



1st February 2011

Localism Bill

Discussion Group - Neighbourhood Planning / Community Right to Build

(Workshop facilitator: Stephen Hunt, East Riding of Yorkshire Council)

A brief outline of three key policy issues was given -

- (i) *Neighbourhood Development Orders*
This is where, within a defined area, permission for certain uses of land could be given at the very local level without the need to apply for planning permission to the Local Authority. In order for this to occur a neighbourhood development order has to be developed working in partnership with the Local Authority - the process being similar to the development of the Local Development Framework and having to comply with strategic plans. Once written this would be examined by an independent examiner prior to being put to the community via a local referendum - this referendum requiring 50% of turnout to be in favour for the Neighbourhood Development Order to be adopted. Certain things such as plans about minerals and waste cannot be included.
- (ii) *Right to Build*
This power within the Bill allows groups to instigate certain types of development, i.e. affordable housing. The Bill details the types of body that could apply i.e. corporate bodies with expressed purposes - the proceeds from any development would have to be retained within the community. The Bill places the onus on the community to identify sites and find the finance for developments. Again this would be subject to local referenda requiring 50% of turnout in favour
- (iii) *Neighbourhood Plans*
This power provides the community with the opportunity to develop a localised plan covering policy, land-use and land allocations at the parish or neighbourhood level. In principle a qualifying body is a parish council, or neighbourhood group where no parish exists. The plan would have to comply with national guidance and be legally compliant with the EU Sustainability Framework. The draft plan would be subject to examination by a panel of experts. Again this would be subject to local referenda requiring 50% of turnout in favour. The Local Authority has a duty to provide assistance in the development of plans but this does not extend to financial assistance. Government has suggested that the cost will be £20,000 per plan but civil servants say the figure will be higher. East Riding of Yorkshire Council (ERYC) planners estimate between £20,000 - £100,000 dependent on the size and complexity of the settlement.

A discussion took place which took the form of a question and answer session:

Q: Smaller areas such as parts of Ryedale have as few as 103 electors. This is too small to be subjective. Can they join together?

A: Yes this is permissible under the Act but there remains the question of whether or not they actually would. The ERYC experience of encouraging clustering work has been difficult.

Q: Are neighbourhood plans and development orders compulsory?

A: No, where they do not exist the LDF will take their place.

Q: Wouldn't the current system be easier if a community wants Affordable Housing?

A: A benefit could be the opportunity to discuss a range of sites but the referenda requirement may be a hurdle.

Q: Yorkshire Dales - just coming to the end of Local Development Framework (LDF) process. Does this knock this out or would much of the work done on sites be valid? A debate is needed as this could reinforce NIMBY mentality.

A: This may delay the LDF but it is important that it continues as a strategic document. Two important documents are LDF and Land Allocation. The new plans provide the opportunity for parishes to have a greater say in Land Allocation.

Q: Will existing stuff stand?

A: Localism Bill is not law yet. Guidance from Central Government is to continue with current regimes until it becomes law. However many authorities seem to be putting land allocation on hold.

Q: How would you get unpopular stuff through?

A: Via the strategic LDF document. i.e. Biomass would not be included and therefore not subject to a referenda

Comment: The opposite argument is that the current LDF works against farmers as it doesn't understand their interests?

Comment:: DCLG grants to trial how this would work are available but the closing date is 16.02.11. Who would help a community? I understand that Planning Aid is going.

Q: If need identified i.e. rural community says yes and LDF says no - how is this resolved?

A: DCLG see the Bill as enabling rather than causing dispute. The requirement on the Planning Authority is not to be too rigid. Broad policy should allow flexibility and relieve tensions. The Community Infrastructure Levy is supporting. It is recognised that homes may result in some tensions. Neighbourhood plans wouldn't pass examination if not complimentary. Exception sites would be dealt with in current way taking on-board the consultation done to develop the neighbourhood Plan. Importantly the Neighbourhood Development Plan has the same weight as the LDF.

Q: This sounds so complicated - will it be taken up by communities?

A: Government see it as positive and enabling.

Q: Isn't this a political way of raising expectations but in the detail not allowing any change. This is anti-democratic as it will encourage Parish Councils rich in skilled professionals to be able to do stuff. Care needs to be taken in the delivery process to avoid this.

A: ERYC experience is that even the Parish Councils with the skills have declined the opportunity to be supported to take-part in the pilot schemes. They indicate that they feel it is too much responsibility. The issue has big implications for Local Authorities about the use of resources to support the proposals. ERYC is holding some events in March to discuss the general issues arising from this as some individuals from Parishes Councils have approached the Council. It is not yet clear whether this is related to personal agendas or a general community request. ERYC has 9 staff in the Forward Planning Team and the LDF will remain the priority for their work.

Q: If the Parish Council doesn't want to do anything but the community does can they?

A: This is not clear in the Bill.

Q: Has any thought been given to the voluntary role of Parish Councillors; there maybe drop out?

A: Unknown.

Q: What about the non-parished areas?

A: They could set-up their own body.

Comment: This is divisive rather than unifying.

Comment: Could this result in inequitable delivery of services as a result of changes in structures?

A: Neighbourhood defines the area and apply to the Planning Authority to agree it. Potentially neighbouring neighbourhoods could be at loggerheads.

Q: The backdrop of cuts needs to be taken into account. What assessment of the realignment of resources and current activity has been undertaken?

A: This will be down to individual Local Authorities. ERYC has 169 parishes and this would require significant resources to be applied. The first step we are taking is a straw poll of the level of interest in March. A way to estimate costs would be to look at the costs of the current LDF process.

Q: How do Local Authorities feel about the Bill?

A: The Local Government Association has indicated that it broadly welcomes the proposals. However one has to place this in context as there are other aspects of the government proposals that they may wish to concentrate their energies on i.e. changes to housing rules whereby the rents that currently go to Central Government and are apportioned back will remain within the collecting authority. The rub in relation to this being - that bad debt will be apportioned and this could result in some areas taking on the debt of urban authorities. Another issue is the transfer or apportionment of EU fines to Local Authorities.

Comment: issue for farming sector not previously raised is succession. Hope that the change would allow flexibility to encourage people to stay in the industry.

Q: How does the environment fit in?

A: The Bill places a duty to work with other bodies.

Participants were asked to draw from the discussion 3 key points to feedback. These were:

- Cost - financial and time commitment for something which duplicates the work already contained within the LDF.
- Disincentive to be a parish councillor.
- More detail needed.
- Sceptical and feel this will be inefficient.

