather than being supportive of new developments in their localities. The challenge will be for local communities to identify and agree realistic sites for new homes and jobs, in a way that meets the wider strategic policies of Hillingdon's Core Strategy and the London Plan.
37. **Can neighbourhood planning achieve greater public involvement?** A critical issue will be whether local authorities have the resources available at present to help facilitate the neighbourhood planning system to come forward. Due to the budget pressures facing all councils, staff resources in borough services generally are already much-reduced across London and there must be a question as to whether there will be adequate numbers of skilled planning staff available to prepare and review the statutory planning documents required, let alone to facilitate local neighbourhood forums who wish to produce plans for their areas.
38. It is not borough planning staff alone who will be facilitating this work. There will be additional pressures on local ward councillors who will be required to commit a significant amount of their time to helping in the work of one or more neighbourhood forums in their wards.
39. Local residents will need to recognise the area proposed for a particular neighbourhood plan as one they are committed to and would wish to maintain involvement with over a long period of time if this system is to function properly. The practicalities of how they are involved, through a steering group or some other mechanism, have already been noted above and would need to be resolved for a neighbourhood forum to work effectively.

40. One potential benefit of the neighbourhood plan system will be if it can encourage and maintain the involvement of local people who know their area best. Whereas top-down consultations may ask for views on pre-defined and limiting topics, the concept of a neighbourhood plan is that it should allow people with a connection to a particular place to articulate their views and aspirations for it without constraint. This might bring to light issues, concerns and priorities that may have previously failed to register in pre-existing data about that area.

Financial Implications

41. As the report above has outlined, the Localism Act will give Councils a statutory duty to facilitate the introduction of neighbourhood planning in the Borough, through the provision of technical advice and support. It is anticipated this will have a resource implication for the existing planning, democratic services and other business support sections within the Council.
42. The agreement of neighbourhood development plans and orders would potentially reduce workloads in terms of numbers of planning applications requiring approval. This therefore has potential to have an adverse impact on planning application fees that are collected, consistent with a need to potentially downscale resource in this area. However, this will be at the same time that the planning department will need to provide technical support to the Neighbourhood Forums, a resource requirement that would not provide a fee income.
43. The report above also highlights a strategic risk in that Neighbourhood Plan's that are developed may not work in accord with the overarching Council strategies for regeneration of homes and employment, potentially blocking areas for future development and drawing resources to other areas that may not have the same priority for development. This in turn has potential to impact on developer S106 monies and CIL monies collected by the Council.
44. It is too early to assess what the overall resource implications might be, and whether there would be a need for any new dedicated resource or if it can be subsumed within existing current budgeted support structures. However this report is only outlining the response to the DCLG consultation, further updates will be provided to Cabinet as the processes are clarified, and consequently the impact on resources becomes clearer.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The Government has made clear in supporting information for the Localism Act that neighbourhood planning will allow local communities to shape new development by coming together to prepare neighbourhood plans. "As it currently stands, the planning system doesn't give local communities enough influence over decisions that make a big difference to their lives.

Neighbourhood plans will enable local people to ... have genuine opportunities to influence the future of where they live..." by actively helping to choose where new housing development should take place, shaping local town centre regeneration or deciding which local green spaces should be protected from development.

Consultation Carried Out or Required

No consultation was required prior to the Council responding to the Neighbourhood Planning Regulations consultation paper. The Council may decide in future to undertake local consultation to explore how and where neighbourhood plans might come forward in the borough.

5. CORPORATE IMPLICATIONS

Corporate Finance

This report provides a response to the Governments recent consultation on the Neighbourhood Planning Regulations and therefore the full financial impact of the proposals are unknown at this stage.

However a number of issues that would potentially impact on Hillingdon financially have come to light. The statutory duty for Hillingdon to provide technical advice and support, as well as the potential need for facilitating forums will have a financial impact on the Council as too will the loss in potential S106 income. An adverse impact on planning applications would have an impact on planning application fees and would also necessitate a reduction in resources in this area. However there would be a resource need for technical support at the same time.

Once the fuller implications of the regulations become known the full financial impacts will be reported to Cabinet.

Legal

This report summarises the statutory framework contained in the Localism Act 2011 relating to neighbourhood planning. Chapter 3 of Part 6 of the Localism Act 2011 deals with neighbourhood planning and schedules 9 to 12 of the Act contain detailed provisions relating to the neighbourhood planning system. Although the Localism Act 2011 has now been enacted, the provisions relating to neighbourhood planning are yet to be brought into force. The provisions of the Act relating to neighbourhood planning are expected to be brought into force in April 2012. The Government is now in the process of introducing secondary legislation to govern the procedures to be followed in order to establish neighbourhood forums, neighbourhood plans and neighbourhood development orders. The Government has consulted the Council on the draft secondary legislation and the Council's response to that consultation is set out in appendix 1 to this report.

Corporate Property & Construction

The Head of Corporate Property and Construction supports the recommendations in this report.

6. BACKGROUND PAPERS

- Neighbourhood Planning Regulations Consultation – Department for Communities and Local Government, October 2011
- Draft National Planning Policy Framework - Department for Communities and Local Government, July 2011

APPENDIX ONE:
Officer Response to the Government's consultation paper on
Neighbourhood Planning Regulations

Response form

Proposals for new neighbourhood planning regulations

Consultation

We are seeking your views on the following questions on the Government's proposed approach to new regulations on neighbourhood planning. **If possible, we would be grateful if you could please respond by email.**

Email responses to: neighbourhoodplanning@communities.gsi.gov.uk

Alternatively, we would be happy to receive responses by post.

Written responses to:

Neighbourhood Planning Regulations Consultation
Communities and Local Government
Zone 1/J1
Eland House
Bressenden Place
London
SW1E 5DU

(a) About you

(i) Your details

Name:	Jales Tippell
Position (if applicable):	Head of Transportation, Planning Policy and Community Engagement
Name of organisation (if applicable):	London Borough of Hillingdon
Address:	3N/02, Civic Centre, High Street, Uxbridge, Middlesex, UB8 1UW
Email Address:	jtippell@hillingsdon.gov.uk
Telephone number:	01895 556763

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

(iii) Please tick the one box which best describes you or your organisation:

Private developer or house builder

Housing association

Land owner

Voluntary sector or charitable organisation

Business

Community organisation

Parish council

Local government (i.e. district, borough, county, unitary, etc.)

National Park

Other public body (please state)

Other (please state)

(iv) Please tick the one box which best describes which viewpoint you are representing:

Rural

Urban

(b) Consultation questions

Question 1:

Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on:

a) designating neighbourhood areas

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Explanation/Comment:

The definition of individual neighbourhoods is likely to be problematic in a diverse, densely-developed city. London is characterised by communities which are often fragmented (e.g. where they might be divided by major road routes), have a wide socio-economic range and high population turnover. It is difficult in those circumstances to expect a single neighbourhood forum to come forward which can readily agree on a set of common objectives.

It may be possible to base neighbourhoods around individual town centres or well defined housing areas. A neighbourhood plan for that area might then readily relate to a wider borough-level local planning framework and the London Plan. But where that is not possible or where proposed neighbourhoods cross individual borough boundaries, or as can happen in outer London, cross the Greater London Authority boundary, there will be issues for local authorities in resolving how to take a neighbourhood plan forward.

Hillingdon has a number of active residents' associations with a long involvement in local planning matters. It is likely that these associations might be expected to come forward with individual proposals for neighbourhood

plans. It is also anticipated that existing community engagement and initiatives by the Council, such as town centre improvement initiatives, may also result in some interest in drawing up neighbourhood plans in parts of the borough. However, the likelihood is that these neighbourhood plans may look to protect and enhance the existing character of their local areas, rather than to encourage new development. There may also be an issue of reconciling local aims with wider borough or London strategic priorities.

The Government has not prescribed the size of a neighbourhood and therefore a plan could be prepared for an area which just includes a high street or a few streets. This means that there could be a large number of neighbourhood plans being produced across the borough. Each is likely to take about two years to complete, because of the process involved and therefore there will be significant commitment and resource implications on behalf of the local community, local councillors and council staff.

In order to maximise the benefits of the neighbourhood planning system, communities should be encouraged to produce neighbourhood plans for larger geographical areas. This could be further encouraged if narrowly defined areas were only permissible if all the ward councillors in the locality were in agreement. This would enable the local councillors to advocate for areas that reflect the needs of the wider locality with regard to new development.

We would also emphasise that where a local authority has already established a successful format for community engagement and there already exists mechanisms that facilitate discussions between residents and the Council, then those arrangements should be encouraged in order to avoid duplication and addition costs of consultation and engagement. This would be the default position but still allow a group of residents coming forward to establish a neighbourhood area.

The Government sees the neighbourhood planning system as a means of promoting growth in new homes and jobs. It believes that local communities will work together to plan for new development and it has therefore introduced the neighbourhood planning system in a way which deliberately gives local communities the lead role in terms of a) the choice of whether or not to produce a neighbourhood plan, b) when it will embark on that process; c) the geographical area to be covered; d) the topics to be addressed in the plan and e) what the plan will contain. The Council therefore can only act as a facilitator and consultee in the process rather than the 'initiator' or a key decision maker.

Whilst the Council may wish to facilitate neighbourhood plans in parts of the borough where there is the greatest capacity for new homes and jobs, as set out in Hillingdon's Core Strategy, it cannot take a leading role in ensuring that this happens. There is a concern therefore that resources may be diverted to areas where the potential for new development may be very limited but where local communities who are most active, rather than focussing on areas where there are significant opportunities for growth in housing and jobs but where

neighbourhood forums have not come forward. In order to ensure that neighbourhood plans are able to have maximum influence on shaping future new development in the borough, communities should be encouraged to produce neighbourhood plans for areas where a large number of new homes and/or jobs can be accommodated.

b) designating neighbourhood forums

- | | |
|----------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input checked="" type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Explanation/Comment:

Experience elsewhere in London in bringing forward initial neighbourhood plans suggests that it can be difficult to form neighbourhood forum groups and then to focus them on what the output of their local neighbourhood plan should be. Before doing detailed work there may need to be some time spent in agreeing what the final form and content of the neighbourhood plan will be, so that it is not to be too wide-ranging in scope and unmanageable for a neighbourhood forum to attempt. As a first step to producing a plan, an agreed project plan or memorandum of understanding might need to be negotiated and in place to avoid this.

Hillingdon has a number of active residents' associations with a long involvement in local planning matters. The main involvement has generally been with regard to planning applications, because these tend to relate to specific areas which local people know and appreciate. It has generally been more difficult to engage the public in planning policy documents, because these tend to be perceived as very technical and they normally cover much wider geographical areas and are more strategic in content.

Experience in Hillingdon has shown that local communities tend to focus on local issues without reference to that wider perspective, and also they are primarily concerned with protecting and enhancing the assets that they have locally, rather than being supportive of new developments in their localities. The challenge will be for local communities to identify and agree realistic sites for new homes and jobs, in a way that meets the wider strategic policies of Hillingdon's Core Strategy and the London Plan.

The Act also looks to each Neighbourhood Forum's membership representing different sections of the community. In practise this may be difficult for local groups to co-ordinate and operate effectively as one entity

representing residential, commercial or other local sections of the community in a neighbourhood plan area. It may also prove difficult for councils to resolve differences between groups within individual neighbourhood forum areas and to encourage them to work collectively together to produce a single plan for their area.

c) Community Right to Build organisations

- | | |
|----------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input checked="" type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Explanation/Comment:

It remains to be seen whether these organisations are likely to come forward in London with its high land values.

The Council does not wish to comment on these proposals.

d) preparing the neighbourhood plan

- | | |
|----------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Explanation/Comment:

One critical issue here will be whether local authorities have the resources available at present to help facilitate the neighbourhood planning system to come forward. Due to the budget pressures facing all councils, staff resources in borough services generally are already much-reduced across London and there must be a question as to whether there will be adequate numbers of skilled planning staff available to prepare and review the statutory planning documents required, let alone to facilitate local neighbourhood forums who wish to produce plans for their areas.

It is not borough planning staff alone who will be facilitating this work. There will be additional pressures on local Ward Councillors who will be required to

commit a significant amount of their time to helping in the work of one or more neighbourhood forums in their wards. Similarly, Cabinet Members with planning portfolios will also have to commit their time and energies to this, at a time when they are facing increasing pressures due to scarce resources.

Dependent on the success of establishing a neighbourhood forum, the onus will fall on the local authority to maintain involvement of local community members in the forum over a period of time whilst a neighbourhood plan is in preparation and then to help monitor its implementation.

Whether an individual forum will have access to sufficient information to provide an adequate evidence base for its neighbourhood plan is also at issue. Again the onus may fall on the local authority to provide information and support towards neighbourhood plan preparation.

e) preparing the neighbourhood development order

- | | |
|----------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input checked="" type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Explanation/Comment:

The Council would simply note that whilst neighbourhood plans are not meant to be used as a means of restricting local development, it may be the case that local neighbourhood forums seek to impose strict local design criteria which effectively do this.

f) preparing the Community Right to Build order

- | | |
|----------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input checked="" type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Explanation/Comment:

The Council does not wish to comment on these proposals.

g) Community Right to Build disapplication of enfranchisement

- | | |
|----------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input checked="" type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Explanation/Comment:

The Council does not wish to comment on these proposals.

h) independent examination

- | | |
|----------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Explanation/Comment:

Neighbourhood Development Plans do not have to be examined by the Planning Inspectorate (but simply a suitable and proper person). Consequently there may be considerable scope for conflict within parts of the neighbourhood plan which may be informed by a varying degree/quality of evidence. It is worth noting the experience of the London Borough of Tower Hamlets 20 years ago it attempted to introduce a neighbourhood planning system there. There was difficulty throughout in reaching agreement between individual neighbourhoods and the Council's corporate centre over resource and policy priorities, and disputes between individual neighbourhoods over appropriate local policies.

i) referendum

- | | |
|----------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |

Strongly disagree

Explanation/Comment:

The Council is concerned at the potential difficulty in programming and resourcing individual referenda for neighbourhood plans across its area.

j) making the plan or order

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Explanation/Comment:

The Council does not wish to comment on these proposals.

k) revoking or modifying the plan

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Explanation/Comment:

The Council does not wish to comment on these proposals.

l) parish councils deciding conditions

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Explanation/Comment:

The Council does not wish to comment on these proposals.

Question 2:

Our proposition is that where possible referendums should be combined with other elections that are within three months (before or after) of the date the referendum could be held. We would welcome your views on whether this should be a longer period, for example six months.

Three months

Six months

A different period

Explanation/Comment:

The Council has noted its concerns above regarding the potential cost and resource implications of needing to hold local referenda on proposed neighbourhood plans and development orders. It would suggest that these should be held as soon as reasonably practical rather than within a set period. It would then fall to the neighbourhood forum and Council to agree – perhaps by way of a memorandum of understanding an acceptable time period from finalisation of the plan or order for a referendum to take place.

Question 3:

The Bill is introducing a range of new community rights alongside neighbourhood planning – for example the Community Right to Buy and the Right to Challenge. To help communities make the most of this opportunity, we are considering what support measures could be made available. We are looking at how we could support people in communities, as well as local authorities, other public bodies, and private businesses to understand what each right can and cannot do, how they can be used together, and what further support could be made available for groups wanting to use them.

We would welcome your views on what support could usefully be provided and what form that support should take.

Explanation/Comment:

Community empowerment is an agenda which boroughs are also addressing through making best use of new communication technology (e.g. via the Facebook and Twitter websites) to put across information cheaply and quickly to local communities. They also have existing networks of community groups

and associations they can use to provide advice and support on neighbourhood plans.

Rather than introduce further new initiatives, councils should, from local knowledge of their neighbourhoods, be able to determine for themselves the best methods to use to support their local communities to encourage their greater involvement in the planning process.

Question 4:

Do you have any other comments on the proposals?

(Please begin with relevant regulation number and continue on a separate page if necessary)

Explanation/Comment:

Part Three of the draft Regulations:

Neighbourhood forums will need formal management structures in place for them to develop plans in their areas. There will need to be an agreed mechanism in place for a neighbourhood to respond with its collective view on individual development proposals. Again, they may require substantial support from their local council to enable them to do this efficiently.

Resource availability for the boroughs will be a key issue, particularly regarding the proposal for local referenda to adopt finalised neighbourhood plans. The costs and staff time involved in advertising and staging individual referenda could be significant for local boroughs, especially in cases where they have several neighbourhood plans coming forward in their areas on a similar timescale.

At a time when there is considerable focus on reducing local authority expenditure, it will be important to ensure that the process for neighbourhood planning is streamlined and consistent with other existing mechanisms that councils have in place. We would therefore emphasise that where a local authority has already established a successful format for community engagement and there already exist mechanisms that facilitate discussions between residents and the Council, then those arrangements should be encouraged in order to avoid duplication and additional costs of consultation and engagement.