



RTPI

mediation of space · making of place

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Patron HRH The Prince of Wales KG KT PC GCB

19 October 2016

Dear Sir/Madam,

RESPONSE TO CONSULTATION: Technical Consultation on implementation of neighbourhood planning provisions in the Neighbourhood Planning Bill.

The Royal Town Planning Institute champions the power of planning in creating prosperous places and vibrant communities. Our 23,000 members are from the private, public, academic and voluntary sectors. Using our expertise and research we bring evidence and thought leadership to shape planning policies and thinking, putting the profession at the heart of society's big debates. We set the standards of planning education and professional behaviour that give our, wherever they work in the world, a unique ability to meet complex economic, social and environmental challenges. We are the only body in the United Kingdom that confers Chartered status to planners, the highest professional qualification sought after by employers in both private and public sectors.

Please see our response to the consultation attached.

Yours Faithfully,

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Policy Officer

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RTPI Response to Consultation on Technical Provision in the Neighbourhood Planning Bill

Generally

1. We welcome positive intent and measures to improve the neighbourhood planning process to help local communities realise their own vision for places. The RTPI supports Planning Aid England. This has supported 290 groups across the country, delivering over 3500 staff days and nearly 900 volunteer days. It's approach is to empower communities, giving them the skills and knowledge to engage with the planning system. Planning Aid continues to advise and support groups in areas of deprivation and has also written a number of guidance documents covering every area of neighbouring planning and using a range of innovative techniques.

Question 1: - *Do you agree that regulations setting out the detail of the process for modifying an existing neighbourhood plan should replicate as far as possible the existing regulations for making a new plan?*

2. The binding nature of examiner's recommendations could cause conflict if LPAs and Qualifying bodies don't agree. However, in principle we agree with this approach. We suggest that guidance is issued as to what DCLG considers to be "minor," "material" or a "substantial" amendment. Progress could be stalled owing to unnecessary and protected discussions over these terms. A similar situation happened when the concept of a "non-material" and "minor material" amendment for planning applications was introduced. Anecdotally we know this leads to confusion in the planning process, particularly at validation stage. We would not want the same frustrations to be part of the neighbourhood planning process if it can be avoided. An accessible schedule or list in guidance to help communities and LPAs may be a good way to mitigate this.
3. The consultation paper states that there will be a stronger expectation that Hearings will only happen in exceptional circumstances. We understand that guidance is already quite clear in this regard. It be prudent to make more explicit, under what circumstances a Hearing should be called.
4. Finally, we agree for the requirement for the existing/previous NP to be submitted. There are questions over whether this should be the same or different examiner and whether the previous examiner's report and LPA decision should also be submitted.

Question 2 – *Do you agree that a new basic condition is needed to ensure that a neighbourhood plan proposal does not adversely affect any existing plan that remains in place, in areas where neighbourhood area boundaries have changed?*

5. It is important that strategic lessons are learnt from the local plan process and applied where relevant to neighbourhood plans. We entirely agree that neighbourhood plans should not be held back if communities want to adapt to changing market, social or environmental circumstances. We suppose a basic condition would also take into consideration housing allocations.



Reviewing Statements of Community Involvement at regular intervals

Question 3 – Do you agree that local planning authorities should review (and if necessary update) their statement of community involvement at least every five years? If not, what alternative do you propose?

6. Linking the SCI with the Local Plan review appears logical. Some of our members question the value of SCI's in practice and wonder if more scrutiny of them at inspection stage would be more valuable. However, we do feel that experiences of community engagement, the number of NPs applied for in an area and resources available to allocate to NPs will dictate how LPAs will take SCI forward. Therefore, it might be more appropriate for a margin either side of the 5 year mark to be allowed, in order that the system be flexible enough to account for different LPA and NP needs.

Question 4 – Do you agree that local planning authorities should include their policies on providing advice or assistance to groups preparing neighbourhood plans and their policies for involving interested parties in the preliminary stages of plan-making in their statements of community involvement within 12 months of Royal Assent to the Bill. If not what alternative do you propose?

7. There is already a general duty to support in legislation. We question the practicality of having to review or inspect all SCIs within 12 months. The support of neighbourhood planning must take place at the times determined by the neighbourhood planning process and indeed the Bill tightens these obligations. If this coincides with critical dates in the local plan process, there could be very difficult choices faced by managers. Moreover, neighbourhood planning is a somewhat unpredictable draw on resources, in more remote parts of the country it may be difficult to temporarily scale up and then down the size of the plan making team. Councils may however buy in support from consultants to help here, but this may be at higher rates than employing permanent staff.
8. It may be better tie this requirement in with LPAs' timetables for plan delivery and review. With other requirements coming into force as a result of the Housing and Planning Act 2016, such as the compiling of Brownfield registers, the potential to disrupt LPA plan delivery timetables are significant. If there is a desire to commit LPAs to a particular level of neighbourhood planning support, this needs to be clarified.

Future of Neighbourhood planning

Question 5 – Do you have any other suggestions for further strengthening neighbourhood planning?

9. Many neighbourhood plans contain policies that merely duplicate policies already contained within the development plan (i.e. the LPAs Local Plan). In order to simplify neighbourhood plans and ensure that neighbourhood planning groups effectively think about neighbourhood level planning policy, there could be an additional basic condition to avoid duplication of existing plan policies. A basic condition would be appropriate rather than assessing this at Inspection stage so that neighbourhood forums are aware of this before they submit.
10. We strongly recommend that Inspectors should be Chartered or Associate RTPI members. This should ensure a high standard of understanding and professional approach to the examination process.
11. In the Government's promotion of neighbourhood planning (such as the London Underground advertisements) we would like the value of Planning generally be



promoted to communities. We do not think that Neighbourhood Planning should be seen in isolation. Communities should be encouraged to engage with all elements of the planning system particularly where it may be more efficient to realise communities' needs through a mechanism other than NP.

Public Sector Equality Duty

Question 6 – Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter? Is there anything that could be done to mitigate impacts identified? No answer provided.

Financial Considerations

Question 7 – Do you have any views about the potential positive or negative financial implications on local planning authorities, neighbourhood planning groups, or others of our proposed changes? What evidence do you have on this matter? Is there anything that could be done to mitigate costs?

12. We commend DCLG for considering this aspect. Indeed, our research into resourcing of planning departments has shown a reduction of up to a third of planning staff in the northwest of England, which reflects a pattern of diminishing resources nationally. This is having an impact on delivery and service. Therefore, additional burdens on local authorities as a result of any changes are a concern. These measures proposed in this Bill, however, do not appear in themselves to be too onerous. Striking a balance between any provision having a meaningful impact but being proportional in their resource requirements is tricky and to an extent, down to the skill and professionalism of planning managers. Capacity is key. And so the RTPI has set up a bursary scheme which is designed to promote and support diversity within, and widen access to, the planning profession. The bursary of £2,000 will recognise undergraduate student excellence among students currently studying on an accredited planning programme.
13. Between £30,000 and £45,000 is currently available to LPAs per neighbourhood area to support the neighbourhood plan making process. It is unclear as to whether this is also available in instances where modifications to a NP are being undertaken. In some of our members' experience in some areas a neighbourhood plan can take up to £70,000 to prepare properly.
14. We suggest more proportionate approach to allocation of funds to Local Authorities to aid neighbourhood planning. This would help improve support for neighbourhood planning from Local Authorities in areas of high pressure.
15. We understand that some of the key costs for the neighbourhood planning group will be at plan drafting and pre-submission consultation, whilst for the LPA it will be at post submission consultation stage, examination of the neighbourhood plan; and referendum stage. A consolidation of the pre-submission consultation stage (undertaken by neighbourhood planning group) and the post submission consultation stage (undertaken by the LPA) into a single consultation would not only reduce impact on resources but would also enable potential for joint working between LPA and neighbourhood planning group.