

NEIGHBOURHOOD PLANNING - THE LONDON EXPERIENCE

Four years after the passage of the 2011 Localism Act, there are now 1,500 areas across England where neighbourhood plans are being prepared. Most of these are in rural areas, where Town and Parish Councils have powers to prepare plans without going through the initial process of designation as a 'neighbourhood forum'. This latter process involves meeting a set of statutory requirements, which are not onerous¹.

The position across the London Boroughs is patchy. Designated neighbourhood areas are clustered in relatively few boroughs. No one can fully explain the reason why, but the extent to which individual Borough planning departments have responded positively to the legislation seems likely to have had an effect.

In Westminster, for example, there are now over 20 neighbourhood areas designated, covering most of the Borough. In Camden there are 10, in Ealing there are 4 on the go (with two recent applications yet to be designated). In Brent there are 3, with one neighbourhood plan (Sudbury Town) which has reached the end of the process and has been 'made' following a successful referendum. The Sudbury Neighbourhood Plan is now part of the Borough's statutory planning framework, and its policies used by the authority when deciding planning applications. The Harlesden Neighbourhood Plan is at an early stage.

Kensington and Chelsea was the first local authority in the country to adopt a neighbourhood plan (for the Norland ward). This Plan is an unusual example in that it focuses almost entirely on conservation issues, introducing some bespoke conservation policies for the neighbourhood, backed up by new Article 4 Directions.

While there are now many designated neighbourhood areas across London, there remain few instances where plans have proceeded to the final stages. The West Hampstead and Fortune Green Neighbourhood Forum was the first to have a public hearing on its proposals, as part of the independent 'examination' of the neighbourhood plan. A local referendum was subsequently held in July 2015, with 19% voting for and 7% against on a 14% turnout, and the Plan was adopted by Camden Council in September 2015.

The St Quintin and Woodlands Neighbourhood Plan, in North Kensington, is the second in London to have a public hearing, in September 2015. The Examiner's report is awaited and a referendum will follow.

The position in Hammersmith and Fulham

There are as yet no neighbourhood plans being prepared in Hammersmith in Fulham. The history of previous initiatives is as follows:

- in 2012 the St Helens Residents Association (in St Helens ward in RB Kensington and Chelsea submitted an application for a cross boundary neighbourhood area and forum, including the Eynham Road in LBHF (east of Wood Lane). Both Councils consulted on the application, with unanimous support from RBKC residents and an

evenly divided response from LBHF residents. Hammersmith & Fulham Council decided to refuse designation of the Forum. To meet its legal requirements, the Council designated a small area around Eynham Road as an unnamed neighbourhood area. No neighbourhood forum application has subsequently come forward, and no plan for this area has been developed. The St Quintin and Woodlands Neighbourhood Plan proceeded in the RBKC part of the originally proposed area.

- The White City Forum undertook significant initial work on ideas for a neighbourhood plan in 2013, including discussions with developers in White City East. The Forum has reconstituted itself as the Wormholt and White City Forum, with a constitution that meets the Localism Act requirements for a neighbourhood forum. Broad agreement has been reached amongst local community groups and residents associations on the boundary for a proposed Wormholt and White City Neighbourhood Area. No applications to LBHF for designation of the Forum or of the neighbourhood area have yet been made.
- the College Park Residents Association has held a discussion on neighbourhood planning with LBHF planning officers, but has not chosen to pursue a neighbourhood plan.
- there are currently discussions in progress between local residents associations and community groups in Old Oak, about the merits of preparing a neighbourhood plan for the Old Oak area. The suggested area includes small communities within the boundary of the Old Oak and Park Royal Development Corporation (in LB Ealing and LBHF) and those on its borders (Old Oak Estate, College Park, Eynham Road area).

Why devote time and energy to neighbourhood plan preparation?

West Hampstead and Fortune Green Neighbourhood Forum undertook its neighbourhood plan as part of efforts by residents to influence what happens in a part of London identified by the Mayor in 2009 as an 'intensification area'. The designated neighbourhood includes the Underground and railway station at West Hampstead.

The St Quintin and Woodlands Neighbourhood Plan is a response from local residents and businesses within a part of North Kensington surrounded by Mayoral Opportunity Areas on all sides (Kensal Canalside, White City, and Old Oak). Residents and businesses also wish to see more flexible and creative planning policies applied in the Latimer Road part of the Freston Road/Latimer Road Improvement Zone, in the neighbourhood's three shopping parades, and to restore planning protections to three backland green spaces.

Neighbourhood Plans have more statutory 'clout' than the former generation of Parish Plans. They also have more clout than Supplementary Planning Documents prepared and published by local planning authorities. While a SPD cannot make new policy, and can only define the detail of existing policies within a Local Plan, a neighbourhood plan can set planning policies for the designated area subject to '*general conformity*' with the '*strategic policies*' within the Local Plan. The extent of scope and manoeuvre that this provides has been tested in the courts since 2012, as a result of a series of legal challenges by developers.

On the whole the Courts have sided with the Government's intention that neighbourhood plans should provide a 'powerful tool' for local people to decide what sort of development they want to see located where, within their neighbourhood - provided that this is no less than included in Local Plan proposals.

Neighbourhood Plans need to be '*positively prepared*' and to '*have regard*' to the National Planning Policy Framework with its presumption of achieving sustainable development.

Neighbourhood Plans can allocate sites for specified uses, such as housing, employment, or social and community uses provided the Draft Plan as a whole meet the 'basic conditions' as set out in the Localism Act. It is adherence to these condition that is independently tested and 'examined' once a finalised plan is submitted to the relevant local authority (or authorities).

Under current legislation, neighbourhood plans undergo public consultation in two stages. There is a 6 week 'pre-submission' consultation organised by the neighbourhood forum, and a subsequent 6 week 'publicity period' organised by the local authority after submission. The Government has said that it will be taking further steps to streamline and speed up the process for neighbourhood planning through measures the forthcoming Housing Bill.

Since the May 2015 General Election, the Government has committed to continuing its strong support for neighbourhood planning across England. A new CLG support contract, worth £22.5 million for neighbourhood planning came into effect in April. This is administered via the national third sector agency Locality and all communities can apply for a grant of up to £8,000 for the basic costs of preparing a neighbourhood plan. Those in priority areas (including an area such as LBHF where there are currently no neighbourhood plans) are eligible for a further £6,000 and for technical support from a planning expert.

Local authorities have a '*duty of support*' in providing information and evidence material to neighbourhood forums, and are also responsible for organising the examination of neighbourhood plans and the required local referendum. Council's receive a separate grant from CLG for undertaking these activities.

For any queries on the this note, please contact Henry Peterson at info@stqw.org.uk or on 0207 460 1743. The St Quintin and Woodlands Neighbourhood Plan and supporting documents can be seen at www.stqw.org or at www.rbkc.gov.uk/stqw

ⁱ the basic requirements for designation as a neighbourhood forum are

- a constituted body with the aim of promoting or improving the social, economic, or environmental wellbeing of an area
- membership open to people living or working in the area, and elected members for the area
- a minimum of 21 members
- membership drawn from different parts of the neighbourhood area and different sections of the community