

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

NEIGHBOURHOOD PLANNING BILL

Third Sitting

Thursday 20 October 2016

(Morning)

CONTENTS

CLAUSE 1 under consideration when the Committee adjourned
till this day at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Monday 24 October 2016

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The Committee consisted of the following Members:

Chairs: MR PETER BONE, † STEVE McCABE

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| † Barwell, Gavin (<i>Minister for Housing and Planning</i>) | † McMahon, Jim (<i>Oldham West and Royton</i>) (Lab) |
| † Blackman-Woods, Dr Roberta (<i>City of Durham</i>) (Lab) | † Malthouse, Kit (<i>North West Hampshire</i>) (Con) |
| † Colvile, Oliver (<i>Plymouth, Sutton and Devonport</i>) (Con) | † Mann, John (<i>Bassetlaw</i>) (Lab) |
| † Cummins, Judith (<i>Bradford South</i>) (Lab) | † Philp, Chris (<i>Croydon South</i>) (Con) |
| † Doyle-Price, Jackie (<i>Thurrock</i>) (Con) | Pow, Rebecca (<i>Taunton Deane</i>) (Con) |
| Green, Chris (<i>Bolton West</i>) (Con) | † Tracey, Craig (<i>North Warwickshire</i>) (Con) |
| Hayes, Helen (<i>Dulwich and West Norwood</i>) (Lab) | Villiers, Mrs Theresa (<i>Chipping Barnet</i>) (Con) |
| † Hollinrake, Kevin (<i>Thirsk and Malton</i>) (Con) | Ben Williams, Glenn McKee, <i>Committee Clerks</i> |
| † Huq, Dr Rupa (<i>Ealing Central and Acton</i>) (Lab) | † attended the Committee |

Public Bill Committee

Thursday 20 October 2016

(Morning)

[STEVE McCABE *in the Chair*]

Neighbourhood Planning Bill

11.30 am

The Chair: We now begin line-by-line consideration of the Bill.

The selection list for today's sittings is available in the room. It shows how the selected amendments have been grouped together for debate. Amendments grouped together are generally on the same or a similar issue. The Member who has put his or her name to the leading amendment in a group is called to speak first; other Members are then free to catch my eye to speak on all or any of the amendments in that group. A Member may speak more than once in a single debate.

I will work on the assumption that the Minister wishes the Committee to reach a decision on all Government amendments. Please note that decisions on amendments do not take place in the order in which they are debated, but in the order in which they appear on the amendment paper. In other words, debate occurs according to the selection of groupings list, but decisions are taken when we come to the clause that the amendment affects. I hope that is helpful.

I will use my discretion to decide whether to allow a separate stand part debate on individual clauses and schedules following the debates on the relevant amendments.

Jim McMahon (Oldham West and Royton) (Lab): On a point of order, Mr McCabe. I hope you will bear with me when I ask some beginner's questions, but this is the first Committee in which I have been on the Front Bench. The technical consultation on the Bill finished yesterday, but the public consultation does not finish until 2 November. We are having our debates on the Bill in the absence of that feedback from the public, or from the professionals who took part in the technical consultation. Is that usual? If so, how do we ensure that the comments in the consultation are fed back into the process?

The Chair: The Minister will have easily heard your comments. It is normal for the usual channels to have agreed the scheduling of the Committee, but we note the point that has been made, and the Minister has heard it and will do what he can to assist.

Dr Roberta Blackman-Woods (City of Durham) (Lab): Further to that point of order, Mr McCabe. If there are any additional documents relevant to the deliberations of the Committee, will the Minister ensure that Committee members are aware of them, so that we do not have to go looking for them on the website of the Department for Communities and Local Government?

The Chair: The Minister will have heard those remarks, and he is nodding to indicate that he will do his best to assist.

Clause 1

DUTY TO HAVE REGARD TO POST-EXAMINATION
NEIGHBOURHOOD DEVELOPMENT PLAN

Dr Blackman-Woods: I beg to move amendment 4, in clause 1, page 1, line 11, at end insert—

“and insofar as it is consistent with the relevant local plan.”

This amendment ensures that neighbourhood plans are not considered if they are inconsistent with local plans.

The Chair: With this it will be convenient to discuss the following:

Amendment 5, in clause 1, page 1, line 11, at end insert—

“and insofar as it is consistent with the National Planning Policy Framework and the National Planning Practice Guidance.”

This amendment ensures that neighbourhood plans are not considered if they are incompatible with the National Planning Policy Framework or the National Planning Practice Guidance.

Amendment 3, in clause 1, page 1, line 22, at end insert—

“(c) if it has been examined by an independent examiner who is registered with the Royal Town Planning Institute.”

This amendment ensures that the examination of a neighbourhood plan is conducted by an RTPI registered examiner.

New clause 1—*Approval of draft-neighbourhood development plans by referendum*—

(1) Schedule 4B of the Town and Country Planning Act is amended as follows—

(2) After paragraph (2) insert—

“(3) The outcome of such a referendum shall only be valid if the turnout is equal to or greater than 40%.”

Dr Blackman-Woods: It is a pleasure to serve under your chairmanship, Mr McCabe.

As the Minister knows from our discussions on Tuesday, we do not see neighbourhood planning and the provisions relating to it as the most controversial aspect of the Bill. Nevertheless, we have a couple of questions embodied in the amendments on which we would like some clarification from the Minister.

Amendment 4 seeks to amend the clause to ensure that the local authority will only have to have regard to neighbourhood plans when they are found to be consistent with the local plan. I am sure that in his response the Minister will say that it is already enshrined in legislation that they have to pay attention to the local plan, but we are seeking clarity on at what stage that needs to happen.

Let me start by saying that we are very supportive of neighbourhood plans and the measures in the Bill to make them more efficient in delivering housing, delivering it where local people want it and having it underpinned by the relevant infrastructure. We feel that planning is always more successful when people feel a part of it, rather than planning being something that is done to them and imposed from above. This point was made powerfully on Tuesday by the National Association of Local Councils, which also reminded the Committee

that during the passage of the Bill we probably need to push for greater clarity on the exact role of neighbourhood plans and get some statements about the importance and significance attached to them and, in particular, their relationship to local plans.

The amendment would ensure that neighbourhood plans are only considered if they are in line with the overall strategic aims and visions within a local plan. As we are all no doubt aware, local plans set out a framework for the future development of an area, addressing needs and opportunities relating not only to housing, but to the local economy, community facilities and infrastructure. We are specifically asking the Minister to what extent neighbourhood plans are then being written to address not only the broader strategic aims of the local plan, but what it says about community facilities and infrastructure—that is, if it does. It might not, and if not, is the Minister clear that there is then a key role for the neighbourhood plan to ensure that those less strategic issues are addressed for the locality?

An underlying purpose of the amendment is to try and tease out from the Minister whether he thinks neighbourhood plans could, in fact, be a building block for local plans. There are distinct advantages for planning at a community level for housing supply, if that incorporates real local knowledge and that local knowledge is then put into a wider picture that is able to address local authority-wide needs. Hugh Ellis from the Town and Country Planning Association spoke on Tuesday about the real advantages that could have, saying:

“Neighbourhood plans are great at articulating community aspiration inside the local plan framework. When both work together very powerfully, that can be a very strong framework for a community.”—[*Official Report, Neighbourhood Planning Public Bill Committee*, 18 October 2016; c. 32, Q50.]

Ruth Reed from RIBA said it would be better for local and neighbourhood plans to be “in sync” to

“ensure coherence and strategy across a local authority to provide housing where it is needed.”—[*Official Report, Neighbourhood Planning Public Bill Committee*, 18 October 2016; c. 43, Q71.]

Local plans are also only adopted after public consultation and, in my experience, usually very lengthy—in fact, often more than one—public inquiries. As the Minister and all on this Committee will know, they do have considerable weight. It would be very helpful for communities to be able to feed in their vision for development at an early stage in that local plan-making project and process. We also do not want to find ourselves in a situation where strengthened neighbourhood plans are undermining local plans, leading to lots of competing visions of what an area could look like or deliver. Again, we feel that being very clear about the degree to which they have to follow a local plan might help to iron out some of those possible conflicts. As the Local Government Association has pointed out,

“It is important that any proposals do not have the unintended consequence of undermining the ability of a local planning authority to meet the wider strategic objectives set out in an emerging or adopted Local Plan”.

According to the Department’s own figures, about 200 neighbourhood plans that have progressed to the referendum stage have been approved by voters; I suspect the figure is a lot higher now. That shows a really positive reception for neighbourhood planning. I pay tribute to the Minister and his Department for bringing the whole concept forward. However, given the number of neighbourhood plans now being considered—I think

it is a few thousand—and the way the Government rightly want to extend them, it seems likely they could end up competing with one another. We are trying to ensure, through the amendment, that that does not happen.

The guidance tells us that it is very important for a neighbourhood plan or order to follow a local plan, but they are not often tested against policies in an emerging plan. I will give an example from my constituency, where we are in precisely this situation, which is partly what prompted my question. A local plan went through a public inquiry and was thrown out by the inspector. The authority was directed to go back to first base in terms of drawing up the local plan, so it is out to consultation at the moment on some of the underpinning objectives, but a number of neighbourhood plans are about to go to referendums. Will those plans simply rely on saved local policies? Will they have to look at the local plan that was thrown out, or will they be tested against the underpinning objectives, which are quite wide-ranging at this stage? It would be interesting to hear from the Minister on that point. There is a need for further clarity, particularly with regard to the stage that the local plan is at.

These are very much probing amendments, as I am sure Committee members have determined. Amendment 5 would mean the local authority need not have regard to the local plan, unless it is consistent with the national planning policy framework and national planning policy guidance. This is a straightforward amendment. We should seek to put best practice at the forefront of neighbourhood planning by requiring that the plans are compatible with the NPPF and any relevant guidance.

Kevin Hollinrake (Thirsk and Malton) (Con): Is the hon. Lady aware that paragraph 16 of the NPPF states that neighbourhoods should

“develop plans that support the strategic development needs set out in Local Plans”?

Is that not quite clear?

Dr Blackman-Woods: I am trying to tease out the extent to which the Minister thinks it is important right at the outset for neighbourhood plans to tell us how they are addressing the basic thrust of the NPPF and any relevant policies in it and taking on board guidance that underpins some of those policies. I do not think the issue of guidance is quite so clear. Perhaps it is generally assumed that the NPPF would be followed but not to the degree that planning guidance would have to be taken on board.

11.45 am

We are not trying to load additional burdens on neighbourhood planning forums or parish councils; we are just trying to get a little more clarity on what is expected of them. Ruth Reed pointed out in the Committee on Tuesday that the plans are “generally prepared”, or often prepared, by a lot of volunteers and amateurs, so perhaps it depends which way we look at this. A requirement to follow the NPPF and guidance could put additional burdens on them, but it could be really helpful in assisting groups in how they move forward. This is something that I know from my constituency, where we have neighbourhood plans being prepared by both parish councils and by neighbourhood planning forums.

We will come to this point in a later amendment, but one thing that I have noticed is that where a parish council is supporting a neighbourhood plan there is a basic structure of organisation that can get people together, making it slightly easier to put a neighbourhood plan together.

The neighbourhood planning forum is excellent, but certainly in its early days it did struggle with knowing how to undertake the process. It did eventually draw down money and get expertise that was able to help, and it is hoping to submit its plan quite soon. It really was a case of constituents wandering around with clipboards counting houses in an area, doing a character appraisal, meeting different groups, trying to decide what the priorities should be. A bit more guidance to them about how to act, particularly in those early stages, would be important.

That was a point made very properly by the British Property Federation in its briefing to us:

“Conformity with the NPPF and NPPG is particularly crucial as emerging/adopted neighbourhood plans are already material considerations when determining planning applications and, in certain situations, could be the key determining factor, particularly where a Local Plan is out of date or at an early stage in preparation”.

That is exactly the set of the circumstances that I described when speaking to amendment 4.

We know that neighbourhood plans are often considered in the absence of local plans. That is why we think there probably is a need for them to be as rigorous as possible. I do not want to labour this point much more, but it is worth saying that the only paragraph in the NPPF that seems really relevant to the topic we are discussing is paragraph 16. The Minister may correct me if I am wrong. It says:

“The application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should: develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed.”

I think everyone will agree that that is quite broad. A lot of the measures in the NPPF are broad because they are simply trying to direct people in the wider policy framework. I thought that at least if it was clear that they had to do that and address the underpinning guidance, that might give further clarity to the whole process, which is what we are trying to achieve with this and the preceding amendment.

Amendment 3, like amendments 4 and 5, is about how to establish in the Bill best practice in neighbourhood planning. Amendment 5 seeks to do so by ensuring that examination of a neighbourhood plan is conducted by a Royal Town Planning Institute-registered examiner. Before I looked at the provisions in detail, I had not realised that the examiner could be anyone. They do not have to be RTPI-registered.

I am not suggesting that people who have examined neighbourhood plans to date have not been suitably qualified or not done a really good job, but I would like to hear from the Minister why he thinks the person who will examine the plan, particularly as many of them are being examined without a local plan in place, should

not have to have an RTPI qualification. I cannot find any guidance on who the examiner should be and what qualifications they should have, but if I have missed it, I will be happy to be corrected by the Minister.

I just wondered whether public confidence in the neighbourhood planning process and the examination system would be enhanced if it was clear that the examiner had to have certain qualifications and, critically for public confidence, that they had undertaken inquiries or examinations before and knew how a neighbourhood plan fits into the overall planning process. The examination process may give communities unrealistic expectations if they do not understand the difference between a local plan being examined and a neighbourhood plan being examined.

The issue could swing either way. There could be too many expectations on the local community because the examiner has not experienced the difference between the local plan examination process and that of the neighbourhood plan; or there could be too few because they could say, “This is only a local plan and in the overall planning system it is not the most critical element.” They could have fairly low expectations.

Jim McMahon: This is a very important point because the provision must not be seen as a way of paying lip service to local opinion. People spend a lot of time trying to work up neighbourhood plans, which go through a massive amount of consultation, and they go round the area with clipboards, but when it comes down to it they are not treated with seriousness in the process. Having this quality assurance would help that.

Dr Blackman-Woods: My hon. Friend makes an excellent point. Public confidence in the system is important.

Just to show that I looked, we found that national planning policy guidance includes guidance on the independent examiner’s role, how a neighbourhood plan or order is examined, how the public can make their views known to the independent examiner, who can speak if a public hearing is held and whether the examiner considers the referendum area to be part of their report. However, there is nothing at all—not in that section anyway—about who the independent examiner should be or what qualifications they might be expected to have.

The reason the amendment specifies the RTPI is that it has a mark of quality attached to it, and has been clear about the principles to which examiners should work. There are five core principles. I think this might be helpful, and if the Minister does not want to include it on the face of the Bill, it might be put into regulations.

It is hard to disagree with any of the five core principles, or to suggest a reason why they should not apply to examiners. Those subject to them must act with competence, honesty and integrity; and they must use independent professional judgement. That is particularly important, because we want the examination to be seen as professional. After all, the plans are very important. They should probably have more importance in the planning system. We want to make sure that they will be professionally examined. Examiners must apply due care and diligence; they must act within principles of equality and respect; and obviously, they must exhibit professional behaviour at all times.

That set of core principles seems to me to be very helpful. The RTPI deals with professional planners all the time, and it has provided more detail about what the principles mean with respect to the role of an inspector. I shall not go through them all, because there are too many, but I thought it might be worth looking at a few that seem particularly important.

“Members must take all reasonable steps to maintain their professional competence”.

That seems fairly obvious; we want people who are to examine neighbourhood plans to deal with the planning system as it currently is—not as it was when they trained, which could have been some time ago.

They must also

“take all reasonable steps to ensure that their private, personal, political and financial interests do not conflict with their professional duties.”

Again, that is important. I wonder whether the current system pays attention to any financial, personal, political or other conflict of interest, particularly in relation to examiners. It may, and I hope that the Minister can reassure us on that point, but I think my constituents would want to know that people with a conflict of interest were screened out before the point at which they would get to examine a neighbourhood plan. It is not clear to me at what stage in the current process that happens, or what questions are asked during the appointment process, to ascertain whether there is a conflict of interest.

“Members must not offer or accept inducements, financial or otherwise, to influence a decision or professional point of view”.

That is an issue that councillors are used to having to deal with; but again, it has not been made clear. I do not suggest for a minute that any examiner would have been subject to the taking of financial inducements, or anything of the kind. I just do not know, at this stage, what process there is in place to ensure that that does not happen, or what oversight there is of the examination process. Also, examiners should not disclose to employers or clients what is happening in the neighbourhood plan where it would be to their advantage.

12 noon

Independent professional judgment is another principle that I think is important. I hope the Minister will say, “The hon. Lady and her constituency need not be worried at all because these are the rigorous processes that we put examiners through,” in which case, fine. We want to see that they do exercise professional judgment, and that there is due care and diligence. I know that in practice that can be quite difficult, but what effort will be made to ensure that whoever undertakes the examination does not discriminate on the grounds of race, nationality, gender, sexual orientation, religion, disability or age? That underpins the examination of local plans and should certainly underpin the examination of neighbourhood plans, and of course they must not seek to discriminate in favour or against particular groups in any way at all.

It seemed to me that the code the RTPI has put in place, and which has been adopted by its members, is a straightforward and helpful mechanism. I want to mention things in it in passing to the Minister and perhaps he will answer questions on it. I do not know how an examiner is removed from a neighbourhood plan

examination process if they are found not to be doing the job correctly. If there is a serious breach, I am not sure whether disciplinary action can be taken against the examiner. The hon. Member for North West Hampshire is shaking his head at me. If he wants to intervene, I am happy to take an intervention.

Kit Malthouse (North West Hampshire) (Con): I was going to speak later.

Dr Blackman-Woods: I am not trying to suggest there has been a problem in the past, but we have neighbourhood planning provisions before us in a Bill that seeks to strengthen and streamline the process of neighbourhood planning. It is the Opposition’s job to seek ways of improving the Bill and one way might be to give greater clarity and confidence to the public and all our constituents that neighbourhood plans are being effectively and efficiently examined. That provides more confidence in the process, which we are incredibly supportive of.

Jim McMahon: I actually think—I am sure my hon. Friend will agree—this is a gift for the Minister. Imagine a situation in which there is no quality assurance in place and no mechanism built into the membership organisation to deal with complaints. Where else would the complaints come but across our desks?

Dr Blackman-Woods: I am grateful to my hon. Friend for that intervention. It drives home the point we are making. We have tried to be incredibly helpful in tabling the amendment. The point has not been raised only by Opposition Members. As I pointed out earlier, it was raised by people who gave evidence to the Committee. It is important as a matter of public record that we are clear about how the plans will be examined and about the qualifications of the examiners. As my hon. Friend said, the RTPI has given a gift to the Minister by saying there is already a code of conduct and already professional guidance in place, so why does not the Minister simply adopt it and then we will all have better reassurances about the qualifications—[*Interruption.*] I am sure the hon. Member for North West Hampshire can intervene on me if he wishes to do so, and I will seek to answer his question.

If I may, I will move on to new clause 1. Although we have tabled it as a new clause, it is really just a further probing amendment to find out whether the Minister thinks there should be a threshold for the number of electors who will turn up to vote for a neighbourhood plan. Again, I am not trying to make the process of having a neighbourhood plan more difficult, because we are terribly supportive of neighbourhood plans and want as many of them in place as possible.

In fact, because the Minister is extremely good at reading the Lyons report, he will know that we had a whole section in that report about local plan-making and how we might marry up neighbourhood plans with the local plan-making system. That was not to take powers away from local neighbourhoods, but to have these as an initial building block for local plans so that local plans are not something that is seen to be imposed on a local community, but are something that develops organically from looking at a whole range of neighbourhood plans. He knows that the Lyons report

[Dr Blackman-Woods]

also talked about how we could fund that, because if we are going to adopt a system where neighbourhood plans are the building blocks of local plans, resource will clearly need to be put into neighbourhood plans.

If I may again use the example of my constituency, we are now back at the beginning, more or less, of our local plan-making process. I think I am right in saying that process started in 2007; if I was being really generous to the local authority I might say 2008, but really we had preliminary discussions in 2007. Here we are in 2016, I think 11 rounds of consultation later, and we still have no local plan in place. In fact, we would be lucky to get a local plan in place in the next couple of years.

John Mann (Bassetlaw) (Lab): I thank my hon. Friend for giving way. Does she agree with my research that shows that 95% of local plans had to be stopped and recreated after the absurdity of the coalition Government's decision of March 2013, when they required them all to have to consult adjoining authorities? Ninety-five per cent. have had to be recreated, creating a huge delay and uncertainty in house building and the provision of other amenities.

Dr Blackman-Woods: As always, my hon. Friend makes a very interesting point. We did have a brief exchange with the Minister on Tuesday about the fact that the duty to co-operate has not worked in practice, and the real need for a different set of provisions. I know the Minister is seeking to address that at a later stage in the Bill's passage, so we look forward to seeing the provisions that will address that aspect of local plan-making and how the duty to co-operate can be made to work more effectively in practice. My hon. Friend has raised a very valid point.

I think we are on our 11th round of consultation, and there will be further rounds before we actually get a local plan in place. Huge resource is then put into the consultation, which has gone on for many years. The huge amount of documentation that goes with each of those public consultations has a resource attached to it. I should have thought that it was possible to have a system of local plan-making that was very streamlined and did not require the huge amount of documentation that it currently does; that would free up resources. One of the things we argued in Lyons was that those resources could then be used to effectively support neighbourhoods and local authorities to use neighbourhood plans as the building block for their local plans.

I am coming to my argument about new clause 1. If these plans are to have considerable weight attached to them, and if they are going to be, as they currently are, part of the local plan once they go through a referendum and a material consideration, should there be a minimum level of buy-in from the local community, in terms of turning out to vote? I am sure the Minister will say that the votes for these neighbourhood plans are extraordinary, that 89% or 90% of the people who turn out regularly vote for the neighbourhood plan, that they understand why it is important to their community and that a lot of them will have turned up to consultation events.

It is heartening that so many of the plans get that percentage of people supporting them. It is actually quite rare for them to be turned down or to have fairly

low percentages. At the moment we are at about a 32.4% turnout from the local community. I am sure all of us here think that is actually not bad when compared with the turnout for some local council elections, but if we are talking about a plan that will have a very strong influence on what happens in the neighbourhood area for perhaps 10 or 15 years or even longer, I suggest there might need to be a 40% threshold, but that could be lower or higher.

The Minister for Housing and Planning (Gavin Barwell): I am interested in the argument the hon. Lady is making. My local authority is going through the process of agreeing its local plan at the moment, so I share her pain. Do the Opposition think the same arguments should apply to local plans? Should the people of Croydon have the chance to vote in a referendum on the local plan that Croydon Council is proposing?

Dr Blackman-Woods: The Minister makes an interesting point. It is something I will mull over and think about. Does the Minister think it is important to have a particular threshold? Again, that point is not being put forward only by the Opposition. It was also put forward by the BPF, which said:

"As neighbourhood plans affect large sectors of the community, a minimum turnout would ensure that what is to become a development plan document as part of the Local Development Framework is agreed and accepted by a sufficient majority—and would also help ensure the implementation of neighbourhood plans."

That is an important point.

John Mann: I am glad this is a probing new clause. The British Property Federation would say they, wouldn't they? Is there not a danger that a threshold will shift power to middle-class communities and away from working-class communities, where people work shifts and where there is a more transient population because of private rented accommodation? Turnouts have traditionally and historically been low in all elections in those communities through no fault of the local people. They have a desire to vote, as we saw in the EU referendum, but people are having to work ridiculously long hours to make a living. Indeed, turnover in property is hugely large. Are those not the dangers of having a threshold? Any system must not discriminate against working-class communities.

12.15 pm

Dr Blackman-Woods: I am sure my hon. Friend will be delighted to note that an amendment has been tabled for a later discussion in the Committee on how we ensure that disadvantaged communities are not discriminated against.

Oliver Colville (Plymouth, Sutton and Devonport) (Con): Will the hon. Lady give way?

Dr Blackman-Woods: I will give way to the hon. Gentleman in just a moment, after I have dealt with the intervention by my hon. Friend the Member for Bassetlaw.

We should not abandon the idea of a threshold just because it might be more difficult for some people to attend a polling station or another building to register

a vote. We all want to ensure that as many people as possible are engaged in the neighbourhood planning process and, indeed, in voting more generally—but I will stick to neighbourhood plans, to avoid getting a direction from the Chair. Polling over a given period of time, and good use of postal votes or electronic voting are among the many different mechanisms that could be applied locally to ensure that the threshold is reached, and that people really are engaged in the neighbourhood planning process.

Jim McMahon: That is the crux of the issue. The gift of a neighbourhood plan is that it binds a local community together to agree collectively what is best for that community. The benefit of a threshold is that a bar is put in place to say, “You have to be able to demonstrate that the plan has the community support in place.” If one of the arguments is that disadvantaged communities are disfranchised from such processes in a way that middle-class communities are not, a threshold would place a greater onus on ensuring that people are included in the process and in more active ways.

Dr Blackman-Woods: My hon. Friend makes an excellent point, and one that I was going to come to: a minimum threshold could ensure that additional work had to be put in to get a wider, more representative group coming forward and voting for a plan. I was going to draw the Minister’s attention to the activities of Planning Aid England, which works a great deal with disadvantaged communities, trying to get them engaged in the planning process. If the Minister was keen to put a minimum threshold in place, he might want to think about how Planning Aid could be supported, in particular to work with disadvantaged communities to ensure not only that people turn up to vote for the neighbourhood plan, but that they are fully engaged in the plan-making process itself.

When we discuss the later amendment, we will see that analysis of the plans so far indicates that—this is the point that my hon. Friend the Member for Bassetlaw was making earlier—they have a bias towards more middle-class communities.

Oliver Colvile: Thank you, Mr McCabe, for allowing me to serve under your chairmanship. The point that I would make is that if we are going to be doing public consultation—which is incredibly important, and I have made that quite clear—we need to use Planning for Real weekends, so that members of the local community may have the opportunity to come in, physically, and say what they are expecting from the whole thing, although postal and proxy votes can be used, too, and a lot of people do so.

Dr Blackman-Woods: The hon. Gentleman makes an excellent point. As well as Planning Aid, I should have mentioned Planning for Real, which also does amazing work in communities getting people to engage with the neighbourhood planning process. Such work could be continued to encourage people to turn up and vote in the decision whether to adopt the neighbourhood plan.

As I said at the outset of our debate on this group of amendments, they are probing ones, intended to get greater clarity from the Minister about the whole range of issues that we have raised. I look forward to hearing what he has to say.

Kit Malthouse: I realise that the hon. Member for City of Durham is benignly motivated, but I had a horrible feeling that she might have been seized by Stockholm syndrome with regard to the planning industry. She referred quite a lot to what the planning industry had to say, but I think she misunderstands the great advantage of neighbourhood plans. They are organic community creations outside the accepted rules, shibboleths, morals and principles of the planning system. She seems in her amendments to be trying to put barriers and bureaucracy into neighbourhood plans, which they are specifically designed to overcome.

There are already safeguards in the neighbourhood planning process. When a neighbourhood plan is approved by referendum, it must go to the local council where there is democratic oversight; it must be adopted as part of the local plan before it is accepted completely; and it must be examined. By the way, I am not surprised the RTPI was willing selflessly to put itself forward as the monopoly examiners of plans for a fee, adding yet more cost to the process.

It strikes me that the hon. Lady is creating bureaucracy in the system—

Dr Blackman-Woods: May I say at the outset that I do not accept the hon. Gentleman’s characterisation of what I was seeking to do? I was seeking to get further clarity in the Minister’s legislation, not to put prescription in place. As far as I can recall, I did not mention fees for the RTPI.

Kit Malthouse: No, I accept what the hon. Lady says and I apologise. She said these are probing amendments and I was being slightly flippant, but I doubt very much whether a member of the RTPI would do the examination free. The point is that if you restrict it to just them, I imagine the fees might rise slightly. Basic economics is that the smaller the pool of people, the more fees will rise.

I acknowledged that the amendments were probing, but I am not sure what problem the hon. Lady is trying to solve. Thousands of neighbourhood plans have come forward and there are two major issues, which the Bill solves. The first is more assistance from local authorities, because obviously the plans have to conform with the local plan and they are often developed in parallel. Certainly mine were developed in parallel with the local plan. There is quite a lot of iterative process between the two and the Bill allows that. Secondly, if they are going to do this work, there should be protection in the planning system, which is also in the Bill.

Beyond that, I fear the hon. Lady is trying to create with the amendments—I accept they are probing—a sort of recreation of the whole planning system on a local scale, instead of realising that the process is organic and should be exactly that without as much restriction as the formal planning and plan development process has, notwithstanding the fact that there will be supervision by the local council.

Jim McMahon: I cannot understand why the hon. Gentleman would want to water down the integrity of this process. If it is to have any credibility in the system, it must be tested in the system. We do not want a neighbourhood plan that does not stand that test and is treated in a second-rate way.

[*Jim McMahon*]

I also cannot understand the point about levying a fee. People do not generally work for free in their profession. Someone will want to be paid as part of that process. All that my hon. Friend the Member for City of Durham is trying to do in the amendment, which is open to debate, is to make sure that a standard is applied and it provides that standard. If this is not accepted, what is the alternative to provide that surety?

Kit Malthouse: This may be a philosophical difference between us. I am naturally inclined to deregulation, whereas this is obviously an attempt to impose regulation on the neighbourhood planning process. In my experience, regulation generally gets in the way of speed and efficiency, and frankly of people even bothering to get involved.

In my neighbourhood there has been huge enthusiasm, wide acceptance and a recognition that there are two issues—first, more assistance from the local authority and secondly, more regard from the planning system as it is. It would be a mistake for us to try in the Bill to reproduce the same level of planning regulation that exists at local authority level for what is, frankly, often a group of volunteers who are trying to put together an imaginative plan for their neighbourhood. They should be left with as little restriction as possible to do that as far as they can, and when they realise their plan needs to be in conformity with the local plan and it has to go to democratic approval, to modify it accordingly. If we are to have acceptance, we must do it that way. Once we start putting rules and regulations and hurdles in their way, I am afraid the enthusiasm will drop away.

I would not support a 40% threshold. As the hon. Member for Bassetlaw said, there lots of reasons why not, but we do not apply that for any other election in this country, including referendums and elections for police and crime commissioners. There is no other election or exercise of the democratic process in this country where we do that and I do not think we should start now.

John Mann: It is always a pleasure—actually it is the first time, but it always will be a pleasure—to be given the opportunity by the Whips to serve under your chairing, Mr McCabe. I thank the Whips, although I am not sure that those on the Labour Front Bench will necessarily thank them, for putting me on this Bill Committee.

I will first deal with the question of thresholds. It is a good idea but I would suggest that the wrong threshold has been suggested, so I am glad that the new clause is a probing one. When I was first elected as a councillor, I got 86% of the vote on a 40% turnout. That means that I got a higher share of the electorate than the majority of MPs elected in the last general election. Given that, who would be the more statistically valid representative?

The interesting question is whether a threshold should be based on the vote. Should someone on a low turnout get through on 50% to 49%? That would suggest that there is quite a split in the community. There would be a coherent case for suggesting that the neighbourhood development plan needs to have a threshold of a majority for it to be seen to be coherent across a community. I am not aware of anywhere, certainly not in my area, where there is that sort of division, but such situations could exist.

The Secretary of State said that too many people “object to houses being built next to us”

and that we are going to have to change that attitude. He was, rightly, very outspoken in Bentley in Redditch in 2015 against the proposals for 2,800 houses there, as he was in Hagley in 2012. He, like me, has supported the local people against the planning system and the way it works, but that does not coincide with his commentary at his party’s conference.

In Croydon, one local Member of Parliament talked of the overwhelming opposition to housing in Shirley, with the Save Shirley campaign. He said that the proposals to build there were “a pile of nonsense.” Clearly, there were divisions in Croydon between people who wanted to build in one place and those who wanted to build in another. Some people did not want the development in one place; others did not want it in another.

The Opposition have proposed a threshold but, in the Croydon example, a threshold of how many people vote for a neighbourhood development plan or, indeed, for a local plan would be a good idea. Otherwise, those supporting the residents of Shirley might lose out. They might be very angry at losing out and vent their anger against their local MP.

Chris Philp (Croydon South) (Con): If the hon. Gentleman is casting aspersions on my constituency neighbour for his Save Shirley campaign, may I point out his outstanding record of supporting building in the town centre?

What the hon. Member for Bassetlaw proposes by way of a threshold effectively gives weight to the opinions of people who do not bother to vote. Does he not agree that giving weight to the opinions of those who cannot even be bothered to vote in any election, including the one we are discussing, would not be appropriate?

John Mann: I am merely throwing into the mix for consideration the suggestion that the Government may wish to come back with an amendment, in the spirit proposed by Her Majesty’s Opposition, involving a threshold determined not by the percentage of the electorate, but by a percentage threshold of the majority in the vote. That would help to avoid a conflict situation and lead to more local negotiation in places such as Shirley.

There are lots of places like Shirley. Ministers do intervene. They are intervening in Bradford, for example. The hon. Member for Shipley (Philip Davies) was delighted, when the Minister was intervening there, to object to house building. There will always be people who object to house building next to them, and there is nothing wrong with that. If there is a bad planning application, I can fill a public hall at any time. I get hundreds and hundreds of people there very regularly. Indeed, I have a meeting tomorrow.

The Chair: Mr Mann, may I gently suggest that you come a bit closer to the subject under discussion?

John Mann: I am suitably admonished, Mr McCabe, but this is a way of getting directly into the amendments. Having spoken to new clause 1 very precisely, I am now speaking to amendments 4 and 5 very precisely, because

these amendments explicitly probe the issue of conflict between the local plan and the neighbourhood plan. In other words, one set of people want to do one thing, but another set may want to do something else.

12.30 pm

The danger, as recognised by the Government but not solved sufficiently, even by clause 1, is this. Let us say that people have accepted that there should be more housing. That applies to all the neighbourhood development plans that have been voted through or are in the pipeline in my area, and virtually all the villages of Bassetlaw have them—I think we are in the lead in doing these plans, which are heavily promoted by myself. Each one has said, “We will have more housing. Here is the kind of housing that is needed in our communities.” Hardly surprisingly, they have suggested that there should be affordable housing for young couples and that there should be more housing to allow elderly people, not least single elderly people, to remain in their villages. That is vital to the coherence of our villages. They see living in them far too many people like me—people whose kids are no longer there and who are living there but working elsewhere and not contributing sufficiently to the health of the village. Well, they will always want people like me, but not too many as a proportion of the village. We want some mix in a village.

The Minister knows the rationale and the motivations there, but people go through the whole process and then, as the people of Ranskill are finding, hence their meeting with me tomorrow—the people of Sturton have a meeting on Saturday morning—they are being turned over. That creates a democratic deficit, which is why I put it to the Minister that he needs to consider the amendments. Even with clause 1, the law will not be strong enough. There needs to be some certainty.

Where a neighbourhood plan is not agreeing new housing, clearly a conflict might emerge with the local plan. I am not quite in that consensus that we must build everywhere, but there is certainly a cross-party consensus in Parliament for mass house building and 1 million new homes, so that is what will be there; that is what is there. And that is the opportunity, where people accept new housing appropriately, to say, “We are not going to break from that and we are going to provide more powers in order to give that certainty. If you want to build, build in the spaces that have been agreed locally. If you don’t, go build somewhere else.”

That has transformed the attitude in the rural community in Bassetlaw. At the time of previous local plan discussions, zero new housing was being proposed in most of the villages. However, in every single neighbourhood plan that has been voted on, and in all those in the pipeline, people are actually coming forward with more housing proposals than the planners could come up with, because they know the little problems that could be addressed and the little areas where one or two houses could be fitted in very sensibly. They know about the barn that could and should have been converted. They can see, because they live there, more than the distant planner, whose time is divided across entire districts and bigger areas in larger metropolitan boroughs.

Dr Blackman-Woods: My hon. Friend is making a powerful case in support of neighbourhood planning. Does he agree that the success of neighbourhood planning,

which Labour Members welcome and applaud, is precisely what makes it such a good building block for local plans?

John Mann: It is absolutely a building block. We will come at a later stage to how we deal with less affluent communities, which is important, but when it comes to all neighbourhood plans, there is a great opportunity here for the Minister. He will need to come back with a bit more, otherwise the certainty is not there. One likes certainty in life. We know where we stand with a local plan. We would know where we stand with a neighbourhood plan. So a neighbourhood plan voted through where there is house building built in ought to be the certainty for the foreseeable future, which, in planning terms, seems to be 15 years. Such certainty seems reasonable enough to me. If the Minister could deliver on that, when I go back to my local communities he will find that there is even more enthusiasm. I will be able to get the urban communities saying, “This is a great idea, and by the way we will have more housing. We will change this and we will change that. We will create more open spaces. We will want space for our community facilities.”

Large numbers will participate in the planning debate and decision making, given the chance. The Minister has the proof already. Let us unleash more of this local empowerment. He will then be a very popular Minister.

Jim McMahon: This has been a fascinating debate. We are all localists. We all come from our communities—that is why we are here in the first place—and the spirit of the Bill embraces that. We are fine-tuning the Bill to ensure it works in practice. We do not want to set people up to be disappointed. We do not want them to be given this power, to be told that after years of having things done to them they are suddenly empowered, and then to go through the process of having an application submitted only for it to be completely against what they want. That is really important. In the local context of Greater Manchester, we have got the spatial framework. Within that process there is a call for sites, so developers and landowners put sites forward as part of the mix.

A member of the public has the local plan that has been agreed, but now they also have in consultation a strategic plan with sites that have been put forward by developers and landowners, and not necessarily with the agreement of the local authority. However, that causes a lot of tension because some of the sites are controversial. Landowners do not always take into account local opinion before they submit sites to get the development value that could be achieved afterwards. In an odd way, that could be the thing that inspires the local community to come together. Instead of having something done to us, let us get together and design what we want our community to be. We could think further about design quality, open space provision and how a community works more generally.

I will certainly be a champion for this type of planning in my local community. Let us be honest: in deprived, working-class communities, people have for decades and generations been told, “This is what you are getting, whether you like it or not.” I see this legislation as a route for empowering people to have far more control over their lives and communities, so it is welcome. However, let us not lose an opportunity to make sure

[*Jim McMahan*]

that this is a really decent piece of legislation and a really decent process that people can feel empowered by. When a planning application goes through the system and is tested—when it is submitted and goes for approval—it is important that it has enough weight to ensure that the professional planners, and those sitting on the planning committee if it goes for determination, treat it with the respect it deserves. That is in the spirit of today's amendment and the amendments we will discuss at a later date.

I want to return to the point I made earlier about the consultation process. If we say that we want to put the community at the heart of the process and have a community voice to make people feel more empowered, it seems odd that the public consultation on this issue does not close until 2 November, because here we are determining the legislation that will by and large have been debated before that date. Can the Minister tell us why that has not been sequenced in the right way? How can we ensure that the responses to the consultation are fed in? If significant issues come up in that process, what mechanism does Parliament have to make sure that those are picked up at the appropriate time?

Gavin Barwell: It is a pleasure to serve for the first time under your chairmanship, Mr McCabe. With your permission, I will start by responding briefly to the point of order raised by the hon. Member for Oldham West and Royton so that I can provide some reassurance. I have worked very hard to try to ensure that Parliament has as much of the material relating to the Bill as possible, and as early as possible in the process. There was an earlier consultation on neighbourhood planning this year, our response to which was published at the same time as the Bill. This is a technical consultation about how we are going to implement some of these provisions.

The assurance we have given the House, and the business managers more widely, is that when the Bill gets to the Lords stages we intend to have the draft regulations or policy statements published. I agree with the hon. Member for Oldham West and Royton that in an ideal world all this would be ready when a Bill first comes to Parliament, but if we look historically we see that is the case for virtually no Bills. I am keen to learn the lessons of the Housing and Planning Act, which received Royal Assent earlier this year, and get the material out as early as possible and give people as much opportunity as possible to scrutinise the measures.

Jim McMahan: Just to clarify, there are two separate consultations. There is a technical consultation that closed on 19 October, and there is a wider public consultation on the pre-condition element that closes in November. I would not necessarily consider the second one to be just a technical consultation. I would not want it to be lost in the mix and not treated with importance, because residents and community organisations will respond to it expecting it to be treated appropriately.

Gavin Barwell: The intention behind that consultation paper was to be helpful to Parliament and wider stakeholders interested in these issues. When we announced the Bill in the Queen's Speech and set out the broad

measures that were going to be in it, there was concern about what the impact of these reforms to planning conditions might have. Our feeling was that publishing a consultation paper setting out exactly how the Secretary of State might use these powers, if the Bill receives Royal Assent, would be helpful. The intention was to try to assist.

I am grateful to all hon. Members who have contributed to the debate, which has raised important areas about neighbourhood plans, their relationship with local plans and national planning policy, the examination process and the extent of the democratic mandate they receive through a referendum. Before addressing each amendment, I would like to make a few general comments.

As the Committee will know, the role that communities play in planning has been revolutionised, at least in certain parts of the country, by the neighbourhood planning process. More than 200 communities have recognised the opportunity to shape the development of their area. The numbers speak for themselves. Nearly 2,000 communities have started the process, as the hon. Member for City of Durham said, in areas that cover nearly 10 million people in England, and 240 referendums have been held, all of which have been successful. The Government are hugely proud of neighbourhood planning and of the communities that have taken up the opportunities we have provided for them. We have been clear that we want an effective system that will inspire communities, as the hon. Member for Bassetlaw said, and give them confidence that their views matter, while delivering the growth and additional housing we need.

Clause 1 helps to achieve that. I accept the point made by the hon. Member for Bassetlaw that it is not a solution on its own and that more action will be needed. The White Paper will set out some accompanying policy changes that will try to address the issue. The clause inserts a new paragraph and new subsections (3B) and (3C) into section 70 of the Town and Country Planning Act 1990. It will require decision makers to have regard to post-examination neighbourhood plans where the decision has been made by the local planning authority, or in certain cases the Secretary of the State, that the plan should go to a referendum. We might call that the Malthouse clause, because it originates from an issue with the neighbourhood plan in Oakley and Deane, in the constituency of my hon. Friend the Member for North West Hampshire. Essentially, an appeal was granted just before the referendum was going to be held.

Kit Malthouse: Seven days before.

Gavin Barwell: The plan had therefore been through the examination. My hon. Friend's lobbying for his community led the Government to reflect and then bring forward this clause.

The key point is the one made by the hon. Member for Bassetlaw: in communities that produce neighbourhood plans, people give a lot of time and effort to produce them, and therefore we need to ensure that work is recognised in the system at the earliest possible opportunity. We are making it clear in legislation—not just through planning guidance—that regard should be given to advanced neighbourhood plans, so communities can have confidence that their plans will get proper consideration in planning decisions, where the plan is material to the application.

Turning to the amendments tabled by the hon. Member for City of Durham, I hope that I can reassure all hon. Members that the Bill—this includes the Government amendments on local plans, which I have written to Committee members about this morning—does not alter the local plan-led system, which I am sure we all support. We have been clear from the start that the neighbourhood's ambition should be aligned with the strategic needs and priorities of the wider local area, but that outside those strategic elements neighbourhood plans are able to shape and direct sustainable development in their area.

One of the tests that an advanced plan will have met, once it has gone through its examination, is whether its policies are in general conformity with the strategic policies of the relevant local plan. That will have been tested both by the independent person appointed to examine the plan and by the local planning authority. That is set out in schedule 4B to the Town and Country Planning Act 1990.

12.45 pm

Perhaps I can also reassure the hon. Member for City of Durham by reading from the national planning policy framework. Paragraph 184 states:

“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 and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.”

The crucial paragraph—this is the reason I am asking the hon. Lady to withdraw the amendment—states:

“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict.”

That is very clear, and I want to explain why the amendment would be a mistake. It would add the words “and insofar as it is consistent with the relevant local plan”.

It misses out the crucial reference to strategic policies.

Since the hon. Member for Bassetlaw took Croydon as an example, let me provide an example. He talked about Shirley, where there is a big row because the Labour council wants to allow housing to be built on what is currently metropolitan open land. For those who do not represent London constituencies, that is basically equivalent to the green belt. The law as currently drafted provides that if the people of Shirley want to produce a neighbourhood plan—I suspect they may well want to now—they cannot try to reduce the number of homes that councillors say need to be built in Shirley. However, they can say, “Well, the council's view was that the homes should be built on these plots of metropolitan open land, but we don't like that and think these alternative sites would be better.”

The danger with the amendment is that its wording in the Bill would mean that neighbourhood plans had to be consistent with all the policies in the local plan. At that point, what would be the point of making one?

That is the key argument on amendment 4. I am sure that it was not what the hon. Lady intended, because she said that she agreed very much that people should be part of planning, and not have planning done to them. However, if the Committee were to accept the amendment, the effect would be the opposite of what she wanted.

Similar arguments apply to amendment 5. Schedule 4B to the Town and Country Planning Act 1990 states that at examination plans must have regard to national policies, including the national planning policy framework and advice contained in guidance issued by the Secretary of State. There is already a requirement.

There is also some reference to the issue in paragraph 151 of the national planning policy framework:

“Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework”.

So for local plans the position is clear in the NPPF. It is not in legislation; it is set out in policy.

The first thing that I would say about the amendment is that it seeks to do for neighbourhood plans something that we do not do for local ones: write the requirement into legislation instead of the NPPF. Also, the schedule already sets out that the test in question is one that the examiner must apply.

Furthermore, because a neighbourhood plan must be consistent with the strategic policies of the local plan, and the local plan itself must be consistent with the NPPF, there should never be a situation where a neighbourhood plan is wholly inconsistent with national policy. I hope that that point will reassure the hon. Lady.

Amendment 3 is about trying to ensure that the people doing the important work of examining plans are suitably qualified. The hon. Member for Oldham West and Royton, who I should have welcomed to his position on the Front Bench—I look forward to working with him—kindly said that he wanted to ensure that such problems do not end up on my desk. Well, my experience in the first three months of this job is that lots of things do end up on my desk, sometimes through my own decisions and sometimes not. I hope that I can provide some reassurance on that point.

We are in agreement that those examining a neighbourhood plan must be suitably qualified and experienced. I have no argument with that at all. It is an important point for the Opposition to probe. However, there are already clear requirements. I refer back to my good friend schedule 4B to the Town and Country Planning Act 1990, which states that the person appointed must be appropriately qualified and experienced, must be independent of the qualifying body—the parish council or neighbourhood forum that has produced the plan—and, importantly, must not have any interest in any land that may be affected by the plan.

Dr Blackman-Woods: The clarity that the Minister provided is helpful. Can he tell us where the provisions for examiners have been applied in legislation to those examining a neighbourhood plan, as opposed to a local plan?

Gavin Barwell: I am sorry; I did not make myself clear enough. Those provisions are in relation to people examining a neighbourhood plan.

The hon. Lady raised a couple of points that are worthy of clarification, including the important point on equalities, which she was quite right to mention. The public sector equality duty does not sit on the examiner. It sits on the council appointing the examiner to ensure that it is confident that it appoints someone who will fulfil that duty.

I recognise that the amendment is purely a probing one, but I want to deal with the point picked up on by my hon. Friend the Member for North West Hampshire about the particular group of people that the hon. Member for City of Durham suggested should do the work. The Government's understanding is that many local planning authorities have used the Royal Institution of Chartered Surveyors' neighbourhood planning independent examiner referral service to source an examiner. That seems to be standard practice. That service offers examiners that it has assessed as suitably qualified to carry out examinations. The RICS maintains that members of the panel are continually monitored to ensure that they maintain performance and standards.

Although I am a huge fan of the RTPI, the amendment is neither necessary nor sufficient. In other words, there are some experienced planners who would do a perfectly good job and are not registered with the RTPI. There might also be a newly qualified planner who is registered but may not have particular experience in neighbourhood planning and, therefore, might not be the ideal person. I completely understand the thrust of what she seeks reassurance on, and I share her view, but the relevant safeguards are in schedule 4B to the Town and Country Planning Act 1990.

To a degree, we should trust councils. They have a clear interest in ensuring that the neighbourhood plan is properly examined, because they share the hon. Lady's concern that it should be in conformity with the strategic policies of their local plan. Therefore, I do not think that we, sitting here, need overly to pre-judge that councils are not capable of ensuring that we get the right people to do what I accept is important work.

I turn to new clause 1. As I said earlier in the week, neighbourhood planning referendums have an average turnout of 33%, which is not too dissimilar to the average turnout in local elections. At the moment, support needs to be gained purely from 50% of those who vote in the referendum. That is a fairly consistent principle that we apply across our democratic system. Although new clause 1 was tabled to probe, it may be useful for the Committee to know what its effect would be. Of the approximately 240 referendums that have taken place to date, about 170 would not have passed the test proposed by the hon. Member for City of Durham. I want to make three more quick points.

Jim McMahon: Will the Minister give way?

Gavin Barwell: I am slightly conscious of the time. It might be helpful to the Committee if we finished consideration of these amendments before 1 o'clock.

The hon. Member for Bassetlaw made an important point about the effect of a threshold on more deprived communities, where turnout tends to be lower. I think

there was a consensus in the oral evidence sessions that neighbourhood planning has been too concentrated in certain parts of the country. We must be wary of that because we want to ensure that everyone is benefiting.

It is also important to note that for local plans, which arguably have a much bigger impact on communities, there is no requirement to hold a referendum. I think the people of Croydon would be delighted if they had a chance to have a referendum on the Croydon local plan. In questioning the exact wording of the new clause, the hon. Member for Bassetlaw said that we should look at having a threshold for how many people vote in favour—the proportion of the electorate that had voted yes. I am wary of that for the reasons mentioned by my hon. Friend the Member for North West Hampshire, but it might reassure the hon. Gentleman a little to hear that the average yes vote in the 240-odd referendums that have taken place so far is 89%. That shows what is happening where people are proposing referendums. Nevertheless, he is quite right to say that there could be, theoretically, a situation in which that is not the case.

John Mann: This is an important point. So far, the referendums have been for clearly defined communities. In urban areas, where communities are less defined, there is more opportunity for the creation of communities that might not totally work and that might not be fully accepted. The issues we are discussing could become more significant in an urban area where, by definition, the community is not defined. One could see how that might work out, particularly for those trying to protect areas against development. I am sure that there are already lots of examples in London.

Gavin Barwell: The hon. Gentleman makes a perfectly legitimate point. In relation to the first three amendments, I hope I have given clear reassurances that the necessary protection is there. In relation to new clause 1, the arguments about thresholds for elections will go on for all kinds of different elections. On balance, I do not see any reason to apply a test that is different from elsewhere in relation to the particular referendums we are discussing. In practice, thus far, the issue has not arisen, but we can certainly keep matters under review.

Chris Philp: Given what the Minister just said about referendums for local plans, will he consider amending the Bill to make provision for such referendums? That would certainly have my support.

Gavin Barwell: Given my personal circumstances, I wonder whether I have too much of a personal interest in such matters. There is an issue, in that we would probably argue that in relation to most local council policies, councils have a democratic mandate from their elections. The same could be argued of parish councils with regard to neighbourhood plans, but neighbourhood plans can also be proposed by neighbourhood forums, which do not have that democratic mandate. That is probably why referendums are needed. I was trying to tease out the shadow Minister on why the Opposition were making such a suggestion here but not for local plans.

I hope I have provided reassurance on the first three amendments. On new clause 1, I do not see the need to treat the referendums we are discussing differently from others. With that, I hope that the hon. Lady will withdraw the amendment.

Dr Blackman-Woods: I have listened carefully to what the Minister had to say. Our probing amendments 4 and 5 were helpful in getting clarity about the degree to which local plans and their provisions should be taken on board and what scope there is for neighbourhood plans to put their mark on the plan-making process. We also got additional information from the Minister about the degree to which the plans have to follow the national planning policy framework, but perhaps not about the attached guidance. I shall leave the Minister to ponder that; we may return to it later in proceedings.

The point of amendment 3 was that, in addition to what is in schedule 4B to the Town and Country Planning Act 1990, it might be helpful to think about applying a code of conduct for examiners. That could be a Royal Town Planning Institute code or a Royal Institution of Chartered Surveyors code. If the Minister does not like that amendment, I am quite happy for him to come

back with another of his own. I shall go away and look again at schedule 4B to see whether it does what we think is absolutely necessary in maintaining public confidence, but I shall leave it for the time being.

Finally, the Opposition are seeking to raise the Government's ambitions for the percentage of people who will get actively involved in neighbourhood plans. If the Minister wants to come back with other measures that demonstrate that he does in fact have high ambitions for the number of people involved, that would be a good thing. With that, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ordered, That further consideration be now adjourned.
—(*Jackie Doyle-Price.*)

1 pm

Adjourned till this day at Two o'clock.

