

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT NEIGHBOURHOOD PLANNING (REFERENDUMS) (AMENDMENT) REGULATIONS 2016

Monday 12 September 2016

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The Committee consisted of the following Members:*Chair:* PHILIP DAVIES

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|---|---|
| † Allan, Lucy (<i>Telford</i>) (Con) | † Metcalfe, Stephen (<i>South Basildon and East Thurrock</i>) (Con) |
| † Barwell, Gavin (<i>Minister for Housing and Planning</i>) | † Nandy, Lisa (<i>Wigan</i>) (Lab) |
| † Cartlidge, James (<i>South Suffolk</i>) (Con) | † Pearce, Teresa (<i>Erith and Thamesmead</i>) (Lab) |
| † Davies, Chris (<i>Brecon and Radnorshire</i>) (Con) | † Philp, Chris (<i>Croydon South</i>) (Con) |
| † Doyle-Price, Jackie (<i>Thurrock</i>) (Con) | † Pow, Rebecca (<i>Taunton Deane</i>) (Con) |
| † Greenwood, Lilian (<i>Nottingham South</i>) (Lab) | † White, Chris (<i>Warwick and Leamington</i>) (Con) |
| Griffith, Nia (<i>Llanelli</i>) (Lab) | |
| † Haselhurst, Sir Alan (<i>Saffron Walden</i>) (Con) | Jonathan Whiffing, <i>Committee Clerk</i> |
| † Hayman, Sue (<i>Workington</i>) (Lab) | |
| Healey, John (<i>Wentworth and Dearne</i>) (Lab) | † attended the Committee |

First Delegated Legislation Committee

Monday 12 September 2016

[PHILIP DAVIES *in the Chair*]

Draft Neighbourhood Planning (Referendums) (Amendment) Regulations 2016

4.30 pm

The Minister for Housing and Planning (Gavin Barwell):
I beg to move,

That the Committee has considered the draft Neighbourhood Planning (Referendums) (Amendment) Regulations 2016.

It is a pleasure to serve under your chairmanship, Mr Davies. I am confident that for the next 90 minutes you will not hold against me anything we might have said when I was your Whip.

The regulations will come into force on 1 October 2016. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and to shape the development and growth of their local area. For the first time, community groups can produce plans that have real statutory weight in the planning system. So far, more than 1,900 communities throughout England, representing nearly 10 million people, have started the process of neighbourhood planning. More than 200 plans have passed a public referendum and are now in force, including six that passed last Thursday: two in Babergh, Suffolk; two in Herefordshire; one in Wellingborough, Northamptonshire; and one in Ashford, Kent. Those plans are now the starting point for planning decisions.

We need to ensure that the neighbourhood planning process is as simple and fast as possible, so that communities can see the benefits of their plan without unnecessary delays. Neighbourhood planning can take two to three years on average; slow decision making by local planning authorities can be particularly frustrating for communities and can discourage them from taking up neighbourhood planning. We therefore introduced a number of measures in the Housing and Planning Act 2016 that will speed up neighbourhood planning by an average of about 17 weeks. The new powers in that Act are complemented by a power in schedule 4B to the Town and Country Planning Act 1990 for the Secretary of State to make regulations prescribing a date by which the referendum must be held or before which it cannot be held.

Holding a referendum is a key step required to bring a neighbourhood plan or order into force, once it has been through public consultation and an independent examination. Where the neighbourhood area has been designated as a business area, there is an additional referendum for the businesses in the area.

On average, referendums have been held within eight weeks of a local planning authority's decision to submit a neighbourhood plan or order to a referendum. However, while in some cases authorities have called a referendum within six weeks, in others the referendums have taken place more than 17 weeks after the authority's decision;

we therefore consider that it would be beneficial for new regulations to set out a clear expectation of the period for holding a referendum.

In February, we consulted on proposals for these regulations, as part of a wider package of measures. A summary of the responses to the consultation has been prepared and is available on the Department for Communities and Local Government's website, along with the Government's response. The proposal that underpins the regulations received considerable support. A small number of technical amendments were made as a result of the responses we received, to ensure that the regulations could be implemented effectively. The details of the regulations have been agreed with the Electoral Commission and with the Association of Electoral Administrators.

If approved, the regulations will be an important safeguard to ensure that a minority of local authorities do not cause delays to the neighbourhood planning process. They will require local planning authorities to hold a referendum on a neighbourhood plan within 56 working days of their decision that a referendum should be held, or 84 working days in certain more complex cases. The 84-working-day limit will apply when there is a business referendum as well as a referendum among the local electorate; when the neighbourhood planning area falls within more than one local planning authority; or when the local planning authority is not the principal authority responsible for arranging the referendum, as with a mayoral development corporation or a national park authority.

There are three exceptions to the 56 or 84-working-day time limits: where a neighbourhood planning referendum can take place on the same day as, or be taken together with, another poll that is due to be held within three months of the end of the 56 or 84-working-day period, to avoid spending unnecessary public money on a separate ballot; where there are unresolved legal challenges to the decision to hold a referendum; or where a local planning authority and the neighbourhood group agree that the referendum need not be held by that date. Those exceptions provide the necessary flexibility to allow local circumstances to be taken into account.

These regulations are part of a wider package of measures that the Government are introducing to speed up the neighbourhood planning process. A number of other regulations are subject to the negative procedure and have not, as yet, been prayed against by the Opposition. Presumably, the Opposition support those regulations. There are other measures in the Neighbourhood Planning Bill, which we introduced last week and which will shortly have its Second Reading.

Neighbourhood planning has been successful in making planning more accessible to local people. It empowers significant numbers of communities to take an active role in determining the future of their area, and it is a principle on which I hope we can all agree. The Government are committed to speeding up and simplifying the process, so that even more communities can benefit. It is important that we set time periods for key local planning authority decisions in the neighbourhood planning process, and these regulations are an important step in that process. I commend them to the Committee.

4.35 pm

Teresa Pearce (Erith and Thamesmead) (Lab): This is a straightforward proposal. We support empowering local communities to influence proactively developments that affect their community. We have no objections to the Government's referendum proposals, which we support. We recognise the importance of giving residents the right to develop a shared vision for their neighbourhood and to give them a stake in the development and growth of their local area. That will be important in helping to address issues, such as the housing crisis, that afflict urban and rural communities alike. People should get a say in choosing where they want new homes to be built, where shops should be provided, where offices and other workplaces should be located and, crucially, what those new buildings will look like and what infrastructure should be provided to service them. Those factors often lead to resistance to new development in some communities.

Too often, we have seen developers foisting ugly and inappropriate developments on communities, with no consideration given to the impact on local people or the local area. Established residents frequently complain that new developments have created pressure on infrastructure and services. At a time of pressure on such services, it is important that we avoid exacerbating the problem. The more we involve local people, the less likely that is to happen. We must take steps to avoid making matters worse through the impact of the new developments that we so drastically need.

The impact on the environment is another factor that can be addressed by being sensitive to the visual amenity where any new development is to be located. Time and again, developers pay little attention to the surrounding environment. Being responsive to that factor can be achieved by choosing a palette of materials that is sensitive and that blends in with the local area. Involving local residents is therefore a positive step in ensuring that developments reflect local need and complement the environment in which they are located.

As the Minister will know, *Cabe*—the Commission for Architecture and the Built Environment team at the Design Council—offers free tailored support to community groups involved in neighbourhood planning. How often has the *Cabe* team offered that tailored support to community groups? Does his Department intend to promote this service proactively, so that it runs alongside the referendums? If local communities are to make informed decisions about developments affecting their community, involving *Cabe* will clearly be crucial.

Who will pay the costs of administering the referendums? If local planning authorities are expected to pay, will they be able to recover the costs from the developers? If not, will the Government provide any additional grants to reimburse local authorities, which have already seen their budgets severely stretched?

We have no objections to the proposed referendums, but I would be grateful to the Minister if he clarified the issues that I have raised this afternoon.

4.39 pm

Gavin Barwell: It is a delight to respond to this brief debate. It is good to hear the Opposition's support for the principle of neighbourhood planning, and it is great to hear them expressing a cross-party view on this important change to our planning system. The change

was originally introduced in some of the coalition Government's early legislation. At the time, the Opposition expressed real concern that it would be a charter for *nimbyism* and would restrict the development that we all agree we need throughout the country. However, the initial evidence from places that have adopted neighbourhood plans actually suggests the opposite, as the hon. Lady alluded to. Although we have only a small sample so far, there appears to be about a 10% uplift, on average, in the amount of housing planned for when we involve people in the planning system, empower them and allow them to take decisions. It is very good to see support from the Opposition Benches for these reforms.

The hon. Lady made a particularly powerful point, which I want to underline, about the importance of local authorities engaging with local communities about these decisions. All MPs are aware, from our surgeries and our casework, of the huge need in this country for additional housing to be built, but we are also all conscious that proposals made without proper engagement with the local community can meet significant resistance. The hon. Member for Croydon South represents a constituency in the same borough as mine, and that is the experience we have had with our council's local plan: it has come out with proposals without having properly engaged with residents associations beforehand. That has led it into very adversarial disputes about housing. The hon. Lady's point was a powerful one.

The hon. Lady asked two specific questions. One was about funding, and I can answer it in two ways. Since the neighbourhood planning grant was introduced in 2012-13, approximately £13.8 million has been paid to local planning authorities and to national parks. Planning authorities can claim £5,000 for area designations at the start of the process and £20,000 once a referendum date has been set, to cover the cost of the independent examination of the plan and of holding the referendum. So far, about £6 million has been paid to planning authorities and national parks for area designations, and more than £3 million has been paid for plans that have passed the examination stage and proceeded to referendums. There is a budget of £5 million for the current financial year, and we expect that to be more than sufficient.

The regulations do not introduce the possibility of a referendum, because that principle is already established in law; they just constrain when the referendum must be held. We do not consider that they place any additional cost on local planning authorities; they just constrain when the authorities must do what they already have to do. There is therefore no additional funding as a result of the regulations, but I reassure the hon. Lady that there is a package of funding to support local authorities with the cost of holding referendums.

The hon. Lady mentioned *Cabe* support for communities. That is not currently part of the support package we provide for local communities, but I am very happy to look into her suggestions and speak to our officials about taking them up.

This has been a short but important debate. As I said, it is very good to see support from the official Opposition for these fundamental reforms, which the Government have introduced to our planning system to give communities

[Gavin Barwell]

more of a say in their development. I look forward to similar support when we discuss the Neighbourhood Planning Bill.

Question put and agreed to.

4.43 pm

Committee rose.