



City of Westminster

Environment Policy and Scrutiny Committee

| | |
|---|--|
| Date: | 13th April 2015 |
| Classification: | For General Release |
| Title: | Neighbourhood Planning in Westminster |
| Report of: | Director of Policy, Performance and Communications |
| Cabinet Member Portfolio | Built Environment |
| Wards Involved: | All |
| Policy Context: | City for all; Westminster City Plan: Strategic Policies; Mayor's London Plan. |
| Financial Summary: | There are no financial implications as a result of this report. |
| Report Author and Contact Details: | Tom Kimber – Principal Policy Officer tkimber@westminster.gov.uk Ext 3478 |

1 EXECUTIVE SUMMARY

- 1.1 Neighbourhood planning provides an opportunity for local communities to set out how they would like their neighbourhood to change over the next 15 -20 years, through the production of a neighbourhood plan or neighbourhood development order. Once adopted, the neighbourhood plan, containing policies in relation to the use and development of land, is part of the statutory development plan for the area concerned. This means that planning applications must be determined by the City Council in accordance with its policies (unless material considerations suggest otherwise). A neighbourhood development order enables a specified type of development to take place without the need for planning permission.
- 1.2 Neighbourhood planning represents a shift in the normal working relationship between the local authority and the local community. It is for the local community to produce the neighbourhood plan, supported by the local authority. It is also for groups within the community to submit an application to the local authority for the designation of a neighbourhood area in the first instance, and then secondly to apply for the creation of the representative neighbourhood forum, before they can begin to produce a neighbourhood plan. Ward councillors can also – if they choose – have a role as part of the neighbourhood forum, potentially acting as a facilitator between the forum and the City Council.

- 1.3 Communities in Westminster have embraced neighbourhood planning. To date, the City Council has designated 21 neighbourhood areas, and eight neighbourhood forums alongside the Queen's Park Community Council. Further neighbourhood forums are likely to be designated shortly.

2 RECOMMENDATION

- 2.1 This report seeks the views of the Policy and Scrutiny Committee in relation to the key aspects of the City Council's approach to neighbourhood planning; namely, the approach to neighbourhood areas, neighbourhood forums, and neighbourhood plan production, as well as the City Council's role.

3 BACKGROUND

- 3.1 The Localism Act (2011) and Neighbourhood Planning Regulations (2012) formally enabled representative community groups to undertake neighbourhood planning. The City Council has experienced a large degree of interest in neighbourhood planning for a number of reasons:

- The existing structure of groups in Westminster – Groups such as amenity societies, Business Improvement Districts, resident associations, and local area partnerships have always displayed a high level of interest in planning matters in Westminster, and therefore were always likely to want to take up the opportunity to draft planning policy.
- Political will – the opportunities provided by neighbourhood planning has received strong political support and encouragement from the relevant Cabinet Member.
- The Westminster Community Governance Review (2011-12) – whilst this was undertaken due to the receipt of a petition to establish the Queen's Park Community Council, the City Council widened the review to ascertain and generate interest in other forms of governance, such as neighbourhood forums.

4. NEIGHBOURHOOD AREAS

- 4.1 The first stage in the establishment of neighbourhood planning is the designation of the neighbourhood area. The City Council has designated 21 neighbourhood areas, covering approximately 85% of the land area of Westminster – see Appendix 1. The City Council has designated over 40% of all neighbourhood areas in London.
- 4.2 One of the main difficulties the City Council has faced was the overlapping nature of neighbourhood area applications. Over two-thirds (72%) of all proposed neighbourhood areas have been overlapped by other proposed neighbourhood areas. The City Council has therefore had to undertake sensitive, on-going liaison between

applicants, to ensure resolution was reached, and where this was not been possible, to make a careful and informed designation decision. There is no set size or definition of what constitutes a 'neighbourhood' which may be defined according to a combination of: character and function; urban grain and scale; pattern of land use; sense of place; existing defined boundaries etc. Within an urban environment like Westminster, assessing the delineation of a neighbourhood has therefore been quite problematic, especially if boundaries are major roads where opposite sides of the street - with very similar characteristics - are in different areas. There is also no size limit to the extent of a neighbourhood.

- 4.3 The City Council has also been required by the legislation to assess whether neighbourhood areas should be designated as businesses areas, where it is considered that the area is 'wholly or predominantly business in nature'. In these areas, the expectation will therefore be that the neighbourhood forum has a greater proportion of business representation, who will additionally have an opportunity to vote on the adoption of the neighbourhood plan alongside residents at the referendum stage required by neighbourhood planning legislation.
- 4.4 The City Council has designated seven of Westminster's neighbourhood areas as 'business areas' due to the commercial nature of these central areas (see Appendix 1 map of neighbourhood areas). Business area designation has been, to some extent, misunderstood and certainly viewed with suspicion by some groups in Westminster. The term 'business area' is a slight misnomer. It relates only to the geographic area (and to the additional referendum). Neighbourhood forums in business areas are not 'business only' (there is no such term as a 'business forum'). All neighbourhood forums are required to be representative of their neighbourhood area, whether it is a 'business area' or not. In practice, the City Council has put considerable work into ensuring that neighbourhood forum membership is representative both of local residents and businesses.

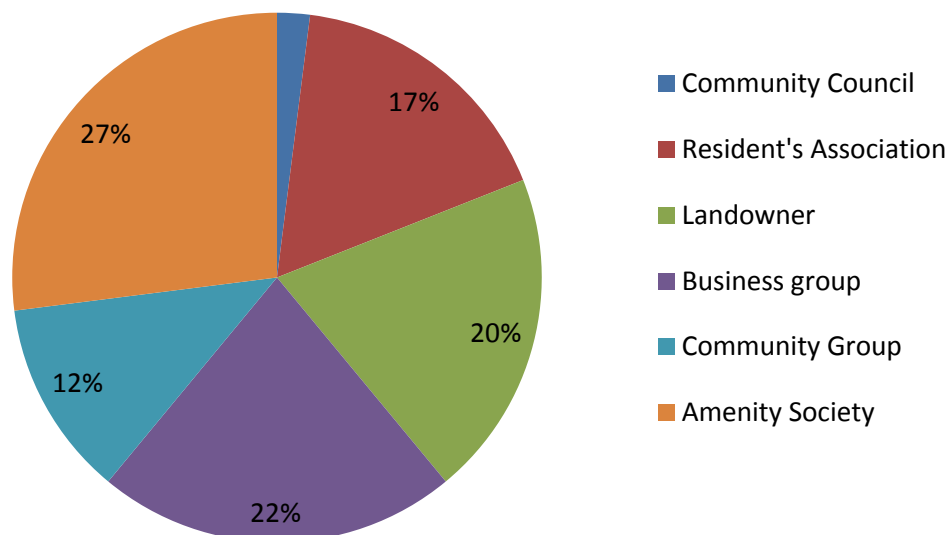
**Question for P&S Committee: To what extent should the City Council encourage formal neighbourhood area applications in the remaining (undesignated areas of Westminster)?
Or would this encouragement overstep the intention for neighbourhood planning interest to originate from the community?**

5. NEIGHBOURHOOD FORUMS

- 5.1 The second stage in neighbourhood planning is the formal recognition of a neighbourhood forum in each neighbourhood area. National Government's intention is for neighbourhood planning to be carried out by a *representative* body who reflect the make-up of the wider community; either a parish council or, a new 'neighbourhood forum' where no parish council exists. Neighbourhood forums are not intended to be solely residential or business orientated, but should reflect a 'coming together' of a cross section of groups within the neighbourhood to form a representative body. This degree of representation is enshrined in the legislation - in designating a neighbourhood forum the City Council must take into account the degree to which membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area.

- 5.2 The legislation also allows for elected members of the local authority to become members of the neighbourhood forum. Ward councillors can provide a useful role for neighbourhood forums; not only in helping to encourage and inform the establishment and on-going work of the group, but also in terms of mediating between the neighbourhood forum and the City Council. In return, the neighbourhood forum may also offer a useful gauge of local people's views on local planning matters and other neighbourhood issues.
- 5.3 The City Council has designated eight neighbourhood forums alongside the Queen's Park Community Council. A further six neighbourhood forum applications have been submitted to the City Council in Pimlico, Marylebone, Victoria, Maida Hill, Churchill Gardens Estate and Knightsbridge. There are six further neighbourhood areas where no neighbourhood forum application has been received (see Appendix 1).
- 5.4 Contrary to some initial impressions, a wide range of groups have been behind neighbourhood forum applications in Westminster; including amenity societies, community and resident associations, business groups and associations (e.g. Business Improvement Districts), and landowners. The graph below highlights the proportion of the key groups behind neighbourhood forum applications received. In many instances the forums have reflected a combination of different groups. It has therefore been more complex and taken longer to establish neighbourhood planning forums in Westminster than in non-urban areas, due to negotiating and facilitating the 'coming together' of different (and sometimes opposing) groups.

Key groups behind neighbourhood forum applications



- 5.5 There has been some discussion of the respective roles of Westminster's existing amenity societies alongside the newly created neighbourhood forums. As highlighted above, many of the amenity societies have also been founding members of neighbourhood forums. Officers have been clear that neighbourhood forums are not a *replacement* of Westminster's existing and valued structure of amenity societies (unless of course an amenity society itself decides to be replaced as a neighbourhood forum). Westminster's amenity societies have historically brought together a huge range of local interests to help shape the local environment in their respective areas,

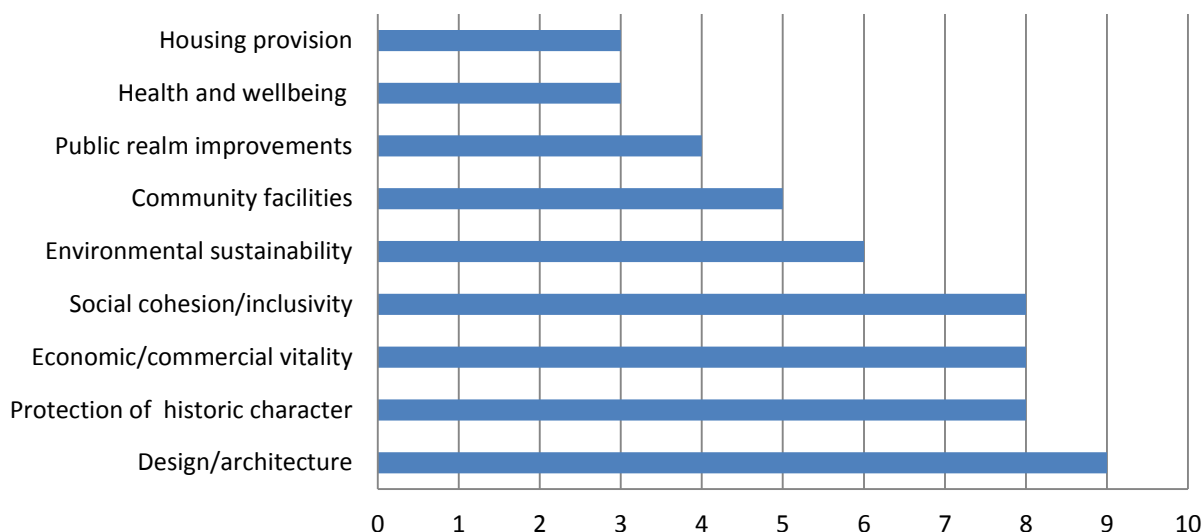
for example through commenting on planning and licensing applications. It is anticipated that this role will continue. Unlike amenity societies, neighbourhood forums have the new power to produce the statutory neighbourhood plan to be used by the City Council when deciding planning applications. The potential to carry out neighbourhood planning should be viewed as an additional opportunity for all groups in Westminster - there is no *requirement* for any groups to undertake neighbourhood planning.

Question for P&S Committee: To what extent should the City Council encourage additional neighbourhood forum applications from the remaining designated neighbourhood areas? Or would this encouragement overstep the intention for neighbourhood planning interest to originate from the community?

6. NEIGHBOURHOOD PLAN PRODUCTION

- 6.1 Recognised neighbourhood forums can prepare neighbourhood plans. It is up to the community (represented by the neighbourhood forum) to decide upon the content of their neighbourhood plan, including whether to produce one at all. It could contain a single policy focusing on a single neighbourhood issue, or it could be a comprehensive and detailed document containing many policies covering a wide spectrum of local issues.
- 6.2 There are a number of principles that a neighbourhood plan must adhere to. To ensure some level of consistency a neighbourhood plan should be 'in general conformity' with the City Council's strategic planning policies (currently contained in Westminster's City Plan and the London Plan), and have regard to national planning policies. The Government has also made it clear that neighbourhood plans should shape the development of a local area in a *positive* manner, and should not be used to prevent development. The neighbourhood plan has to be consulted upon, assessed at an independent examination, and will also finally be subject to a referendum to enable residents to vote for or against the plan (with an additional referendum for businesses in a business area).
- 6.3 The figure below highlights the key areas that Westminster's first neighbourhood forums have initially highlighted as topic areas and issues they may be interested in. Not surprisingly, the protection of the historic environment and design standards feature prominently. These are traditional areas of interest that many community groups regularly highlight as being important. However, it is also interesting to note that there is strong interest in wider 'place shaping' issues such as the promotion of greater economic vitality as well as the concept of 'social cohesion' and 'inclusivity'. The key challenge for neighbourhood forums will be the task of developing neighbourhood planning policies that add local value rather than merely repeat existing City Council planning policy (contained in Westminster's City Plan).

Initial issues highlighted by the neighbourhood forums



- 6.4 Neighbourhood planning groups can apply for a Government grant (up to £8,000) to assist with the carrying out of neighbourhood planning. The Government have also announced that an additional £6,000 may also be available to assist with neighbourhood planning in 'complex areas'. Neighbourhood forums in Westminster have also begun to enquire about the use of the ward budget for neighbourhood planning purposes, and this may be viewed by ward councillors as an attractive and appropriate way of allocating this resource, although it may also highlight the slight geographic mismatch of 'ward' to 'neighbourhood'.
- 6.5 Whilst the neighbourhood plan carries statutory weight insofar as it relates to 'planning' (the local planning authority is required to use the plan when deciding planning applications and they have been given considerable weight by ministers in taking planning decisions), the neighbourhood plan can operate on a much wider basis and include non-planning topics. For example it could set out the forum's stance towards licensing hours of operation, or include an 'action plan' of projects the community would like to see take place.
- 6.6 The government's localism agenda also provides neighbourhood forums (and other community bodies, including parish councils) with a range of additional community rights beyond 'town planning' and the production of the neighbourhood plan. For example, neighbourhood forums are also able to nominate assets of community value (thereby securing an additional opportunity to buy the asset if it becomes available), and also exercise their 'right to challenge' the running of a local authority service (and bid for the service if the challenge is accepted); they are also given access to other government programmes (i.e. 'Our Place' programme).

Question for P&S Committee: What support should the City Council offer to neighbourhood forums in producing their neighbourhood plans?

7. THE CITY COUNCIL'S ROLE

- 7.1 The City Council has a formal enabling role; a legislative duty to *support* groups in carrying out neighbourhood planning, through the provision of advice, explanation of procedure, sharing of best practice etc. In addition to designating the neighbourhood area and forum, the City Council is also responsible, on behalf of the neighbourhood forum, for taking their neighbourhood plan through the legislative stages of production and, ultimately, will be required to use the neighbourhood plan when making planning decisions.
- 7.2 The structure of neighbourhood areas and representative neighbourhood forums (consisting of residents, workers, (and Councillors)) in Westminster may offer the City Council a ready-made structure for future community engagement activity. It is likely that neighbourhood forums will be interested in council services and projects that impact upon their neighbourhood (and neighbourhood plan) regardless of whether they are considered to directly related to 'planning' matters.
- 7.3 In a complex, densely-developed urban area like Westminster, many of the issues neighbourhoods will address will require a wider-than-local focus – tackling a local transport issue may, for example, mean making changes in another neighbourhood and it may be uneconomic to address a particular need on an individual neighbourhood basis. Part of the challenge for the City Council is to ensure that these considerations are taken into account without undermining the ultimate rationale of neighbourhood planning – addressing local issues identified by those living and doing business in an area.
- 7.4 One of the key benefits of the neighbourhood plan is that it can also bring people together to generate wider ideas for improving their local area. Under the legislation establishing the Community Infrastructure Levy (CIL), a proportion of the CIL raised from development in a neighbourhood area (15% ((capped at £100 per council tax dwelling) if a neighbourhood forum is in existence), or 25% (if a neighbourhood plan is in place) has to be set aside to fund infrastructure or “anything else that is concerned with addressing the demands that development places on an area”. The City Council has to engage with neighbourhoods about how this “neighbourhood portion” of CIL will be spent; exactly how this will be done is currently being considered as part of the wider question of governance of CIL. A neighbourhood plan could set out priorities for use of the “neighbourhood portion” to help inform this engagement process. The situation is slightly different in Queen’s Park, where the neighbourhood portion of CIL collected locally will be passed directly to the parish council. It is also important to bear in mind that the actual sums involved will depend on the amount and type of development in each area; in some places it will be a significant amount, in others it will be less so. This may raise issues about the way in which neighbourhood priorities are built into City Council infrastructure planning.
- 7.5 The ability to enable and empower communities to take responsibility for themselves and their neighbourhoods is one of the key tenets of the City Council's 'City for All' three-year plan. In particular, it meets the City Council's vision for 'A City of Choice' through creating opportunities for residents, businesses and visitors to make responsible choices for their neighbourhood; and 'A City of Heritage' which aims to ensure that each neighbourhood is a great place to live, work and visit.

Questions for P&S Committee: What level of support should the City Council provide in assisting neighbourhood planning groups to become aware and involved in other ‘non-planning’ City Council service areas?

How should the City Council ensure that the priorities identified by neighbourhoods are taken into account in its own strategic initiatives and planning?

8. FINANCIAL IMPLICATIONS

8.1 There are no financial implications as a result of this report.

9. LEGAL IMPLICATIONS

9.1 There are no financial implications as a result of this report.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Tom Kimber – Principal Policy Officer (tkimber@westminster.gov.uk ext 3478)

Appendix 1: Map highlighting neighbourhood areas and forums in Westminster

