



## **LEVELLING-UP AND REGENERATION BILL**

### **Opportunities for improvement**

**July 2022**

Neighbourhood Planners.London is a volunteer run network which supports neighbourhood planners in London and raises the profile of neighbourhood planning.

The Levelling-up and Regeneration Bill is welcome for the opportunities it provides for communities wishing to have more of a say on planning policy and decisions. It is especially welcome for confirming the continuing statutory role for neighbourhood planning after the uncertainty of a Planning White Paper which said little about it, and for maintaining public consultation on planning applications. We also recognise the strengthening of planning enforcement and will be interested to see further details on the practical implementation of proposals for Street Votes.

Neighbourhood planning has established itself as a key part of the planning system within just 10 years. With over 1,300 made neighbourhood plans there are now many times more than Local Plans and neighbourhood plans are to be found in all parts of the country. There remains significant scope to extend neighbourhood planning in all areas. Only around 10% of parish and town councils have a made neighbourhood plan and an even higher proportion of urban neighbourhoods lack a plan.

The Bill's neighbourhood planning measures are relatively limited – some adjustments to the Basic Conditions to align with Local Plan housing allocations and new environmental outcomes; support for policies addressing climate change; and a helpfully broad definition of the legal scope of neighbourhood plans. Their impact will be marginal in addressing the main barriers to achieving neighbourhood planning's potential and increasing its role in our cities.

Neighbourhood Planners.London identifies the following measures for strengthening the Levelling-up and Regeneration Bill to support neighbourhood planning better.

## Neighbourhood planning provisions

*Obstructive behaviour* - reduce the scope for local planning authorities to delay and obstruct neighbourhood planning undertaken by neighbourhood forums, including:

- extending the presumption that the neighbourhood area put forward by parish/town councils will be accepted to areas put forward by neighbourhood forums
- presuming designation of a neighbourhood forum and/or area proposed where a local planning authority does not make a determination within the prescribed time period - following similar provisions which already apply to town/parish councils
- strengthening the local planning authority's "duty to support" neighbourhood planning, such as by regulations stipulating requirements to provide information and meet other reasonable requests and by providing an appeal mechanism and/or defining a breach as maladministration which can be addressed by the Local Government Ombudsman

*Neighbourhood Priorities Statement (NPS)* – this new community right has the potential to support more effective community involvement. It needs to be viewed as additional and complementary to preparing a neighbourhood plan. We have already had interest from communities at different stages in the neighbourhood planning process:

- Starting out – as an initial focus which may then lead to preparation of a neighbourhood plan
- “Stuck” forums – as a way forward for neighbourhood forums which have been unable to move forward with their neighbourhood plan after being designated – 70% of London’s neighbourhood forums have not yet prepared a made neighbourhood plan and the average time from designation to referendum has grown to 64 months ([State of neighbourhood planning in London 2022](#))
- Neighbourhood plan review – as a more rapid way of agreeing local priorities, especially where the Local Plan is being reviewed

There are opportunities to improve the provisions for neighbourhood priorities statements, including:

- strengthening the weak requirement for local planning authorities to "*have regard*" to NPSs when preparing the Local Plan - there should be a presumption that the matters identified in NPSs will be addressed in the Local Plan with local planning authorities required to justify exclusion and for this to be a matter for independent Examination
- confirming that the purpose of a neighbourhood priorities statement is more than influencing the Local Plan and it must be addressed by local authorities in respect of

all their responsibilities and by all other relevant public bodies (e.g. Transport for London)

- enhancing the status of Qualifying Bodies which produce a neighbourhood plan or neighbourhood priorities statement in both the Local Plan and development management process, including:
  - enhanced rights to participate in the Local Plan process
  - a requirement for Local Plan hearings specifically to address the representations of Qualifying Bodies in respect of how the Local Plan has regard to neighbourhood plans and/or neighbourhood priority statements
  - a right to be involved in pre-application consultation on planning applications (including Design Review)
  - a right to be involved in the preparation by local planning authorities of any "supplementary plans" for which provision is being made in the Bill and which will have the status of being part of the development plan

We would like to work with DLUHC in developing pilot NPSs ahead of the Bill's provisions being enacted, following the successful precedent of the early neighbourhood plans.

#### Other Bill provisions

*National Development Management Policies (NDMPs)* - to ensure these do not extend into matters which should be determined at a local and neighbourhood level:

- require consultation prior to issuing or amending NDMPs, including specific provisions to consult Qualifying Bodies for neighbourhood planning (town/parish councils and neighbourhood forums) given their role in development planning
- limit the scope of NDMPs to those policies which must be applied universally in the same way in every location

*Infrastructure Levy* - extend to neighbourhood forums the existing provisions under the Community Infrastructure Levy (which are to continue under the new Infrastructure Levy) for the "meaningful proportion" of revenues to be spent on neighbourhood issues being passed directly to town/parish councils with a made neighbourhood plan. Currently 25% of CIL returns go directly to town/parish councils with a neighbourhood plan but not to neighbourhood forums. This would be the single most significant change to catalyse the growth of neighbourhood planning in cities - a stated Government priority

*Neighbourhood Governance* - make provision for regulations which accelerate the process of maturing from a neighbourhood forum into a town/parish council (renamed as a

community/neighbourhood council)

### Omissions from the Bill

*Appeal rights* – Provide a (third party) right of appeal against planning decisions which conflict with the development plan. This is a logical extension of the measures for a "strongly" plan-led system. It is an essential safeguard for communities preparing neighbourhood plans and for the effort they put into Local Plans. It is a less good option to limit the right to those making representations on a planning application, to applications which constitute "major development" and/or to Qualifying Bodies.

### Neighbourhood Planning Support Programme

Any legislative measures to strengthen neighbourhood planning need to be accompanied by an expanded and improved Neighbourhood Planning Support Programme. This is the most effective way to accelerate community involvement in planning decisions. It is even more important if Local Plans are to be reviewed more often, putting the onus on neighbourhood plans also to be reviewed. A new Programme needs to come as a package alongside the Bill and its design should be informed by the community of neighbourhood planners who now have a decade of neighbourhood planning experience.

This note may be updated as the Bill progresses.

## **Neighbourhood Planners.London**



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