

Date:	1 February 2021
Classification:	General Release
Title:	The council's role in supporting Neighbourhood Forums in developing Neighbourhood Plans
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Cabinet Member Portfolio	Cllr Matthew Green, Cabinet Member for Business, Licensing and Planning
Wards Involved:	All
Policy Context:	City for All
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1. Executive Summary

- 1.1. The council is committed to neighbourhood planning and its benefits and believe strongly that it is an important tool for allowing communities to have a say in how their area is shaped.
- 1.2. Neighbourhood planning was introduced by the Localism Act 2011 and gives communities statutory powers to shape the development of their local area. The council has a statutory duty to provide support to neighbourhood forums preparing neighbourhood plans.
- 1.3. The council has proactively encouraged and supported neighbourhood planning since the introduction of the Localism Act and dedicated resource towards helping forums. This is shown by successful examples of Plans going through examinations and having positive support at referendum. This report summarises how the council supports designated neighbourhood forums in carrying out planning activities and producing and adopting neighbourhood plans.
- 1.4. Designation as a neighbourhood forum (and therefore a mandate to develop a neighbourhood plan) lasts for five years. There are 12 existing neighbourhood forum designations in the city with another three forums which have recently expired but are going through re-designation (more information can be found on

our webpage '[Live Neighbourhood forum applications](#)'). Queens Park are designated as a Community Council and as such their powers to develop a neighbourhood plan do not expire. So far, two neighbourhood plans have been successfully adopted in the city, these are Knightsbridge and Mayfair, with two more currently going through examination (Soho and Fitzrovia West). The council is supporting many other forums that are coming forward and progressing with neighbourhood plans.

2. Key Matters for the Committee's Consideration

2.1. Internal processes to support forums

2.1.1. The council proactively encourages designated forums to carry out planning activities. We embrace our 'duty to support' forums as set out in statutory requirements. This includes two specific roles: taking decisions at key stages in the neighbourhood planning process; and providing advice and assistance to the neighbourhood forums preparing neighbourhood plans. Council officers in the Policy & Projects team provide advice and assistance in several ways:

Advice:

- Technical expertise (e.g. explaining how you can meet the legal requirements for neighbourhood plans; providing advice on policy writing);
- Critical friend (e.g. commenting on draft questionnaires, reviewing the draft plan).

Assistance:

- Process guidance (e.g. explaining the timescales and processes for examination and referendum);
- Point to evidence (e.g. population and housing evidence sources and data);
- Point towards further support and funding (e.g. connecting Forums with groups that are further ahead in the process).

2.1.2. The council corresponds with forums ensuring that they are aware of the tools available to them ensuring that they are able to make the most of their planning powers. The council carries out its 'Duty to support' by making key decisions within set timescales, such as designating (or re-designating) a forum, where the decision must be made within thirteen weeks of the start of consultation (as set out in legislation).

2.1.3. The Planning Policy team has assigned one 'lead officer' and one 'support officer' for each forum. This means that specific officers will work with the forums and become familiar with the plan they develop. This also helps the forum by having a direct contact that they can correspond with. The officers in the team can form a closer relationship with the forum and develop knowledge about the communities and areas that the forums represent.

2.1.4. Officers regularly update the neighbourhood planning section of the council's website with information on existing neighbourhood areas and forums (including contact details), live designation and plan consultations. An interactive neighbourhood planning map shows these designations. We have produced a bespoke Neighbourhood Planning Guide¹ (see Appendix A) which is available online to provide forums with information on what a neighbourhood plan should contain, how to begin work on it, manage expectations on timings for production of a plan and where the council can provide support. Some baseline statistics about each neighbourhood area is also provided.

2.1.5. Officers from the Planning Policy team attend the Neighbourhood "Forum of Forums" when invited, which is a meeting attended by the majority of forums and provides opportunity for open discussion of planning issues or any questions for the council. Previously officers have provided briefings on planning reform, neighbourhood CIL and the progress of the City Plan at these meetings.

2.2. Overview of support in developing plans

2.2.1. Before submitting the Plan to the council for examination, officers ask neighbourhood forums to share with them at least two drafts of their plan (informal and formal), for the council to provide written feedback and assess whether it meets the Basic Conditions. The Basic Conditions are requirements such as promoting sustainability and being in conformity with national policy and are set out in legislation. It is particularly important for officers to see the final draft before it is published for formal consultation to check these requirements are met.

2.2.2. The role of officers is to provide guidance to forums on how they can put their views and strategies into place in line with planning legislation and policy. Officers cannot draft the plan's policies on behalf of the forums, but can advise on:

- making best use of the evidence;
- what makes a good policy;
- where policy unnecessarily repeats local or national policy;
- the role of supporting text;
- the requirement for a Sustainability Appraisal;
- the need to gather more evidence to support the plan;
- addressing relevant EU obligations;
- the use of monitoring indicators;
- providing a health-check of the draft plan; and
- whether changes are needed to ensure the plan meets the basic conditions.

2.2.3. Neighbourhood Plans should be focused on the communities in the area and the local issues they have and should not unnecessarily repeat higher level strategic policy.

¹ https://www.westminster.gov.uk/sites/default/files/uploads/333_1_-_wcc_neighbourhood_planning_document_009.pdf

2.2.4. When the final neighbourhood plan draft has been consulted on, officers will also provide a response with comments on its policies and conformity with higher level plans such as the City Plan and London Plan. Lead officers will also incorporate feedback from other council departments such as Town Planning, Highways, Licensing, Events, etc.

2.2.5. Neighbourhood Plans must go through an examination similar to the City Plan to be adopted – i.e. they are assessed by an independent examiner appointed by the council in agreement with the forum. All Neighbourhood Plans must meet all of the basic conditions to be found sound by the Examiner. The basic conditions are set out in the NPPF (National Planning Policy Framework) and PPG (Planning Practice Guidance)², as well as in legislation. They state that Plans should have a regard to national policies, have regard to preserving listed buildings, have regard to protecting conservation areas, contribute to sustainable development, conform with the local plan (Westminster's City Plan in this case) and does not breach any EU obligations.

2.3. Supporting the allocation of Neighbourhood CIL

2.3.1. The Community Infrastructure Levy (CIL) is a financial contribution paid by developers via the planning permission process, once a development commences. The CIL Regulations provide for a proportion of CIL collected in an area to be reserved for local communities to address impacts of development in the area. 15% of CIL receipts within the designated area are to be used for this purpose, rising to 25% when a neighbourhood plan is adopted, providing an incentive for local communities to develop neighbourhood plans.

2.3.2. Officers can provide guidance on how it can be spent and information is also provided online (<https://www.westminster.gov.uk/neighbourhood-community-infrastructure-fund>). Examples of the type of projects neighbourhood CIL can be spent on are:

- Prevention of crime and anti-social behaviour, e.g. CCTV installations
- Public Realm enhancements
- Transport/highways, e.g. junction improvements to improve pedestrian safety, electric charging rollout, cycle docking stations, bridge refurbishment /corrosion protection
- Open Spaces, e.g. WCC parks landscaping and play facilities upgrade, Paddington Rec upgrade
- Health facilities
- Sports & Leisure facilities
- Utilities/Waste, e.g. deep drainage improvements, Street Markets utilities improvements
- Feasibility studies and research to enable the identification of eligible infrastructure projects.

² <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

2.3.3. Projects are allocated funding by the council's Cabinet CIL Committee, following an application process. Allocations are made on a quarterly basis.

2.4. Examples of previous engagement and work with forums

2.4.1. Knightsbridge Neighbourhood Forum was the first Forum to successfully 'make' (adopt) their plan following examination. Since then Mayfair has also made their plan and many other forums are showing good progress. Queen's Park, Fitzrovia West, Soho and Pimlico are all fairly advanced in their plan preparation.

2.4.2. Through regular contact and information sharing, we have developed very good working relationships with all of the active forums and they appreciate the time and effort put in by the council to support plan-making activities. Officers in Policy and Projects also make sure that forums are linked in with other relevant teams across the council to help develop policies or feed into council led projects in their neighbourhood area e.g. the highways or place shaping teams.

3. Challenges

3.1. The council welcomes its neighbourhood planning responsibilities and understands the importance of the process in allowing communities to shape the future of their area. Nevertheless, there are challenges to ensuring that maximum support is given to forums developing plans.

3.2. Time allocation and resources

3.2.1. The council strives to provide fair and equal support to each forum and dedicate sufficient time to developing neighbourhood plans, however, officers have a limited amount of capacity given other statutory responsibilities. These include the preparation of the council's City Plan and associated documents such as SPDs (Supplementary Planning Documents) or responding to government consultations. This is also compounded by the fact we have a high number of active forums compared with other local authorities which means a single officer can be responsible for a number of forums. This issue is managed proactively with officers informing the forums as early as possible if there are likely to be periods of time when officer availability will be affected.

3.3. Forums' expectations of the council

3.3.1 Neighbourhood forums should be aware that there are limits to what the council can offer. For example, we should not be responsible for drafting the plan on behalf of a forum. This is because it is crucial that the plan represents local people and the policies must therefore be drafted from the views of the forum in consultation with the local community. The council will offer as much support as possible however officers cannot be expected to:

- Attend every meeting arranged by the forum
- Draft plan policies or lead on plan preparation
- Produce specific evidence base or analysis to support the plans
- Provide legal advice

- Assist in collating and analysing consultation responses
- Make comments at every stage of the plan making process where multiple draft plans are produced
- Promote the neighbourhood plan outside of the regulatory requirements
- Provide monetary assistance
- Set up external webpages

3.3.2 Neighbourhood forums can expect the council to:

- Provide advice on the key stages in the neighbourhood planning process
- Take key decisions in the process in a timely manner
- Provide advice on the evidence requirements to support policy development
- Provide advice on the effectiveness of draft policies and conformity with higher level plans
- Publicise formal consultations
- Make suggestions on the appointment of an examiner
- Arrange and publicise the referendum

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact the report author, Luke Ferguson
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APPENDIX:

Appendix A: A Guide to Neighbourhood Planning in Westminster