

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

NEIGHBOURHOOD PLANNING BILL

Fourth Sitting

Thursday 20 October 2016

(Afternoon)

CONTENTS

CLAUSES 1 to 5 agreed to.
SCHEDULE 1 agreed to.
Adjourned till Tuesday 25 October at twenty-five minutes
past Nine o'clock.
Written evidence reported to the House.

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

- | | |
|---|--|
| † 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

(Afternoon)

[STEVE McCABE *in the Chair*]

Neighbourhood Planning Bill

2 pm

Clause 1 ordered to stand part of the Bill.

Clause 2

STATUS OF APPROVED NEIGHBOURHOOD DEVELOPMENT PLAN

Dr Roberta Blackman-Woods (City of Durham) (Lab): I beg to move amendment 11, in clause 2, page 2, line 16, at the end insert—

“(3A) To support Neighbourhood Plans, the Secretary of State should set out the weight that should be given to approved development plans at key stages in the planning process.”

This amendment gives weight to Neighbourhood Plans at key stages along the process and not just at the post-referendum stage.

I stress at the outset that this is very much a probing amendment to try to determine whether we need greater clarity, either in the Bill or somewhere else, about what weight, if any, should be given to a neighbourhood plan before a referendum has been held, and before the plan is adopted by the local authority and becomes part of its local plan documents. Given the number of witnesses who mentioned the lack of clarity, it is important that we get additional clarity from the Minister.

The Minister will know that various stakeholders said on Tuesday that this is a key concern. The Local Government Association has previously said:

“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”.

I suppose the LGA was trying to clarify at what stage attention needs to be paid to the neighbourhood plan. If the neighbourhood plan does something outwith the local plan objectives, when does the local planning authority need to intervene to point that out to the neighbourhood planning forum or parish council?

Similarly, the British Property Federation said:

“Clarity must be provided about the level of weight attributed to neighbourhood plans at every stage of their preparation (for example, whether a draft plan’s general ‘direction of travel’ would be considered in the determination of a planning application)... The relationship between the statutory development plan-making framework and such material considerations must be clear for all stakeholders, in order to allow greater certainty in the development decision-taking process”.

Matt Thomson from the Campaign to Protect Rural England put it well when he said:

“The question reflects one of the key problems that we have been facing with the operation of the planning system for decades. That is... where you have tiers of nested planning policy documents, there is always a question of which has precedence over the other. It should not necessarily be just a question of the one that is

produced most recently holding the most weight in a planning application environment.”—[*Official Report, Neighbourhood Planning Public Bill Committee*, 18 October 2016; c. 51, Q92.]

A number of our witnesses were dealing with a situation—I am sure that it will be well known to a number of members of the Committee—in which there is a controversial planning application that would not be allowed by a neighbourhood plan. When other sites for development have been designated but the plan has not yet been adopted, what weight should the local planning authority give to the general direction of travel in that neighbourhood plan?

I have met many parish councils and neighbourhood planning forums over the years who find that to be a frustrating aspect of the neighbourhood planning system. They might have been through extensive work locally. They might have done all the preliminary stages, including looking at the economy and the wider social environment, and doing character and neighbourhood assessments. I have seen many forums identify bits of land that nobody else knows about but that they believe are important to bring forward for development. They put a huge amount of work into the plan. Just before they have a draft plan but after they have identified sites, they find that their whole direction of travel is knocked aside because a significant site that they do not want to be developed, or that they do not want to be developed in the way described in a particular application, is not only considered but approved. That causes major headaches.

In some cases, the forums or parish councils almost have to start again with land use allocation or in the identification of sites. Furthermore, that situation undermines faith in the process. People say, “We did all this work, identified all the sites and did what the Government wanted us to do. We have put the plan in, but it has not been voted on. Nobody, particularly the local authority, seems to be paying any attention to it.”

It is about certainty not only for the people who put the plan together, but for developers. If a developer knows that a plan that is about to be submitted for a referendum has a lot of weight attached to it, they might not seek planning permission for a site that is not in the neighbourhood plan, or for an inappropriate use of the site. It is about the Government giving certainty not only to communities, but to developers, so that everybody is clearer at an earlier stage in the process what weight should be attached to the neighbourhood plan.

The Minister for Housing and Planning (Gavin Barwell):

Clause 2 builds on clause 1 to ensure that neighbourhood plans come into force sooner as part of the development plan for their area. It inserts a new subsection 3A into section 38 of the Planning and Compulsory Purchase Act 2004 to provide for a neighbourhood plan to become part of the development plan for that area when it is approved in the relevant referendum.

Without that change, there is a risk that neighbourhood plans might not be given sufficient consideration by decision makers in the period between the community expressing its support for the relevant plan at a referendum and the formal decision by the local planning authority to make the plan. When the neighbourhood plan provision was originally introduced, there was no fixed time period between those events. The Housing and Planning Act 2016 established an eight-week limit. The clause essentially

says that the relevant neighbourhood plan will be part of the development plan for the area immediately after a successful referendum.

The hon. Lady made two or three points and it is important to disentangle them. For some of the time she spoke about precedence, which was raised repeatedly in the evidence we received. I hope I satisfied the Committee on that point earlier when I quoted paragraph 185 of the national planning policy framework, which states:

“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”.

I do not think I can make it any clearer than that. Neighbourhood plans must be consistent with the relevant local plans, in terms of the strategic framework, but once they come into force they take precedence over the relevant local plan on detailed non-strategic issues.

The hon. Lady raised, and the hon. Member for Bassetlaw expressed powerfully, the wider concern that people can put a lot of work into producing a neighbourhood plan and then find that decisions about applications in their area that are contrary to their neighbourhood plan are being approved, either by their council or by the Planning Inspectorate on appeal. Clearly that is enormously frustrating. I am not sure whether I can guarantee that it will never happen, but we should certainly seek to minimise it. I argued in response to the hon. Gentleman that clause 1 will help—I think he accepted that—but I accepted that it is not a complete answer. I promised that in the White Paper coming later this year there will be further policy measures that will go a long way towards satisfying him.

The amendment would introduce a third term—this is where my problem comes—that is about weight. I will try to clarify the position, because this is a complex area. First, let me say to the hon. Lady by way of reassurance that the Government’s policy is clear that decision takers may give weight to relevant policies in emerging plans. The national planning policy framework sets out with some clarity the matters they should consider. I will read an excerpt from it, because it will help the Committee:

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

In relation to a neighbourhood plan, that would imply that the greater the consistency with the strategic policies of the relevant local plan, the greater the weight that could be given.

We need to remember that the essence of our planning system, particularly when considering individual applications for development, requires choices to be made. We should not seek to alter the long-established principle that it is for the decision maker in each case to determine precisely what weight should be attributed to different material considerations. Let us take the concerns expressed by the hon. Member for Bassetlaw and imagine a hypothetical situation in which a local planning authority does not have a local plan with a five-year land supply

and is well below that. There is a neighbourhood plan in place that sets out where the community thinks appropriate development should go. A decision maker would then have to look at this.

The presumption in favour of sustainable development would apply because the five-year land supply is not there, so that would be one material consideration. The neighbourhood plan would be a material consideration pointing in the opposite direction, presuming the application was for a site that was not identified in the neighbourhood plan. There may be other material considerations—the views of local people will clearly be one. The site in question may be green belt or prime agricultural land, and there may be policies in the NPPF that would be material considerations. We have to accept that, in the way our planning system works, it is for the decision maker—whether that is a council planning officer, the planning committee of the relevant council, a planning inspector or, in some of the largest applications, a Minister—to look at the different weights to be applied to those material considerations.

2.15 pm

Without referencing specific applications, which would not be appropriate, I can tell the Committee that in the three months I have been doing this job, I have had applications where a recommendation has come to me from one of my inspectors saying, “The decision should be x,” and I have taken the contrary view, because the weight that the inspector has given to a particular issue is not the weight that I would give to it. It is important to say that that does not mean that the inspector made a mistake. It is for the different decision makers to weigh the evidence before them, in the same way a judge does in a court of law.

My fear about the amendment is that changing the Bill to require the Secretary of State to set out precisely the weight that should be given to neighbourhood plans in all circumstances would take away some of the vital flexibility that decision makers have. The factors that I have talked about, including how far down the road the plan has gone, and whether there is unanimity that it is a great plan and there are no objections to it—as the hon. Member for Bassetlaw said, real contention can sometimes arise about the policies in a particular plan—have to be judged on a case-by-case basis.

I hope that the hon. Member for City of Durham will withdraw the amendment. The NPPF is very clear that weight can be given to emerging plans, but I do not think that we should be setting out in detail what weight should be attached to each part of the process, with the sole exception of what we have done in clause 1. We know that when a plan has gone through an examination process, those issues have been resolved and somebody has tested conformity with national planning policy and the relevant local plan. There is therefore a much higher degree of confidence at that point in the process.

Dr Blackman-Woods: I have listened to what the Minister has to say, and I am not sure that his comments really addressed the very real concerns expressed both by those putting together neighbourhood plans and by those who might have to abide by them, in terms of the planning applications they wish to make. We can have a discussion about the degree of exactitude we might put into guidance about the weight at different stages of the neighbourhood planning process, but I would have

[Dr Blackman-Woods]

thought that it is perfectly possible for some rough idea to be put into guidance or subsequent regulations so people sitting on a planning committee understand the sort of weight they should attach in certain conditions and how the neighbourhood plan should be weighed against other considerations.

It is clear—there are lots of examples of this from across the country—that many planning committees are unsure how to give weight to a neighbourhood plan if it has not gone through a referendum and been adopted. In fact—I am sure the Minister has heard of many groups that have had this experience—neighbourhood plans are often completely ignored by planning committees, which might not even be aware that a plan has been undertaken in a particular area.

If the Minister does not want to put guidance in place, I urge him to think about how local planning authorities can be a bit clearer about what they can and cannot do with a neighbourhood plan at different stages in the process. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 2 ordered to stand part of the Bill.

Clause 3

MODIFICATION OF NEIGHBOURHOOD DEVELOPMENT ORDER OR PLAN

Dr Blackman-Woods: I beg to move amendment 6, in clause 3, page 2, line 25, at end insert

“after consultation with the local area involved.”

This amendment ensures that any changes to a neighbourhood development order or plan are first subject to consultation with the local area involved.

The amendment seeks to amend proposed new subsection 4A, which states:

“A local planning authority may at any time by order modify a neighbourhood development order they have made if they consider that the modification does not materially affect any planning permission granted by the order.”

The Minister might say that a modification to a neighbourhood development order or plan would not in any circumstances be made without the local community that put the plan or order in place being aware of it. Again, I seek clarity from the Minister. It would help our understanding of what the clause is trying to achieve if he would explain the circumstances in which he thinks a modification would be undertaken by a local planning authority. Does he see any circumstances in which it would wish to make such a modification without having a period of consultation with the local community or at least checking whether they were not unhappy with the proposed modification?

That is an important test of the Government’s commitment to localism, of which there will be a number this afternoon. As we have already mentioned, a lot of people put a great deal of effort and work into producing neighbourhood plans and, indeed, applying for and getting neighbourhood development orders. They would be really concerned if, at some whim of the local authority, their plan or development order could be modified, and indeed they might not know anything about that modification. I have sat in meetings in which people

spend an afternoon on a neighbourhood planning forum arguing over the content of one paragraph in the neighbourhood plan to ensure that they get it absolutely right and that it reflects what they think is the consensus of opinion. People could spend a great deal of time putting together an evidence base and then, for some reason that the clause is not entirely clear about, seemingly the plan could be modified without them knowing anything at all about the modification or the reasons underpinning it.

It could be that we are quite wrong about that and that somewhere else it is clear that the local authority must consult and ensure that the local community is on board. While I am talking about the amount of effort that local communities put into getting the plans and orders together, they are also often done at considerable cost in time and resources. Locality makes it clear in its “Neighbourhood Plans Roadmap Guide” that

“There will be costs associated with preparing a neighbourhood plan. Estimates vary widely; from less than ten thousand pounds to several times this amount”.

I certainly know that some have cost in excess of £50,000.

The point is that that is a considerable resource for local communities. Clearly, they will get some of that from the Government’s support for neighbourhood planning forums and neighbourhood plans, but in a number of circumstances they will have had to raise additional sums of money. They would not want to go through the whole process of raising the money and getting their plan in place only to find that, five modifications down the line, some central tenets of the plan no longer hold.

We also know that putting a neighbourhood plan together can take a long time. The average time communities appear to spend is somewhere between 18 and 24 months. I know that the Government are seeking to reduce that time with a process that is much easier and quicker and that this legislation is part of that. Nevertheless, even after the Bill is enacted it is still likely to take communities a considerable amount of time—easily a year—to get all the documentation together and go through the various stages of the process. It will also take a lot of person hours because, as I said earlier, the groups get together and have to do substantial amounts of work in order to get their various assessments and policies together.

We are all committed to neighbourhood planning and to making neighbourhood plans work, and we would not want the clause to worry neighbourhood planning forums or parish councils that, having done all of that work on their plans, carrying out the referendum and getting the plan adopted, it could simply be modified out of existence by the local planning authority. That could perhaps happen because the direction of the local plan changes, or because the authority is thinking about changing it and it does not like what is in the neighbourhood plan.

I am not entirely certain about the circumstances in which the clause would be used, so it would be helpful to hear about that from the Minister. Will he outline the circumstances in which he thinks the provisions in clause 3 will be used, and how extensive he thinks the use of those provisions will be? What assurances can he give to neighbourhood planning forums and parish councils that their neighbourhood plans will not be modified out of existence without them knowing anything about it?

Oliver Colvile (Plymouth, Sutton and Devonport) (Con): I declare an interest: I am a shareholder in a small communications company that I set up, coincidentally, with a partner who was a Labour councillor in the London Borough of Enfield. We worked very closely together on a number of planning applications and gave advice to developers on how they could get planning permission, which I have always felt very strongly is about good community consultation. That is listed in my entry in the Register of Members' Financial Interests.

I have spent about 15 or 20 years working on these kinds of issues. I am going to give some examples of where I think, with good community consultation and by involving the local community, we achieved an awful lot. The first is Sainsbury's in Nine Elms, which is now being developed. We did an enormous amount of public consultation. We were advised by the leader of the Labour-controlled council to talk to the local community, which we did. We had public exhibitions, Planning for Real weekends and everything like that. I am delighted to say that we would have got the application through within six weeks of when it was needed. The only problem was that my client failed to talk to the retailers about their planning application, so it was a story of the property department at Sainsbury's not talking to the retailers; that was an issue.

The second example, which I was very much involved in, is what is currently known as "Tesco tower", which is down on Cromwell Road near the M4 out of London. We looked with our client at developing a block of flats on top of it. It got very close at one stage. We even got to the stage of being minded to approve, but the leadership of the local authority decided that they were not happy with it because they had received a lot of concerns from local communities, which ended up stopping it. What then happened was that the director of planning in the Royal Borough, who is now working in my hon. Friend the Minister's Department, decided that he was going to do a masterplan, in which the local community was going to be very much involved.

In all those issues, the really big story was the massing and the height of developments that were taking place. On the Hoe, which is a conservation area in my constituency of Plymouth, Sutton and Devonport, an application was recently agreed for Pearson House. It did not have the support of the local community at all. It was thought to be too high, the massing was not right and it did not have any land around the outside either. Unfortunately, the council approved it. I argue that it might have ended up setting a precedent for other activities within the conservation area, so this is very important.

My concern about the amendment, if I am honest, is that it might cut across the strategic interest in the rest of the local authority, and I think that needs to be looked at.

2.30 pm

Dr Blackman-Woods: The amendment would not prevent the local planning authority from making a modification; it merely suggests that it should consult the community before doing so.

Oliver Colvile: I shall be interested to hear what the Minister has to say about that. The point I am making is that it is vital that a neighbourhood plan, with all the hard work that people do, reflects what the height and the massing should be.

Gavin Barwell: As the neighbourhood planning system matures, we need to ensure that it will be suitably flexible to respond to changes in community aspirations. It is now almost five years since the first neighbourhood plans were prepared. As we have heard, well over 200 are now in force and more than 240 have been approved in referendums. We are aware that some of the early pioneers of the system want to update their plans.

Currently, the process for updating a neighbourhood plan is the same as the process for preparing a brand new one, regardless of the scale or significance of the changes proposed. The clause on changing the area that a plan covers, and the clauses that we shall come on to, are designed to address that fundamental problem. The hon. Member for Bassetlaw is nodding. He has lots of plans in his area, so clearly he has some experience of this.

The Government therefore believe that it is important to introduce a more proportionate way of revising plans to ensure that they remain up to date. Clause 3 will achieve that by introducing two new modification processes. I think that the confusion may have arisen—it is possible, at any rate; I cannot read the mind of the hon. Member for City of Durham—because there are two different processes. I will explain them, in the hope that that will provide some reassurance.

First, a process is being introduced to allow a local authority to make minor modifications to a neighbourhood plan or an order at any time, in the same way as an authority can currently correct errors. Clause 3 does that by amending section 61M of the Town and Country Planning Act 1990. On the key point that the hon. Member for City of Durham raised, I can absolutely reassure her that a local planning authority will need the consent of the relevant neighbourhood planning group to make the modification. That is clearly an important point. Her concern was that people would put a lot of work into producing their neighbourhood plans and then councils could modify them in some way without proper consultation. I can reassure her that that would require the consent of the relevant neighbourhood planning group, whether a parish council or a neighbourhood forum.

Secondly, any proposed modification that uses that minor change procedure cannot materially affect any of the policies in the neighbourhood plan or, if we are talking about a neighbourhood development order, the planning permission granted. Although there is no consultation requirement, the local planning authority must publicise what it has done, so people will be aware that the decision has been taken.

That is an important change, because currently even the most minor modifications, such as amending the wording of supporting text to clarify what a policy means, cannot be made without going through the same process to produce a new plan, including holding a referendum, which clearly involves a significant cost at a time when I think we are all aware of the pressures on local authorities. We strongly believe that that is overly burdensome.

However, the clause also provides a means by which more significant modifications may be made to a neighbourhood plan, through a streamlined procedure. It does that by inserting new subsections into sections 38A and 38C of the Planning and Compulsory Purchase Act 2004, along with a new schedule A2. The new

[Gavin Barwell]

schedule sets out in more detail the process to be followed in bringing forward draft proposals to modify a plan.

The streamlined procedure has a stronger expectation that the independent examination of the revised proposals, which we have been discussing, will be paper-based, with hearings only in exceptional circumstances. Additionally, there is no referendum. So the examiners' recommendations will in most cases be binding. We have the minor modification procedure, the completely new plan procedure and an intermediate one, which may be used where the proposed modifications are not so significant or substantial as to change the fundamental nature of the plan but none the less are more than simple, minor modifications.

Crucially, with regard to safeguards, the local planning authority and the independent examiner will need to agree that that is the case in order for a draft plan to proceed through the streamlined procedure. In this case, we are taking powers to regulate the process. We are consulting on that, but I can say to the hon. Member for City of Durham that in the intermediate procedure our intention is that the local authority must publicise what it is doing and consult in the same way that it would for a new neighbourhood plan.

To sum up, in the case of the most minor modifications, it is the Government's contention that a full consultation of the kind we would have for the streamlined or new plan procedure is not necessary, but there is the safeguard that the relevant body that drew up the plan must give its consent to what is being done. However, if we are looking for more significant changes, although not those that would trigger a new referendum, it is important that there is some consultation.

I hope that I have provided the reassurance that the hon. Lady's probing amendment was looking for, and that my explanation has been useful in helping Members understand the two procedures and when they would be used.

Dr Blackman-Woods: Having listened to the Minister, I think that the probing amendment did its job effectively. There is now much greater clarity on exactly what the provisions of the clause mean. On the minor modification process, I take the Minister's point about a simple drafting error that can be corrected easily and perhaps without going out to full consultation, but I would still expect a process for notifying the neighbourhood planning forum or the parish council that the modification has been made or is about to be made.

Gavin Barwell: It goes further than that. The relevant neighbourhood planning body has to give its consent even for the most minor modifications, and then the wider public are notified.

Dr Blackman-Woods: That is a helpful clarification. In the second set of circumstances, I take the Minister's point that this is perhaps an intermediate measure in order to allow modifications that are a bit larger to take place and that the community would clearly be involved in that. Given the Minister's helpful clarifications, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 3 ordered to stand part of the Bill.

Schedule 1

NEW SCHEDULE A2 TO THE PLANNING AND COMPULSORY PURCHASE ACT 2004

Question proposed, That the schedule be the First schedule to the Bill.

Gavin Barwell: I will not detain the Committee on the schedule, which sets out in detail the process to be followed when proposing to modify a plan. In order to respond to the amendment tabled by the hon. Member for City of Durham, I have described that process already, so I commend the schedule to the Committee.

Dr Blackman-Woods: I fully accept what the Minister says.

Question put and agreed to.

Schedule 1 accordingly agreed to.

Clause 4

CHANGES TO NEIGHBOURHOOD AREAS ETC

Dr Blackman-Woods: I beg to move amendment 7, in clause 4, page 4, line 3, at end insert

“providing the subsequent area is not smaller than a parish or town council area or local authority ward.”

This amendment ensures that the size of a neighbourhood area is not smaller than a parish or town council area or local authority ward.

The Chair: With this it will be convenient to discuss amendment 8, in clause 4, page 4, line 11, at end insert—

“(6E) Modifications made to a neighbourhood area must be subject to consultation with local people.”

This amendment ensures that neighbourhood areas are only changed after the consultation with local community and that changes are driven by what the community wants.

Dr Blackman-Woods: This is a probing amendment, to test the Government's thinking, if indeed there is any, on the appropriate size of a neighbourhood area—*[Laughter.]* Sorry, I did not quite mean that. The clause allows a change to be made to a neighbourhood area and outlines the process for doing that.

Some developers who are concerned about this clause have brought to our attention the question of whether there is a minimum size for a neighbourhood area. The concern raised is about a situation where three streets in a particular area have their own neighbourhood plan, while another three streets next to them have a different neighbourhood plan. Those two plans might not speak to each other or be travelling in the same direction with regard to some of the detail, yet they will both be given sufficient weight.

This is an attempt to tease out from the Minister whether he thinks there is any value in setting a limit, such as a given number of electors. The amendment says that a neighbourhood area should not be smaller than a parish or town council area or local authority ward. I am not particularly tied to the exact wording of the amendment, but we want to find out: if it is not a local authority ward or a parish area, what is it?

Gavin Barwell: I understand that this is a probing amendment, but are there any examples of existing neighbourhood plans that the Opposition feel cover too small an area?

Dr Blackman-Woods: I am not aware of any. We are trying to ensure that the provisions in this legislation will not lead to neighbourhood areas that are very, very small indeed. Of course the Minister will say, “Well, it’s up to the local authority to decide whether it is an appropriate area,” but the authority might come under particular pressure to agree a specific area or think it is in its interest to promote a very small area, because it will not have so many people to deal with in terms of neighbourhood planning.

We know that the whole of neighbourhood planning legislation leaves it very much up to the community to set the boundaries and to say what brings that neighbourhood together, why they think it is important that the boundaries are set where they are and what the spatial dimension is to the plan. Usually it is very obvious, because they are using village boundaries or some sort of settlement boundary, or there is something that binds that particular community together. They also have to talk, and are usually very good at looking at the community networks and informal networks that might underpin those. The physical characteristics of the neighbourhood will also come into play.

The community will decide whether it is a business area. They will talk about the natural features. There is a huge list of things that the community will look at when putting the initial application together, in terms of determining why the boundaries are really important and what binds the neighbourhood together. That is a very good thing, and I know it has led to some really interesting discussions in communities—I am sure the Minister has seen this—about what is important to them in their neighbourhood and what binds them together. That can facilitate the next stage of development: what they want their community to look like in 15 years and what they need to put into the neighbourhood plan to achieve that.

2.45 pm

It seems to us that there is nothing beyond those general characteristics to indicate to a community or neighbourhood that the area should be of a certain size. It may be that we have been lucky to date and no one has brought forward a very small area. I cannot see anything in the Bill that would prevent that from happening. That is why we tabled amendment 7. It is pretty much the same as the others in asking for greater clarity and some reassurance for people who have to deal with neighbour plans and neighbourhood planning forums.

Amendment 8 continues our discussion about modifications and changes not being made without community consultation. In clause 4, the modification is a change to the neighbourhood area. The amendment seeks to ensure that neighbourhood areas are changed only after consultation with the local community and that changes are driven only by what the community, not the local planning authority, wants.

I will not rehearse our earlier arguments about modifications to a neighbourhood plan or a neighbourhood development order, but they apply, and we want a positive and constructive dialogue with the local community should there be a boundary change. We absolutely

understand the need for boundary changes. Areas may change and parish council boundaries may be redesignated; there may be a new development resulting in too many people, or there may be lots of new developments requiring a new parish area to be created. All sorts of things may happen that require initial boundaries to be changed.

We are not saying that boundaries have to be set in stone and cannot be changed. That would be ridiculous. However, we want an assurance that any boundary changes will be made with the agreement of the community and, critically, that they make sense to the community and all the things that bind them together. We do not want communities to find one day that, having thought they were living in one neighbourhood plan area, the boundary has been changed.

John Mann (Bassetlaw) (Lab): Mr McCabe, I trust it is in order to make comments appropriate to clause stand part, as well as to the amendment.

The Chair indicated assent.

John Mann: Thank you, Mr McCabe. That is helpful, because the amendment probes the critical issue—this is not a criticism of the Government—of the real potential for inventiveness for neighbourhood planning in urban areas and occasionally in rural areas. I will give some illustrations. So far, the model has been community orientated and based on existing structures. In my area, we have 22 plans under way. Only two parishes do not have one and I am going to those parishes to encourage them to move down this path quickly.

Parish councils and villages have been beneficiaries from successive Governments. They get more lottery money for village halls and village sports facilities because they are defined areas and it is much easier to make an argument. There is a danger that neighbourhood planning and neighbourhood development plans will reinforce that further. One could argue that the inventive parish councils will, for example, build in areas for future recreational development that might not already exist. That would be a smart move. In other words, the parish council might say, “This piece of land will be for a future playground for children we don’t yet have.”

Without doubt, having got that through, bids for money would be more successful, as one would be part-way through the planning process, even for larger structures that might require detailed planning consent—of course, it could also apply to change of use of land—such as village halls and that kind of facility. We have precisely that situation in Ranskill, a parish in my area, where the community is expanding. It is quite a big village—I am meeting people from there in the next 48 hours—but it does not have a village hall. The people of Ranskill are more than happy to have more housing, if it is in the right place, and to use planning gain to fund what they have long wanted and not managed to achieve. They would see this as rather assisting them, if it goes the right way. Other issues, which we dealt with previously, are clouding that, with developers jumping the gun.

Oliver Colville: Will the hon. Gentleman give way?

John Mann: I will, but it might be more helpful if I make a little progress first—the hon. Gentleman could make an even more succinct point later. I will come back to him, but I will first expand on what I am saying about opportunities with two examples.

[John Mann]

I will start with a rural example—not an abstract example, but the example of a mountain: Blencathra in the lake district. Plenty of effort is being made to save Blencathra mountain for the nation. There are many byways, roads and properties around Blencathra. In my view, it would make perfect sense, should local people wish it, to designate the mountain and its surrounds as the neighbourhood.

Given the size and nature of mountains, that neighbourhood would probably cross constituency, council and parish boundaries—parishes do not go around mountains, but take segments of them. However, for housing, the amenity, facilities, walking routes and highways, the key determining factor is their relationship to the mountain. That would be the case for many other examples in the lake district. Neighbourhood planning on Blencathra would do something fairly revolutionary, because it would take the whole of the amenity under the democratic control of the people living there, because they are the ones defining things. That would be very powerful indeed.

Secondly, at the priory church in Worksop, working with the Prince's Foundation for Building Community, I have proposed that the area defined historically by the priory church as its immediate parish—not the current parish boundaries, which are all over the place, because churches like to increase their congregations, but the original boundary—should be the boundary of the neighbourhood plan. That is how we are proceeding. Even better, part of that boundary has been created in more modern times—300 years ago—by the canal, so it is a natural boundary. We have a grand, huge church, once the largest in the world, which defined the buildings around the community, and we now have the ability to reset the church building for the community, the surrounding housing and future housing development. We are also taking the worst bit of the Chesterfield canal and reopening it.

What should be done is fairly obvious. The Prince's Foundation has done the masterplan, which has been created, and the community is engaged—what the community is interested in are things such as antisocial behaviour, but from a planning point of view that means where pubs are, their opening hours, or where people walk, drive and park. They are very happy for housing to go on brownfield sites—blighted spaces—of which there are two. They would be very happy to have a car park on one of those, which is a former gasworks site, where housing probably could not go. These are all great opportunities.

There is no controversy about that with the population; they are after other things. That is a community of 200 or 300 houses. It is tiny, but its impact on the centre of Worksop and the amenity for tens of thousands of people is huge, because the other part of the community is bounded by what one would describe as the park, although that is not the term we use in Worksop. I would like to turn it into a park and give it more space; indeed, one of the conclusions of the neighbourhood planning might be that we define a proper park boundary.

This is hugely exciting stuff for the residents, who are both tenants and home occupiers. If they are occupiers, their property values will go up, so they will be quite happy. Antisocial behaviour undoubtedly will go down

because their quality of life will go up. New housing will be at a premium, because it will be near a canal and a park in a beautiful, well-designed area. Everybody is a winner. It is a classic case of where neighbourhood planning would open up an area in which the local authority has never once proposed housing, because of land ownership and because there has been no minor master planning.

Oliver Colvile: I am a rather unique Conservative Member, in that I represent a totally inner-city seat outside London, as the hon. Gentleman may know. I only have the Ponderosa pony sanctuary—a rather muddy meadow—in my constituency. Does he not think there is an argument for urban conurbations such as mine to also have their own parish councils? It should not just be left to rural communities.

John Mann: There is such an argument, but in a small community with 200 or 300 houses, a parish council may be too grandiose. In that example, I would like to see the church managing and leading the development and consultation process, because that is the fixed community entity. I could give other examples in my area where the church building can be redefined as the church at the core of the community, precisely because the building was built as a community venue. Of the great cathedrals, Lincoln would be a great example, but the best of all is St Paul's. If this was available 30 or 40 years ago, one could imagine that the buildings around the great St Paul's cathedral would be more in tune with it, as opposed to what has been built haphazardly and chaotically around it. That is where smaller areas could be very empowered. I will give another example [Interruption.] The Whips are always keen to put Members on Committees and then try to restrict important debate.

This is fundamental to the Minister's thinking and to his civil servants' thinking. Planning is being seen in terms of housing and structures, with an additional side of highways, which have a major and fundamental role. The Prince's Foundation work was done by Ben Bolgar, the top person there, and Fred Taggart, who are two brilliant planners—real planners, not just planners for real. They looked at where people historically moved and walked, which is what defines a community.

The walkways and jitties that are a problem could be closed off. That could be specified in a very localised plan: “We don't want a walkway here. Close that off and get rid of it, because there's antisocial behaviour. We want people to walk this way, drive that way and park here rather than there.” One gets into real localism, which never in a local plan would be possible. One could not in a local plan specify, “This little jitty will be closed down and we'll create a walkway here. This bit should be grassed to allow more access to the canal.” That is far too much minutiae.

3 pm

However, local people are hugely engaged in how that would operate. Those precise, minor details are actually the major details for them because they define their communities. If the price of that is to have to spend time saying, “Also, here's the kind of housing we would like in the spare spaces that are available; here's where we don't want them and here's where we do,” local people are more than happy to do it. Indeed, they propose more housing than would ever have been proposed

before because they can work out the geometry and geography of the local area and the blights that should be resolved.

That is why I appeal to the Minister, in the context of amendment 7, to go more and more small scale and to actually think through how, even with a neighbourhood plan in place in a larger conurbation, it should be logical to take that plan as a basis for micro-ising it for things like walkways and adding further detail, so that people have some control over their communities. When there is planning gain, they can then say to developers, “No, your cycleway will go here because it fits the community,” or, “There will be a cycleway because the community needs it, and you will have a footpath because it suits pensioners and young people and the kids going on their route to school.”

School routes—this is the final thing I will say—ought to be part of the local planning process and could be built in. There is nothing to stop it being built into the neighbourhood planning process. That really would be powerful, and I hope the Minister will be able to demonstrate that he is more than open to that, and that he is fully engaged in thinking through, with his brilliant officials, how this could be best and most quickly done.

Gavin Barwell: Let me start by saying the hon. Gentleman knows how to push his agenda effectively with officials and with the Minister. I thank the hon. Member for City of Durham for tabling these probing amendments to clause 4. Before I address the amendments I will make some general remarks about clause 4, which aims to ensure that neighbourhood planning is suitably flexible to respond to changes in community aspirations.

Currently, there is complete agreement that it is not possible to modify a neighbourhood area if that would result in a neighbourhood plan or an order covering more than one neighbourhood area or more than one plan in one area. The practical effect of that is that, once a neighbourhood plan is in place, it may not be possible to make a new neighbourhood plan for an amended area without first entirely revoking the existing plan. That would leave that community without the plan it had worked so hard to produce until the new one came into force. Clause 4 amends sections 61F, 61G and 61J of the Town and Country Planning Act 1990, and sections 38A, 38B and 38C of the Planning and Compulsory Purchase Act 2004 to change the procedure for modifying the boundary of a neighbourhood area.

Clause 4 will, for example, allow parish councils that had previously worked together to produce a multi-parish neighbourhood plan to apply for the neighbourhood area to be amended so that they can prepare a plan just for their individual parishes in the future. Equally, it would allow neighbouring forums that had previously prepared their own plans to apply for the area to be amended, so that they could come together to write a plan for both of those areas.

I reassure the hon. Member for City of Durham that I fully understand her concern in relation to both amendments. The Government have considered whether a designated neighbourhood area should follow ward boundaries. We sought views and consulted on that question as part of a technical consultation on our planning reforms in July 2014. The answer to that consultation was, almost unanimously, no, they should not. We, and nearly everybody who responded, believe that it is necessary,

first that there is flexibility for communities to ensure that the area plan reflects the aspirations of that community, and secondly that the local planning authority has a positive and constructive dialogue, in order to arrive at a final decision for the area.

I represent a constituency within a London borough. Mr McCabe, you are probably the best example of this: you represent a constituency in the City of Birmingham. I think I am right in saying that your authority has the largest wards of any local authority in England, and some of those wards will cover more than one community. I can certainly think of examples from my own constituency. The hon. Member for Bassetlaw earlier mentioned the Shirley ward. Most of that ward includes an area in which most people would think of themselves as living in Spring Park, but there is also a separate development that used to be a large children’s home run by Lambeth Council—where, sadly, some shocking abuse took place—called Shirley Oaks. That is a separate and distinct community. If the people of Shirley Oaks wanted to produce a neighbourhood plan for their area, we should not be legislating to say that they cannot do that.

The hon. Member for Bassetlaw made his case powerfully from his own experience. So far in this Committee, I find myself agreeing with him on a number of points. If his objective was to stop being appointed to future Bill Committees, he is probably doing very well, but we can tell from the passion with which he speaks that he really believes in what he says. It is great to hear about the number of neighbourhood plans in his area. He has put it on the record that he is on his way to the two remaining parishes that do not have one, and nothing could do more to drive progress than the prospect of his imminent arrival to push the case. He raises a powerful point.

John Mann: Just a flippant point: the way that we got residents to come to the priory church initial meeting was with a letter from the MP, using parliamentary envelopes and headed paper. That got far more people than a letter from a council would have done.

Gavin Barwell: I was gently teasing the hon. Gentleman. I wish more Members of this House had done what he has. He has clearly put in a huge amount of work in his constituency to encourage people to take up the reform from the Localism Act 2011. It is fantastic that he has done so and it is great to have him on the Committee as such a powerful champion of the process.

There is a really gritty issue here, which is that when asked, “Where do you live? What community are you part of?” people do not necessarily say what the local council might expect them to. In some cases—for example, if people are part of a village with a distinct identity—the village will be the right unit of identity. However, in urban areas—the hon. Member for Bassetlaw has given some interesting examples of rural areas—there may be other creative ways of thinking and bringing people together.

I very much share the hon. Gentleman’s view, which is that we should not prescribe in legislation the maximum or minimum size of the unit. We should let a thousand flowers bloom and see what people think of the appropriate units. Earlier, I asked the hon. Member for City of Durham for examples of neighbourhood areas that cover too small an area, and I do not think there is any evidence that things are happening at such a micro level

[Gavin Barwell]

as to cause a problem. She is quite rightly probing and asking the questions, but it is clear that the view of the Committee is that we should allow for the current flexibility.

On amendment 8, which is on the consultation arrangements required when a neighbourhood area is changed, I am sure we can all agree that consultation with the wider community is crucial. I assure hon. Members that there is already provision for that to happen where a designated neighbourhood area is amended and a neighbourhood plan is already in force. It is currently the case that where all or part of a neighbourhood area has already been designated, the local planning authority must publish and consult on any modifications to that area for at least six weeks. If the hon. Member for City of Durham would like to add to her reading list, that is in regulation 6(c) of the Neighbourhood Planning (General) Regulations 2012. That should keep her busy this evening. Exactly the same regulations will apply to the new provisions.

The clause will ensure that, as neighbourhood planning continues to mature, the system is suitably flexible to respond to changes in people's aspirations when it comes to the nature of the geographic area covered by the plan. It will also ensure—the hon. Member for City of Durham was quite right to raise the point—that any proposed changes are properly consulted on, and that the public have the chance to feed into the process. I ask the hon. Lady to withdraw the amendment, and I hope that clause 4 stands part of the Bill.

Dr Blackman-Woods: I have listened carefully to the Minister, and he has given us the reassurances we sought. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 4 ordered to stand part of the Bill.

Clause 5

ASSISTANCE IN CONNECTION WITH NEIGHBOURHOOD PLANNING

Dr Blackman-Woods: I beg to move amendment 1, in clause 5, page 4, line 40, leave out “as follows” and insert

“in accordance with subsections (2) to (4)”.

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

Amendment 9, in clause 5, page 5, line 9, at end insert—

“(c) reasonable payments made by local authorities for the purpose set out in paragraph (a) and (b) shall be recovered from the Secretary of State's department.”

This amendment allows for the full recovery of costs of assisting with the development of a neighbourhood plan to be recovered to the local authority.

Amendment 2, in clause 5, page 5, line 19, after subsection (3) insert—

“(4) Section 120 of the Localism Act 2011 (Financial assistance in relation to neighbourhood planning) is amended as follows—

(a) at the end of subsection (2)(a) leave out ‘, and’ and insert ‘subject to the condition that such assistance is prioritised for bodies or persons in deprived communities, and’,

(b) after subsection (3)(b), insert—

‘(ba) a deprived community is defined as being any area which is among the 20 per cent most deprived Lower Layer Super Output Areas according to the most recently published English Indices of Deprivation,

(bb) prioritised financial assistance is defined to mean that no less than 50 per cent of the total value of the financial assistance provided under this section is provided to deprived communities.’”

Amendment 10, in clause 5, page 5, line 19, at the end insert—

“(4) To support Neighbourhood Plans, all councils should have a Local Development Plan in place by December 2017.”

This amendment ensures that Local Plans are in place so Neighbourhood Plans can be made in line with the strategic aims of Local Plans.

New clause 2—*Incentives to create neighbourhood development plans—*

(1) Areas with an adopted neighbourhood development plan in place should benefit from a locally agreed share in the New Homes Bonus.

(2) Areas with an adopted neighbourhood development plan should have access to enhanced Community Infrastructure Levy payments, and all councils shall have a Community Infrastructure Levy scheme in place by 2017.

This new clause would create incentives to encourage communities to produce neighbourhood development plans.

Dr Blackman-Woods: I want to speak to amendments 1 and 2 and the other amendments in the group. I will start with amendment 9, which seeks to ensure that there is full recovery of costs for assisting with the development of the neighbourhood plan, with the costs recovered by the local authority. One thing came through clearly from the evidence the Committee received on Tuesday: many voices were all saying—indeed the Minister acknowledged this—that planning departments are massively under-resourced.

I was keen to table the amendment because we are anxious that neighbourhood planning is properly resourced. That is really important. However, we are mindful of the huge demands placed on our local authorities at the moment, especially at a time of cuts. I hope the Minister feels able to adopt the amendment, or at least that he will make it clear to the Committee how the additional cost of supporting neighbourhood planning forums and parish councils in drawing up their neighbourhood plans will be met.

The Minister will have heard the Royal Town Planning Institute, Local Government Association, Town and Country Planning Association and British Property Federation all point to the fact that, because of the success of neighbourhood plans, there are now greater expectations in our local communities that they will not only be able to draw up neighbourhood plans but have the resources to do so in a meaningful way that allows them to include much of the community and produce a quality document that really reflects what the community wants to achieve. They therefore want it to reflect the high aspirations of the community.

We do not want to see any area being held back because it does not get the resources it needs. The local authority is only able to give a small amount of money

to support the exercise, so we want to hear from the Minister a reiteration of what he said in Committee on Tuesday—recognition that resourcing of planning departments is an issue. What can he do to assist local authorities in meeting their obligations under the clause to support neighbourhood plans?

The Minister will know that the situation for planning departments has got so much worse since 2010. More than half think that under-resourcing will present a significant challenge to their ability to undertake their functions in the next year. On Tuesday, Richard Blyth from RTPI told the Committee:

“We have completed a survey of local planning authorities in north-west England that shows that between 2010 and 2015 there was a fall of 37% in planning policy staff. These are the staff who tend to get asked not only to provide the support for neighbourhood plans, but are under a deadline of completing a local plan by the end of March 2017.”

He went on to say:

“I am a bit concerned that legislation is being used in a way that may not be possible to support in terms of the resources available to local planning authorities.”—[*Official Report, Neighbourhood Planning Public Bill Committee*, 18 October 2016; c. 66, Q118.]

We know the reason for that: it is because many of our councils are facing huge cuts. We heard from Locality, again on Tuesday, that,

“local planning authorities have been stripped of funding and they have reduced huge amounts”—[*Official Report, Neighbourhood Planning Public Bill Committee*, 18 October 2016; c. 51, Q92.]

of their very highly skilled staff—often losing them to the private sector, which is able to provide them with not only higher salaries but, in the current environment, more secure jobs.

3.15 pm

Spending on planning by local authorities has almost halved from £2.2 billion in 2010 to £1.2 billion last year. Given the huge under-resourcing of local planning departments, where does the Minister think planning departments will find the resources to support neighbourhood planning groups and parish councils in drawing up neighbourhood plans? As we have heard, about 200 plans have been approved, but about 2,000 are in process, and I think there will be more. This issue is not just affecting a handful of authorities; it is affecting most local authorities and it is incredibly serious. I hope the Minister can say something this afternoon to give some reassurance, not only to local government that it will get resources from central Government to support neighbourhood planning, but critically, for the communities themselves, so that they will know that they will be properly resourced to draw up neighbourhood plans.

I am going to move on swiftly to amendment 2. We touched on this very important amendment in the Committee’s deliberations this morning. It is about how we ensure that neighbourhood areas, neighbourhood forums and parish councils that are in more disadvantaged areas of the country are able to have the necessary resources to draw up a neighbourhood plan. The amendment seeks to ensure that they are prioritised for financial assistance, so that,

“no less than 50 per cent of the total value of the financial assistance provided under this”

clause

“is provided to deprived”

neighbourhoods.

I did not hear anything in what the Minister said on Tuesday, or indeed this morning, that demonstrated that the Government recognise that, in a time of limited resources, some prioritisation might need to be given to certain areas, in particular where they would find it difficult to raise money themselves. We know from work that has been undertaken so far in evaluating neighbourhood planning—I quote a study carried out by the Centre for Urban Development and Environmental Management at Leeds Met University—that neighbourhood planning appears to be for

“those with most resources and to increase their privileged access to decision-making while excluding still further those groups already marginalised by the uneven development”.

It said that there is an

“uneven spread of plans, and the unequal distribution of the resources needed to help neighbourhoods draw them up”.

This is a really serious issue. If the Government want all areas of the country to have the ability to draw up a neighbourhood plan and have a say in what happens to their areas, we need to see some prioritisation in the system of allocating resources, so that it recognises disadvantaged areas. If the Minister does not wish to go down that route, I suggest that he does need to ensure that there are enough resources available for all areas.

Amendment 10 seeks to tease out whether the Minister thinks local councils will have a development plan in place by next year, and what he thinks he can do, perhaps using this legislation, to require a plan to be put in place. We thought that a reasonable date might be December 2017. I know that the Government have talked about March 2017, but does he have a proposal in mind? Especially given the conversation this morning about the importance of local councils having local plans in place, what is he intending to do? Some Government amendments on local plan-making have been tabled, and it will be interesting to hear whether the Minister thinks that a date is necessary, whether in the Bill or the supporting legislation, so that we can all be confident that those authorities that are being slow in producing a neighbourhood plan get on with the task.

New clause 2 is intended to make some suggestions, if the Minister will allow me, of how he might move some money to neighbourhood planning forums or parish councils: he could give them a share of the new homes bonus or a higher share of the community infrastructure levy. I look forward to hearing what he has to say.

John Mann: It is not just middle-class areas that have created such plans. The biggest one in my area is for Harworth, which until fairly recently was one of the last working collieries in the country. It has a huge working-class community. Its neighbourhood plan has been adopted by referendum and agreed by the district council, and it involves 1,500 new allocated housing spaces and vast amounts of new land allocated for employment. The community, knowing and demanding what it wants, has got on with it. So it is feasible to do that, and to do it quickly and in all communities.

I have two questions for the Minister. First, the reason why Harworth has been able to create a plan is that it has a part-time town clerk, so it had a bureaucratic system in place. In other areas in my constituency and in neighbouring constituencies, lots of places do not need to be creating bureaucratic structures. The last

[John Mann]

thing that most of my communities want is more paid public servants who do not live in the area, but would be going in and telling them what to do. All they want is power, so how will we stop bureaucracies building up on the back of neighbourhood planning?

Secondly, and complementary to the first question, instead of simply doling out money, which would suggest employment and other contracts, requiring institutions to deal with that, what are the prospects for the secondment of expertise? I have suggested that the Canal and River Trust could second a planner to assist the process in my area. The ability to second people in with the technical expertise to assist communities, with no pretence that those people are living or staying in the community, would empower neighbourhoods and have a dramatic positive impact, allowing other former mining communities in my area to repeat what Harworth has done.

Oliver Colvile: May I make one small point to the hon. Gentleman? I have a university in my constituency that has a planning school. Perhaps something to encourage is co-opting some of those students to help people seeking to develop neighbourhood plans.

John Mann: We would be more than happy to have students and professors from Plymouth, although I suspect Sheffield might be a more realistic scenario, but on exactly the same logic—the hon. Gentleman makes a good point.

I put it to the Minister that secondment rather than cash could rapidly lead to positive results. Those communities are far more likely to say, “We want employment land. We want more housing. We want the petrol stations and supermarkets we do not have.” In my experience, working-class communities are far less nimby than middle-class communities. They want what middle-class communities have taken for granted—albeit they prefer to drive a little distance to get to them—and they will demand them on their doorstep. This is great untapped potential for the country and empowerment is the issue. Does the Minister agree, and how will he help?

Gavin Barwell: I thank hon. Members for tabling the amendments, which provide an opportunity to discuss the important matters of the advice, assistance and resources available to communities and local planning authorities in supporting their take-up of neighbourhood planning. Before I respond to individual amendments and if you agree, Mr McCabe, I will say a few words about why we are introducing the measures in clause 5.

We believe that the clause will ensure that when communities consider whether to prepare a neighbourhood plan or order, they can make the decision with a full range of advice and assistance available to them. We believe that will assist in building the positive and constructive relationship between a local planning authority and the relevant local authority that is necessary to make neighbourhood planning work.

Amendment 1 simply facilitates amendment 2, which I will consider shortly. I will start with amendment 9, as the hon. Member for City of Durham did. I appreciate the desire to ensure that adequate resources are available to the relevant local council. We believe the amendment

is unnecessary because local planning authorities can already claim funding for their duties in relation to neighbourhood planning. We will obviously continue to review the costs incurred by councils in delivering neighbourhood plans and these will change as the take-up of neighbourhood planning increases and local authorities, local communities and others become more familiar with the process.

It is probably worth putting on the record what the current arrangements are. Local authorities receive £5,000 for each of the first five neighbourhood areas they designate and £5,000 for each of the first five neighbourhood forums they designate. They then receive £20,000 for every single neighbourhood plan when a referendum date has been set. The idea is that there is some initial pump-priming for the first five to 10 times they deal with the process, but also a set amount of money because of the costs involved in examination and then in holding a referendum.

The hon. Lady made a wider point about resourcing planning departments and was keen that I reiterate what I said in the evidence session. I am happy to do that. I recognise absolutely that there is an issue. Reflecting back on the evidence that was given to us, I respectfully suggest to her that I did not hear a lot of evidence that the Government were not properly funding the specific burden of organising neighbourhood planning. I heard a lot of evidence that in more general terms planning departments are underfunded and the Government need to look at the level of planning fees being charged.

Dr Blackman-Woods: The Minister is absolutely right, but people made the point about resourcing because of the specific obligation in the Bill for local authorities to support neighbourhood plans.

Gavin Barwell: I respectfully argue that the sums of money that local councils are having to spend on neighbourhood planning constitute a very small share of their overall planning departments. The fundamental issue, which I absolutely take on board, is the level of fees that planning departments are able to charge to cover their costs. I said during the evidence session—I am happy to repeat it now—that it has struck me during the three months I have been doing this job that whereas on many issues conflicting opinions are expressed to me by different people in the housing and planning world, on this issue there is unanimity. Developers and council planning departments alike say that there is an issue.

John Mann: There is not unanimity everywhere because land prices and build prices are dramatically different in different parts of the country. We see that even more starkly with prefabricated housing. The proportionate cost for someone who sells a house for £600,000 in London, which would be a tiny one, or £600,000 in an area like mine, which would be rather a large house, is very different. There is a danger that if the planning fees for cheap, affordable housing are too high, that will discourage self-build and small developers.

3.30 pm

Gavin Barwell: We can always rely on the hon. Gentleman to shatter unanimity when it is in danger of breaking out. He makes a fair point. The cost of building, say, five new homes in his constituency will be lower than the cost of building five new homes in the City of

Westminster. He is quite right to sound the alarm that we should not allow fees to go too high, but I suspect that if I spoke even to developers and the planning department in his own patch, they would say there is still an issue in terms of financing.

The hon. Gentleman did not say this, but the point is relevant. We tend to hear from developers, and we have to bear in mind that these fees are also paid by householders when they make applications to extend their properties or something like that. The voices we tend to hear are those of the large developers, but these fees are paid by others. None the less, the hon. Lady asked me to reiterate that I accept there is a problem, and I absolutely do. The Government have consulted on this issue, and the White Paper will contain our response. I think I have given a pretty good steer as to where I want to go.

I want to make a slightly partisan but important point. While I entirely accept the pressures that planning departments and, indeed, councils in general are under, it is important to note that despite the difficult period they have been through, they have had huge successes in driving up performance. I will give the Committee some figures. When the coalition Government came to power, 17% of councils had a local plan. As of this September, the figure was 72%. In the second quarter of this year, in the most recent figures available, 83% of major planning applications were decided within the time limit, which is the highest ever performance on record. In the year up to 30 June, our planning system gave planning permission for 277,000 homes. That is the highest ever figure on record.

I pay tribute to local authority planning departments. Despite the financial restrictions they have been under, they have raised their game significantly. I gently tease the Labour leader of my local council about this, because he flip-flops between press releases saying that the Government have financially crippled him and ones that boast about how well the council is performing. While I do not in any way underestimate the difficulties local councils have had, when this period is looked back on, it will be seen as one where public services have raised their game, despite the restrictions on resources.

John Mann *rose*—

Gavin Barwell: I have goaded the hon. Gentleman, so I have to allow him to intervene.

John Mann: The Minister cannot get away with that, because we all know that technology and the Planning Portal have totally transformed the speed of planning, very effectively. It is technology and the portal that have done this, not the Government. We do not care, but they should not take credit for things that they have not done.

Gavin Barwell: It is a range of things. Technology certainly plays a part. I also observe that the designation regime introduced by the coalition Government has played a part. I do not want to go on too long, because this is not directly relevant to the point we are considering. However, I genuinely believe that when we look back on this period—this is not all down to the Government, if that makes it easier for the hon. Gentleman to accept—we will say that despite the financial restrictions public services were under, public servants have done an amazing job of improving the services they provide. That is the point I wanted to make.

I welcome the intent of amendment 2, but I cannot agree that it is necessary. I hope I can reassure Committee members that even in these times of tight public finances, we are supporting neighbourhood planning groups. We have made £22.5 million available to do that. More than 1,500 payments have been made to date. Since 1 April this year, all groups can apply for a grant of up to £9,000. We are providing additional support to priority areas, which include more deprived areas and those with the highest housing growth. Communities that fall within those priority groups can apply for up to £15,000 and can also access technical planning support.

I agree with the hon. Member for Bassetlaw—this is becoming a worrying trend for both of us—that this is not just about money. It is also about having good advice and assistance. We have a national network at the moment of 132 neighbourhood planning champions, who are there to provide exactly that kind of advice and assistance. While I understand what the amendment is trying to do, which is quite rightly to say that thus far neighbourhood planning has been adopted mainly in more rural parts of the country and that we need to ensure that it is also well used in urban and more deprived and more transient communities—there is no argument there—I am not sure whether saying 50% of the money has to go to such areas is right, because by definition it is a demand-led budget.

I want to encourage people from all around the country to set up groups and ensure that funding is there to support them. If it helps the hon. Member for City of Durham, I assure her that if we ever get to a point where the budget is running out because there are so many applications, I will be the first person knocking on the Treasury's door to ensure that there is extra support. However, I think if we passed a law to say that 50% must go to these places and 50% to those, we could run the risk that some people would run out of money when the other pot had not been used. That does not seem to be a logical way to deal with the issue.

I completely understand the aspiration behind amendment 10. We agree that in order to provide clarity to neighbourhood planning groups about the context within which they prepare their plans all areas should have a local plan. In the evidence session and on numerous other occasions I have spoken strongly about the importance I attach to having local plans in place. If the Committee will permit me for a minute, let me reiterate the main point. The planning applications that tend to come across my desk are nearly all speculative applications where essentially the local planning authority has not had a local plan in place with a five-year land supply. Developers have then come in and picked the sites that they want to build on—those are not the aspirations of the local community but where the developers want to see development go—and things escalate and end up on my desk. I want to remove all that unnecessary conflict from our planning system and the way to do that is to ensure that we have complete coverage in place.

I appreciate that again this is a probing amendment so I will not be too critical, but, rather than accepting an amendment that asserts that something should happen by this timescale, we have tabled a series of amendments that seek to advance that agenda. I also want to make plan making much quicker and make it much easier for planning authorities to update their plans.

[Gavin Barwell]

The hon. Member for Bassetlaw has previously spoken about—he mentioned it today—his frustration at the delay when the coalition Government changed the national planning framework. Actually, I think we were quite right to do that because we needed to ensure that when one council does not meet its housing need, those houses do not disappear from the system but are spread out in surrounding authorities. He is, however, quite right to say that because the process is so slow at the moment, that imposes a big delay when that happens. Therefore it is important both to make sure that we have plans in place and try to make the process quicker so that when they need updating—because either Government policy changes or the facts on the ground change—that can be done much more quickly.

I do not want to labour the point, because I know the amendment is a probing one, but its wording mentions just having a plan in place. We would all probably agree that we actually need an up-to-date plan that takes account of the latest household projections and an accurate assessment of housing needs. A lot of authorities currently have a plan, but not a plan that is based in any way on the latest information about what the area requires. I hope that I have reassured the hon. Member for City of Durham on the underlying issue, even if we disagree on the amendment.

Finally, I turn to the interesting issue in new clause 2, which I am grateful to the hon. Lady for raising. We are looking at the matter in general terms at the moment. We have always been clear that we would like to see the new homes bonus benefiting communities that support development, such as those that produce neighbourhood plans, and we strongly encourage local authorities to allocate funding from the new homes bonus in that way. Indeed, it is already possible for councils and areas where a neighbourhood plan is in place to reach agreement in exactly the way she suggests in her new clause.

With regard to the second part of the new clause and the community infrastructure levy, communities where a neighbourhood plan or order is in force receive 25% of the CIL arising from development in their area, whereas the figure for communities without a neighbourhood plan is only 15%, so there is already a key incentive. Three questions are posed by the new clause. First, should we actually legislate to require something similar in relation to the new homes bonus? Secondly, should we raise those percentages in relation to CIL? Thirdly, should we force everybody to have a CIL? I will take those in turn.

On the first question, that is an interesting idea. I hope that the hon. Lady will allow me to reflect on that some more in the White Paper. The Prime Minister is very interested in ensuring that communities that go for growth are properly rewarded, so that people feel that if their community accepts more housing, their quality of life improves, rather than them finding it harder to get a GP appointment or to get a child into the local school, or finding their train more overcrowded. I am not sure that we should legislate in the way she suggests, but I am very interested in the underlying grain of the idea.

On CIL percentages, there is a balance that we need to be wary of. We can take Bassetlaw as an example of a particular area with a local plan and think about what we want to do with the money that the state captures

out of land uplift. We certainly want to do things in that local community, but we might also need to make sure that major bits of infrastructure across the district happen. If we put too much into one local area, we will lose the money that might pay for the new junction on the dual carriageway, or a spur off the main roundabout, or whatever the right project is. There is a tension that we need to recognise.

We probably also need to recognise that it is not necessarily in the interests of every single local authority to have a community infrastructure levy. One could at least think of circumstances in which land values were sufficiently low and development therefore marginal in terms of viability. Introducing a CIL might then push crucial regeneration projects, which would otherwise have been viable, and make them non-viable. I am not sure that forcing every local council to introduce a CIL, if they judge that to do so would not be in the best interests of their area, is the right thing to do.

In summary, the hon. Lady is quite right to raise all those questions. They are at the heart of the debate about what we need to do to ensure that communities are incentivised to go for growth, but I hope that I have pointed out some of the points of detail as to why we do not want to accept the amendment.

Dr Blackman-Woods: I have heard what the Minister has said, and we obviously look forward to seeing what he has to say in the White Paper about resourcing planning departments. We will closely monitor the budget for neighbourhood planning to ensure that it goes to all areas that need it. I look forward to seeing what he comes back with regarding the new homes bonus and CIL. It is important that he keeps what is happening with deprived areas on his agenda, so that everything is done to support their bringing forward a neighbourhood plan. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Dr Blackman-Woods: I beg to move amendment 13, in clause 5, page 5, line 6, at end insert—

“(2BA) Such statements of community involvement must include a right for members of the community to be heard.”

This amendment would give local people and communities a statutory right to be heard.

The Chair: With this it will be convenient to discuss amendment 14, in clause 5, page 5, line 6, at end insert—

“(2BA) Such statements of community involvement shall include measures to enable local parish councils to be set up in a streamlined and speedy manner.”

This amendment would make it easier for new parish and town councils to be formed.

Dr Blackman-Woods: The amendment is straightforward. We all know that the National Association of Local Councils has been calling for this for some time. It said in evidence:

“We are calling for a right to be heard, or a right of appeal, so that where decisions are taken contrary to a neighbourhood plan and a local plan, people may have some reference to the Secretary of State or Minister to take a final view”.—[*Official Report, Neighbourhood Planning Public Bill Committee*, 18 October 2016; c. 44, Q73.]

That, in essence, is what the amendment asks for. I will be interested to hear what the Minister has to say.

Amendment 14 seeks to make it easier for a community to set up a local parish council. We know that areas that have a parish council are much more likely to bring forward a neighbourhood plan. One way of facilitating neighbourhood plans is to ensure that it is easier to bring forward parish councils. I look forward to hearing what the Minister has to say.

Gavin Barwell: Amendment 13 raises some interesting questions. Communities already have a right to be heard in the planning system in lots of ways. I can run through some of them. Local people have the chance to have their say as local plans and neighbourhood plans are developed, when individual planning applications come forward and if a planning application is turned down and there is an appeal, and they can call for applications to be called in by Ministers. I think that the amendment is probing, because its wording is generic and does not define what the right to be heard is, although I guess that is essentially what the hon. Lady was referring to.

The Government's view is that there is no need to change the law in this regard. Most of the concerns of the NALC and others—the hon. Member for Bassetlaw has expressed them powerfully—are partially addressed by clause 1, and the policy changes in the White Paper that we want to make will also help significantly in that regard. The other powers talked about here—for example, the power to ask me to call applications in—already exist. I am reluctant to use those powers too frequently, because my starting point is that the planning system should be locally driven. However, if there are planning applications that I think raise issues of national importance about the way national policy is playing out on the ground, I am happy to call them in. In the three months that I have been doing this job, I have called in a couple of applications where I felt a decision had been taken

that was contrary to a neighbourhood plan and I wanted to look at the issues myself. I think that the fundamental issues that the amendment probes are already in the system or will be addressed by the policy changes in the White Paper.

Amendment 14 was the amendment that most interested me. I do not agree with putting it into law, but I agree with the fundamental idea behind it. I think that the hon. Member for City of Durham is saying that we may want to tell people in a statement of community involvement how to go about setting up a parish council, because that is clearly one of the ways in which they could drive a neighbourhood plan. If I was writing a statement of community involvement, I would absolutely think it appropriate to put that in it, but I am not sure that we want to get into the business of writing into statute what the content of statements of community involvement should be. Indeed, when we come to clause 6, I will address why the Government do not want to get into the business of saying what is a good or bad statement of community involvement. We have to trust local councils to set that information out. If the hon. Lady is reassured by me saying that that is the kind of information that I would expect to see in such statements, I am happy to put that on the record.

Dr Blackman-Woods: Yes, I did find that reassuring. With amendment 14, we were seeking to ensure that communities knew how to set up a parish council and that that process was made as easy as possible. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 5 ordered to stand part of the Bill.

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

3.47 pm

Adjourned till Tuesday 25 October at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

NPB 06 Mike Shields

NPB 05 Henry Peterson OBE, Chair of St Quintin and
Woodlands Neighbourhood Forum

NPB 07 DCLG (letter from the Minister)