

JOURNAL OF LOCAL PLANNING

Your essential guide to planning and the emerging role of parish councils

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Phew, it certainly is a busy time in the world of planning! Barely a day goes by without something new and important being announced, published or coming into force.

This is a dizzying array of information which is hard enough to process for the planning professional; for the parish councillor trying, it is surely an intimidating task. We at Navigus Planning are often approached by parish or town councils that have started down the path of a neighbourhood plan and have quickly become bogged down. And who can blame them? Type 'neighbourhood planning' into an internet search engine and several hours later you are likely to be more confused than when you started. Information may well be power but only if it is useful information.

So what is one to make of all of this? A while ago when the localism agenda had just been unveiled, we wrote a blog telling parish and town councils to 'keep calm and carry on' with what they were doing. And this still has to be the right message, albeit with a slight addendum – 'keep calm, carry on and know when to ask for help'. This may be less likely to spawn a merchandising sub-culture but makes the point that councillors should balance the courage of their convictions with the knowledge that there is a helping hand out there. The most high-profile support, direct from Government, has recently been announced and there is more information about this support in this issue of the Journal of Local Planning.

However, the world of planning is not just consumed with neighbourhood planning. Ironically though, it is often through the process of producing a neighbourhood plan that communities come to understand the other aspects of planning that directly affect their lives but which they can influence. And herein lies the issue – for many communities, it may be more effective in the long term to get involved in these other activities before they move forward with a neighbourhood plan. This can often mean putting together well-researched, well-evidenced representations to a local authority's emerging local plan. This can help to put in place the type of planning policies that will shape a community's future in the way they want.

It can even mean that producing a neighbourhood plan is unnecessary; this is rare admittedly but entirely possible.

Of course we are not naïve enough to think that all parish and town councils have rosy relationships with their local authorities. In fact, the opposite is all too common, with a lack of willingness of local authorities to reflect the wishes of communities often being the catalyst for a neighbourhood plan. In this respect, it is helpful for parish councillors to understand where local authorities are coming from and the issues they face which are not always immediately apparent. One of the pressing concerns at present is a situation where a local authority does not have a five-year supply of housing land. This impacts on the communities where opportunistic developers are taking advantage of a short term situation and are being successful in getting planning permission for unwanted developments. But this is not wholly the fault of the local authority so understanding how your parish and town council can help them to get their plan in place – which should alleviate this problem – will be beneficial for all parties. We devote much of this issue of the Journal of Local Planning to this and remind you to keep calm and... you know the rest.



Chris Bowden, Editor

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Grant funding for neighbourhood planning

Ever since neighbourhood planning was introduced, the Government has said that it would make money available. Up to now this has been indirect financial support for parishes. Those that received Front Runner money did so through their respective local authorities. Whilst this has generally worked well, in some instances it has caused difficulties with local authorities reluctant to release money as and when it is needed or being unclear about how much would be made available to the parish in question.

But now the funding landscape has now been made substantially more straightforward for parish councils. The Department for Communities and Local Government (DCLG) has created a 'Supporting Communities in Neighbourhood Planning' fund which, like a well-known varnish, does exactly what it says on the tin. There were worries that when it finally came to Government committing money directly down to the parish level, this would be small beer. This is certainly not the case. For the two-year period 2013/14 to 2014/15, a total of £9.8m has been committed.

This commitment comes in two forms, either direct support or grant funding.

Direct support

Following a competitive tender process, the DCLG selected Locality, in partnership with the Royal Town Planning Institute, Planning Aid England and other partners, to provide a package of direct support to communities. Locality were one of the four bodies that has been providing support to communities over the last two years and they also authored the commended 'Roadmap', a good and very thorough step-by-step guide to neighbourhood planning (see <http://locality.org.uk/resources/neighbourhood-planning-roadmap-guide/>).



The support will vary from neighbourhood plan to neighbourhood plan, depending on its needs. It could be help with thinking about how to address issues, community engagement, policy writing or technical elements that may apply such as sustainability appraisals. The amount and type of support given will ultimately

depend on:

- what stage the neighbourhood plan has reached;
- the type of area that the neighbourhood plan covers – the DCLG has said that this will take into account factors including population size, whether the area is parished or unparished, the level of growth that is planned for the area and landscape and habitat characteristics.

This suggests that the Government is trying to target support to those areas that are likely to be the least well-equipped to undertake neighbourhood planning, often because they are in a busy urban area where a lot is happening but there is no established body such as a parish council to lead things. In some respects this is not surprising because where there is no parish council, the first question is how a group can be given a grant and expect to hold on to it and keep a clear audit trail of spending. Indeed, the DCLG initially had the idea of giving grant funding to non-parished areas in the form of vouchers but this was dropped. So the message does appear to very much be that direct support is firstly, if not exclusively, for those outside of the parish council structure.

What the direct support will not provide is 'hand-holding' through the whole process. And for many, that will come up short of what is needed. The process of neighbourhood planning is not a walk in the park – there are always forks in the road, decisions to be made, technical issues to understand – and there is no substitute for having someone there to guide you through this. Certainly this is the message that Navigus Planning gets back from the many parish councils it is helping with neighbourhood plans.

So this suggests that for many, particularly parish councils, the way to go is through the grant support system.

Grant support

Grants of up to £7,000 are to be made available to groups taking forward neighbourhood plans. By the DCLG's estimate, if every group that applied was able to receive the full £7,000 grant, then it would be able to provide grant support to 528 groups over the two-year period. And that is a lot of neighbourhood plans which the DCLG estimates will be even higher because not every group will need or receive the full grant.

And this is the first important principle. The grants are for 'up to £7,000' and not every group is likely to be eligible for the full amount. It is certainly not a case, as

a parish council, of just saying “can we have the money please” and being promptly given £7,000 to spend. The Government wants to know that a community is committed to producing a neighbourhood plan and that funding is needed in order to help them achieve this goal. This seeks to avoid the approach of, “well, if we can lay our hands on some free money then we might as well have a punt...” The guidance states that, at very least, a parish council must, at the stage of application, be ‘committed to preparing a Neighbourhood Development Plan’.

This makes it apparent that a group must have started the process of neighbourhood planning in order to be eligible. We consider therefore that there should have been some form of public meeting to introduce the community to neighbourhood planning and at least some show of support from that community that a neighbourhood plan is an idea worth pursuing. This must be backed up by a commitment to a working structure, be it a Steering Group or equivalent, with at least a certain number of people committed to being part of that group. These two things show a community willing to explore neighbourhood planning and a lead group which is willing to oversee the process.

This does not mean that you are prevented from applying if you are well into the process of neighbourhood planning. The DCLG is clear that the money is to be used to help you get through the whole process from start to finish, so if you only discover a need for money late on in the process for a particular activity, then you are still able to apply. Clearly though, the starting point will be that you need comparatively less support if you are well down the road than if you are starting out, so it may be difficult to justify, for example, applying for the full £7,000 in such circumstances.

What can grant money be spent on?

The range of things that the money can be spent on is very wide and deliberately so. The Government has been clear that it is up to neighbourhood groups as to how they think the money should best be spent, so they have not wanted to be overly prescriptive. They have produced a list of examples which includes:

- start-up costs, e.g. for a website
- training sessions for steering group members
- help in developing the evidence base
- undertaking, distributing and analysing surveys
- materials for workshops and exhibitions

- venue hire

And the list goes on. A common theme is that the money can be used to bring in expert help. This can be on anything from engagement and development of the evidence base to policy writing and ensuring that your plan complies with the basic conditions needed to pass examination. Certainly in our experience the toughest aspect for groups is the policy writing which is a bit of an art form. You could have a fabulous neighbourhood plan that is visionary and exciting but if your policies are not carefully worded then you may find that planning applications which you would wish to see refused are able to sneak through the net. Getting an expert on board for this if nothing else is likely to be money well spent (although you may wish to file that under, “the consultant would say that, wouldn’t they?”).

What the money can’t be spent on includes costs already incurred, funding any salaried posts such as the parish clerk or capital costs such as computers.

For those accessing the grant, it will be necessary to produce a monitoring report which shows what the money has been spent on. So keep all the receipts!

The application process

Whether applying for a grant or direct support, it is not as simple as filling out a short form and giving your bank details. Equally, the Government has tried to not make the process overly onerous – the money is in the pot and they want to spend it. So the application will ask for a range of information to help the decision-makers understand what your plan is seeking to achieve and why you need the support. In short, you need to be able to tell your story and think carefully about what you are asking for and why. Some of the headings given are as follows:

- Progress with your plan
- Previous and ongoing support
- Capacity of the group
- Context for your area – the larger the population and the levels of growth expected, the more support is expected to be required (certainly if direct support is being sought)

It is well worth having a clear project plan and team structure for the neighbourhood plan which can be included in your submission. Showing that you have a team of willing volunteers ready to work within a structure and that you have a clear plan of how you will

get to the end point of a completed neighbourhood plan shows you are serious and have thought about what you are doing and why. In short, it is a bit of a sales pitch but not quite as scary as Dragons Den.

Timescales for decisions

Recognising that groups out there want to get on with neighbourhood planning, the process of applying is not intended to be long and drawn out. The Government has stated that decisions on applications for grants only will be made within 10 working days and for grants in combination with direct support in 15 working days.

If successful with a grant application, groups will receive 90% of the money. The remaining 10% will only be paid once the neighbourhood group has provided the final monitoring report of what the money has been spent on. Unspent funds will have to be returned.

The NPPF one year on

The National Planning Policy Framework (NPPF) is one year old. It represented a radical change to national planning policy, replacing thousands of pages with just sixty. In particular, it introduced the concept that the default answer to planning applications for sustainable development should be ‘yes’. This has been considered controversial by some and ‘nothing new’ by others. But after a year, how is the NPPF faring and what is it meaning in practice in our communities?

The core aspect of the NPPF when it came into force was that if a local authority had an ‘out-of-date’ plan then planning applications only had to be determined against the NPPF, i.e. they had to demonstrate that they are sustainable. The first point to note is that the definition of sustainability has got no tighter with the introduction of the NPPF. It still encompasses the three aspects of social, environmental and economic sustainability with no clear guidance as to which trumps which. In reality it appears that the economic aspect may be winning the day at the moment, but more on that later.

The one year anniversary is relevant because this was the time period that the NPPF gave local authorities to get their plans up-to-date without being exposed (the transition period). However there has been little evidence at local authority level of a speeding up in their plan-making. Any intention to do so has been offset by cuts to planning department budgets meaning fewer staff to

produce the plan. As we sit here today, there are still a large proportion of local authorities across the country which do not have an up-to-date plan. As of March 2013, 48% have an adopted plan, 1% have a plan that has been found sound at examination, 13% have submitted their plan for examination, 11% had published their plan for consultation and, amazingly, 27% have no plan at all. Moreover, in a Local Government Information Unit (LGUI) study commissioned by the National Trust, 26% of local authorities said they would not have a plan in place within a year. Given that 27% currently have no plan at all and twelve months is very ambitious for those that have not submitted a plan for examination, this looks like a highly conservative figure.

The lack of an up-to-date plan has two effects. Firstly, in many areas it is seeing opportunistic developers bringing forward sites that perhaps they know would not be granted planning permission were there an up-to-date plan in place. Whilst they are not guaranteed success, many are seeing this as the best opportunity that they have so are taking their chances. This has resulted in a plethora of planning appeals against refusals of planning permission by local authorities trying to defend their position. The early results are suggesting that the decisions are coming out more consistently in favour of the appellants. Research by property agency Savills concerning residential appeals for large housing schemes (50 dwellings or more) that took place in the nine months following the publication of the NPPF showed that the number of homes in the schemes that were refused permission at appeal was about 25% of the total number of schemes that went to appeal. By contrast, in the nine months prior to the publication of the NPPF, the equivalent figure was 50%.



Developers are currently taking advantage of a short term opportunity

The second effect is that for communities undertaking neighbourhood plans, it creates uncertainty. The Government has said that neighbourhood plans can be brought forward ahead of local plans but in practice this is difficult if anything controversial is to be tackled by the neighbourhood plan. For example, if an emerging local plan is to set a housing target for an area where a neighbourhood plan is coming forward, then the neighbourhood group will need to know what that target is. Without this they are unable to consider where this growth should be located or what impacts it would have on community infrastructure. Whilst emerging plans may have housing figures in them, these plans are subject to change and communities are understandably reluctant to press on too far if there is a risk that the work may be abortive.

So for many communities that have started the neighbourhood planning process, this has created a degree of frustration. The NPPF has sought to grab local authorities by the throat and force them to speed up their plan-making but it has not had that effect. Now the one-year transition period is over, all these plans are out-of-date and local authorities are starting to argue that their emerging plans should be given weight. However, several planning appeals against refusal of planning permission for housing development have suggested that genuine weight cannot be given to draft plans until they have at least reached examination stage and ideally have had the examiner declare the plan to be sound.

And this brings us to the elephant in the room, namely the economy. As Clinton said, "it's the economy, stupid" and maybe he was right. The parlous state of the economy has led to the lowest level of housebuilding since the Second World War yet the population continues to grow and the need for housing increases. The Government's view is that we have to be building more houses at all costs and the NPPF's default answer of 'yes' is one important aspect of that. This may be what is driving many of the appeal decisions on housing schemes and whilst not all are being granted, there is a theme that where there is an out-of-date plan and the local authority does not have a sufficient supply of land, then the answer is usually to grant permission. The issue of the five-year supply of land is a whole topic in itself and we deal with this elsewhere in this issue of the Journal of Local Planning.

So shouldn't this mean that we should all give up on neighbourhood planning, go home and prepare for life in one never-ending suburban housing estate? Whilst the short term prognosis may, in certain areas, not look rosy, the message is to 'keep calm and carry on'. And there are many reasons for doing this.



Should we really follow this advice?

Being brutally honest, if there is a planning application on the table right now, then there is relatively little you can do about it. The knee jerk reaction is to produce a neighbourhood plan but, as a colleague neatly put it, 'there is little point performing the operation when the patient is already dead'. The timescale for producing a neighbourhood plan is always likely to greatly exceed the time it takes to determine a planning application, even most major applications. And a plan started on a premise of blocking a particular development is on very unstable foundations. So it may be that unfortunately you are in the hands of a system that, in the short term at least, is not enabling localism in the way it was meant.

But what happens in a year, two years, five years, when the next major scheme comes forward? If you threw in the towel before then you will be just as vulnerable and it is rare that a place which was attractive to developers in the recent past is not going to be attractive in the near future. And this is where the situation we are experiencing at the moment is part of the inevitable turbulence of change. The major changes to the planning system were always going to create major upheaval and the join between the old system and the new was rarely going to be seamless.

Within two or three years, almost all local authorities will have up-to-date plans in place. Under such circumstances they are likely to have a five-year supply of housing and therefore it will be a lot more difficult for developers to win at appeal on speculative schemes. The system will be plan-led, which is exactly what it is supposed to be.

With an up-to-date plan, the strategic policy position is established and so this makes it easier for communities to produce effective neighbourhood plans that provide for the opportunities that the communities see whilst providing the appropriate protection against unwanted development. And at that point the system makes a lot more sense. But give up now and it may be either developer or local authority which ultimately makes the decisions you have the opportunity to make for yourselves.

What exactly is the ‘five year supply’?

For many of you, the words ‘five’, ‘year’ or ‘supply’ are unlikely to raise your ire. But equally it is a fair bet that when put together there are a significant number of you that understand this is rarely a good phrase.

This has become the new villain of the piece, seemingly being bandied about as the cause of all the world’s ills. So what is it about and why is it such a dirty word (well, three words actually...)?

As was identified in the last article on the National Planning Policy Framework (NPPF), the five year supply is at the heart of the many of the current planning decisions being made which are perceived to be undermining the very ethos of localism. Yet actually the concept of the five year supply was around before the planning system was so radically altered and the NPPF introduced. Previous national planning policy on housing – provided in Planning Policy Statement 3 (PPS3) – required all local authorities to ensure that they had enough land which was capable of delivering a particular level of housing over the next five years. The NPPF has retained this requirement but the stakes have been raised.

Elsewhere in the NPPF, the message has been very clear to local authorities with out of date plans. In short this is, “get on with it otherwise you will have to say ‘yes’ to most development”. But how? The answer is through the five year housing land supply. Local authorities that have an out-of-date plan are very unlikely to be able to identify a five year supply. This is because they don’t have a plan which says where future development can go. Their old plan has very few sites remaining which are allocated and those that still are probably are not capable of coming forward in the next five years because they were never very realistic in the first place. In the PPS3 days any developer appealing against the refusal of planning permission on the grounds of a lack of five year supply would invariably get refused because the local authority was well on the way to producing a plan and so would be there shortly. Now with the NPPF, the balance of power has shifted and at the same appeal, not having a five year supply will almost certainly mean, unless the adoption of their plan is relatively imminent, that the local authority will lose and permission will be granted.

So, back to the beginning – how do you work out what the five year requirement is? In simple terms, this is the annual average requirement over the plan period, multiplied by five. So if you have a 15-year plan and the housing requirement is 1,500 dwellings, then the annual average requirement is 100 dwellings, therefore the five year requirement is 500 dwellings. So far, so simple.

Except it is rarely that simple. Usually a plan period is part-way through, so you need to take into account the number of dwellings already completed and calculate the annual average from the amount left outstanding. It becomes really complicated if, as is the case in many authorities, they have very outdated plans where the plan period has already run out or will run out in less than five years. Throw into the mix the fact that until recently the housing numbers were set by regional spatial strategies and these have now been abolished and you can already see a lengthy argument ensuing at a planning appeal as to what the requirement is.

$$x = \int_{-e}^e \frac{(y^2i - p^2q)}{e^x + i}$$

Calculating the housing requirement should be simple, right?

If one successfully navigates the minefield of working out what the five year requirement is, this does not mean that the target has been established. So when is a five year requirement not a five year requirement? When it is in the NPPF which tells us that an additional buffer of 5% is required “to ensure choice and competition in the market for land.” So if your five year requirement is 500 dwellings then you actually have to demonstrate that you have sufficient sites to deliver 525 dwellings.

Lastly, just to give a local authority planning officer real nightmares, the NPPF says that, “where there has been a record of persistent under delivery of housing...” the buffer should be increased to 20%. This would raise our 525 dwelling requirement to 600 dwellings. True to form, what constitutes ‘persistent under-delivery’ is a matter for debate at a planning appeal.

Given all of that, perhaps it is best to park the matter of the requirement and consider what makes up the five year supply (which is assessed against the five year requirement). The NPPF tells us that sites can only be included in the five year supply if they are genuinely ‘deliverable’. It goes on to say the following:

“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission

expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”

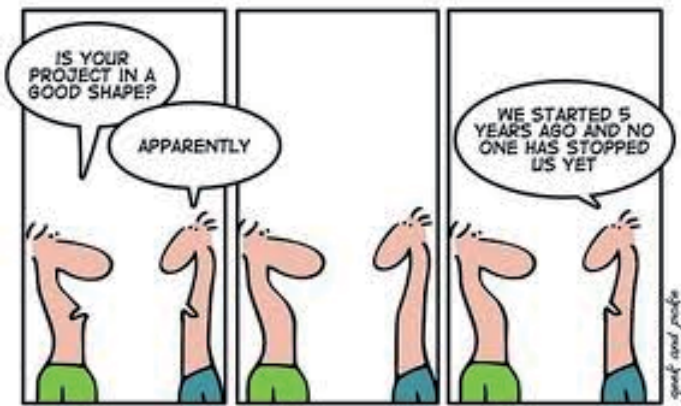
Again, you can quickly imagine that at a planning appeal, many hours can be spent arguing about whether an individual site is deliverable or not. Deliverability as a concept is still relatively new in planning (incredible as that may seem) and many planners are still struggling with it. In the past, local planning authorities could undertake urban capacity assessments (the precursor to strategic housing land availability assessments, or SHLAAs) and argue that they had brownfield sites coming out of their ears. Today the ability to rely on brownfield sites is less certain because such sites are commonly more expensive and complex to bring forward than greenfield sites that simply need an access road to be ready to develop.

arguing their objection is unresolved is the very applicant whose appeal is being heard. So really a plan is unlikely to carry any weight until it has formally been submitted and this weight will ratchet up considerably once the plan has been examined and an inspector has declared it sound. As the earlier article on the NPPF showed, most of the local authorities in the county are not at this stage and many are still a long way off.

What this tends to result in is local authority planning officers, in preparation for a planning appeal, frantically getting on the phone to the developers of sites that are not expected to come forward in the short term in a draft plan to ask them if they think it can be delivered during the next five years. Now, if a developer thinks that saying what the planners want to hear will improve their prospects of securing an allocation in the emerging plan, then of course they will say yes in their most sincere voice and a planning inspector will almost certainly see through this (although the developer remains indemnified whilst having improved their standing with the planners). Alternatively, one could even see some serious Machiavellianism in play. Some developers are deliberately saying that their long term sites have no prospect of coming forward any earlier, even if this is not necessarily true. Why? Because that then compromises the local authority’s five-year supply case which in turn assists them in winning permission on other sites they control in the district.

So in short, the five year supply is incredibly important but also incredibly open to interpretation and debate. That debate is happening across the country at planning appeals and all too often the thing that weighs in the appellant’s favour is the lack of a five year supply. And so this puts the spotlight back onto the local authority planners. Get an up-to-date plan in place – or at least past examination – and you will assuredly have a five year supply. At that point the current window of opportunity that the developers are enjoying will be closed and we can work the way we should in planning, namely under a plan-led system. The dog will return to its proper job of wagging the tail, not the other way round.

“The five year supply is incredibly important but also incredibly open to interpretation.”



Planners are still struggling with how to demonstrate deliverability

Appeal decisions should, in theory, provide clarity yet these are coming thick and fast in the post-NPPF era and appear to create more uncertainty, not less. Different planning inspectors have interpreted the guidance in the above quote as to what constitutes a deliverable site in different ways. One took this to mean that only sites with planning permission should be included, which most experts observe cannot possibly be its meaning (not least because this could have been articulated in a much simpler way). Others have given a different take and usually the context of the particular local situation is everything.

The most important ‘local’ factor is the stage which the local plan is at. An emerging but not adopted local plan can carry weight provided it is at an advanced stage. This really means that it is at submission stage but, if there are significant unresolved objections against it, then this may reduce its weight. Often, one of the major objectors that is

Neighbourhood Plan policy practice: housing mix

In a new series in the Journal of Local Planning, we are looking at common policies which you may wish to consider as part of your Neighbourhood Plan. With neighbourhood planning gathering pace, we are seeing more and more plans being submitted for examination. These are providing food for thought on what may be possible in other communities. In this issue, we look at housing mix.

For most neighbourhood plans, the issue of housing is going to be one that will be addressed. Some will want some 'light touch' policies to direct what is already happening locally; others will want more detailed policies and site allocations for where the bulk of new housing in their community should be directed. In our experience working with neighbourhoods across England, there is one issue within the topic of housing that comes up time and again – housing mix.

Whatever the housing numbers for your community – whether these are set by the local authority in the case of larger settlements or whether you are seeking to set them yourselves through your neighbourhood plan – a common experience is that the numbers are one thing but the actual dwellings that are built are something quite different. For many communities, the number of dwellings are not important and can even pale into insignificance compared to the mix of units in any scheme. All too often one sees new-built residential 'prestige' developments of predominantly four- and five-bedroom 'executive' homes. There is nothing wrong with this in itself but commonly when the existing residents of that community need or would like to move, these dwellings are (i) unaffordable; and/or (ii) too large for their needs. What this results in is the new housing being filled by in-migrants. Again, there is nothing wrong with this of itself, particularly when communities are aging and need new families in order to thrive, but there is something wrong when people are unable to move within their communities to address their own housing needs. This is a classic example of an intervention that is the responsibility of the planning system.

All too often, local authorities have policies encouraging a 'mix of dwellings' but rarely are developers pushed to provide this. Their developments will provide some one- and two-bed properties, but these may account for 10% of the dwellings. Yet in communities across England, these are the very units which are often in greatest demand. Question – who buys small market properties? Answer

– first time buyers, commonly single people or couples without children looking to access a small property and get on the housing ladder, and older people looking to downsize once children have left home. Also, household sizes are declining due to the increasing numbers of people staying single or the high divorce rates.



Developers prefer to build large houses which aren't always what local people need

In the affordable housing sector, what is the greatest demand for? Again, the answer is smaller properties. This is being exacerbated by the recent changes in welfare whereby if you have a social rented property and it has a spare bedroom then you will have your benefits cut. It has been common up to now for a couple to be given a two-bed property or a one-child family a three-bed property. These people are now unlikely to want such properties, preferring to wait for a one-bed and two-bed property respectively in order to retain their full benefits.

In our experience, when we talk to communities about housing they have strong views about the quantity and location of housing. However, when the subject moves on to the types of housing, they become really exercised. We hear stories of older people that have lived in their communities all their lives having to leave in order to find a property suited to their needs. We hear stories of children living with their parents into their thirties because they are unable to afford the house prices – whilst this may partly be a function of high prices generally in an area, the high prices for smaller properties are invariably a function of the lack of supply. People rightly feel that a neighbourhood plan should address the problem whereby the needs of people already in that community cannot be met by development. This is not necessarily a case of 'address our needs and our needs only' but a plea as to why the needs of local people cannot be met at least to some extent.



Commonly it is the smaller dwellings that are forgotten in developments

So how can this be addressed in a neighbourhood plan? Firstly, the evidence needs to be collected. This is slightly different for affordable housing, i.e. social rented housing (also known in days gone by as ‘council housing’) than it is for market housing.

Affordable housing evidence

One of the advantages of planning at the community scale is that it is possible to use different evidence than can be used by local authorities for their local plans. In the case of affordable housing, there is the housing register. This is the document that, at any one time, shows who is seeking a social rented property in an area such as a parish. In other words, if a person considers that they have no chance of being able to afford a property on the open market, either to buy or to rent, then they may put their name on the housing register (in reality, anyone can put their name down but many people rightly consider that their prospects of securing a property are minimal so they don’t bother).

The information required of applicants putting their name onto the housing register usually enables lots of useful analysis that can inform a neighbourhood plan. Firstly, many housing registers ask which areas you have a local connection to (and assumes that you would therefore wish to be housed there if given a choice). By a local connection, this commonly means any one of:

- (i) currently living in the parish and has done so continually for a certain period, perhaps 5 years or more;
- (ii) currently permanently employed in the parish for a minimum period (perhaps 12 months) and a minimum number of working hours;
- (iii) at least one of the applicants has a member of

family (grandparents, parents, siblings or children of the applicant) who currently live in the parish and have done so continually for a certain period;

- (iv) an ex-resident of the parish having been forced to move away due to a lack of affordable housing in the parish.

This helps to establish the number of people with a local connection that are in need. The housing register also commonly records information regarding the number of bedrooms that are sought, the age of the applicant and the severity of their needs. The latter is important because it is common to see that the majority of the people on the register have been assessed to actually have some form of ‘housing choice’. In reality, these choices are limited and mean that their circumstances are difficult but they also have little or no chance of accessing a social rented property. Their needs are then commonly met by the ‘intermediate’ housing market. These are homes for sale or rent provided at a cost above social rent, but below market levels. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

So it is possible to build up a picture of the extent of affordable housing need and, in terms of potential policies in a neighbourhood plan, the mix of affordable properties between social rent and intermediate tenure. Whereas the local authority will have a policy which addresses the proportion of affordable housing that should be provided across a local authority – this being a strategic matter which is usually outside the remit of a neighbourhood plan – the mix of properties is either not covered in policy or is not strongly enforced. In such circumstances, the ability to collect robust data on the local situation enables a neighbourhood plan to have a policy which sets the tenure appropriate locally.

Affordable housing evidence

On the market side, the evidence comes from a range of sources:

- **Local estate agents.** Commonly these are people that love to talk and will happily give you the best insight into the local market. They can tell you what type of dwellings are in greatest demand, which has the right levels of stock and how this differs between the market for housing sales and the rented market. Interview them and make notes; this is important evidence. You can also supplement this with

information on the web – good sites on sales over the recent past include www.home.co.uk and www.rightmove.co.uk.



Like them or loathe them, agents know the local market

Sample policy 1: Tenure of affordable housing

In order to address the needs of those with a local connection to Anywhere Parish that are unable to afford a property on the open market and with no identified need for a social rented property (i.e. those identified as having no need on the Housing Register as well as those that choose not to place themselves on the Housing Register but are unable to afford housing on the open market), the provision of intermediate properties will be welcomed.

At least 50% of the affordable housing provided by market-led developments in Anywhere Parish shall be for intermediate tenure.

Sample policy 2: Market housing

Of the new dwellings to be provided in Anywhere Parish, at least 60% shall be appropriate for occupation by older persons. Such properties shall fulfil all of the following criteria:

- Achieve Lifetime Homes standards, particularly in respect of wheelchair access.
- Be either 1- or 2-bed properties but with 2-bed properties preferred.

In the case of Sample policy 2, whilst it may seem that this is focused solely on the needs of older people, the wording is deliberate because the description still enables properties that can be provided which young, first time buyers would want to live in. By avoiding a specific requirement for, say, bungalows, these properties simply have to provide the opportunity of having minor conversions in order to be suitable for older people.

There are many different issues that could be relevant when considering housing mix and these are just two. But it highlights how a neighbourhood plan can go about addressing such matters and how it can start to ensure that developers are given a clearer steer on development to ensure that they don't forget the needs of the people that are already living in that community.

“Policy wording has to be absolutely right and one careless word in a policy can have negative consequences that you never considered.”

- **2011 Census.** The Census data from just a couple of years ago is now available at parish level and has a wealth of information. This includes the stock of property in an area, broken down by flat/maisonette, terraced, semi-detached and detached properties. It also includes information on the number of rooms in the stock of properties, from which the size of properties can be ascertained. And this can be compared against the 2001 Census figures to see how things have changed in the past ten years.
- **The community.** Ultimately, if the plan is going to show that there is an issue in a local community, then all the data and statistics in the world needs to be firmly backed up by the experience in the local community. Surveys to ascertain needs, coupled with housing workshops where people can come and talk about their experiences, are invaluable sources of evidence. You can break this down into particular sectors of the community – for example, first time buyers and retirees that commonly have a need for the same type of property.

Sample policy wording

So, you have the evidence that demonstrates the need for a different mix of affordable housing and you have the evidence which shows that new-build development needs to provide a particular mix of property. What might that policy look like? Here are a couple of examples and it is important to stress that it is not appropriate to just cut-and-paste this policy into your neighbourhood plan because it may not be right for you. Policy wording has to be absolutely right and one careless word in a policy can have negative consequences that you never considered.

Spotlight on: Rural broadband



A success story in Rutland

So why is the Journal of Local Planning writing about broadband? How does this relate to planning? In today's modern world, the ability to access the internet, email and make international calls (phone or video) are becoming as important as the ability to travel around. One increasing phenomenon coming out of the economic downturn are increasing numbers of people becoming self-employed. For these people to start working on their own, all they need is access to a computer and a broadband line. Whilst getting your hands on a computer is something that you have complete control over, the broadband certainly is not. Particularly in rural areas, access to mainstream broadband is patchy and if you are the wrong side of the line, then it can feel like you are living in the dark ages. Around 166,000 people in the UK are stuck in rural broadband 'not spots' while a further two million in rural areas have inadequate broadband.

But the truth is that the problem with rural broadband isn't that there's a lack of options but that so many are inadequate. This tends to reinforce the view of many rural residents that there is nothing that can be done. This is the first myth that must be dispelled.

Communities are increasingly getting together to bypass the system and improve their own broadband. Some have even ended up with up to 1000Mb speeds, faster than most town dwellers can access.

One of the biggest changes to the UK broadband market in the past 15 years that made it into the very competitive market it is today is Local Loop Unbundling (LLU). Unfortunately however, rural areas are also often non-LLU areas - 14.2% of premises (business and households) in the UK have a non-LLU exchange so can consider themselves rural broadband users. Rural households are more likely than those in urban areas to be physically far from the exchange. With older ADSL (the most common way of being able to get online using your existing phone line), this

distance affects speeds drastically as the signal starts to weaken fairly early on. If you are in a non-LLU area this is something you have to resign yourself to. The result is that all the providers are using British Telecom wholesale so they will all be about the same. Moreover, most non-LLU deals have fairly restrictive download allowances or, if they are 'unlimited', restrictions such as fair use policies apply. These restrictions also come with higher costs – typically £10 per month higher than for those in LLU areas.

If you are living in a broadband not-spot, while there are alternatives for individuals often these are either expensive or inadequate. However, there are some success stories of how villages have got together to solve the problem as a community and are now superfast villages.

Lyddington, Rutland

In 2010, residents of Lyddington clubbed together to pay for fibre optic broadband. In total, £37,000 was raised from residents to serve approximately 200 properties – a cost of less than £200 each which, whilst not cheap, was felt to be a price worth paying by the community. Broadband speeds are now at 25 Megabits per second (Mbps) which is fifty times faster than before. Residents are now capable of making video calls and streaming television programmes through their computers.

The service was provided by Rutland Telecom which was set up in 2007 to start providing ICT services to the residents and businesses of Rutland. It installed its own equipment in a street cabinet in the village, next to the existing British Telecom cabinet. This meant that the previous long runs of copper from premises in Lyddington back to the Uppingham BT exchange were reduced dramatically, which in turn reduced the distance from the village cabinet to each house in Lyddington. This is what increased the broadband speeds. It was the cost of installing the cabinet that was high hence Rutland Telecom required a certain level of indicative responses from residents and businesses to determine that it was a viable option.

Whilst the broadband issue is resolved, Lyddington is still in something of a mobile-reception 'black hole' so Rutland Telecom is looking to improve this by offering mobile calls over its network using technology called Femtocells.

Darley, North Yorkshire

Another success story is Darley in North Yorkshire where local residents, with the help of the parish council, successfully campaigned to secure funding from Government for the scheme, and partnered with LN Communications which provided the private funding and infrastructure. The new wireless network was first installed in Darley in July 2012.

The wireless network works by installing signal receivers at high points within the community to provide line of sight connections to houses and businesses in the area. Once installed, local residents can buy their own signal receivers, a little bit like a mini-satellite dish, to connect to the network. To join the network residents have to pay a £90 installation fee, which includes the equipment and a professional installer plus a site survey. Residents can choose between 10Mb, 20Mb or 30Mb download speeds, with prices ranging from £15 to £25 a month.

Consultation on the 'preferred options'

In seeking to develop the consultation plan, it is necessary to assess the options available for dealing with a particular issue and then to ascertain which is the 'preferred option', in other words, which is the most appropriate and sustainable of all the possible solutions. In Thame, the Examiner noted that there had been criticism from people who found the process unsatisfactory. Inevitably where there are sites being put forward for allocation there will be winners and losers and for many of the losers, they will be keen to fight the proposed allocations by declaring the process unsound.

The main criticism directed was that the Preferred Options were arrived at by the Neighbourhood Plan Core Group and that this group did not represent everybody in Thame. In effect, the choices were made 'behind closed doors'. However, the Examiner considered this and stated that it was entirely reasonable to use smaller groups to progress the plan-making process efficiently. As he stated, "By their very nature, it is inevitable that smaller groups may not be representative of everybody with an interest."

The Examiner felt that it was crucial that there was clear evidence made available as to why the preferred option had been chosen and that this was then very widely consulted on alongside all of the other options. There were a large number of feedback forms received from the community which were felt to provide "overwhelming evidence that this critical stage, as a whole, was transparent and widely promoted, with plentiful opportunities for comment." It was also noted that this stage was undertaken by Thame Town Council despite there being no statutory duty for them to do so.

Thame Neighbourhood Plan Examination

As more and more neighbourhood plans are reaching examination stage, the lessons that parish and town councils can learn for their plans are coming thick and fast. The Journal of Local Planning does not intend to review every single one but to pick out relevant matters and interpretations by examiners which may help to shape emerging neighbourhood plans and how they address particular issues. In this issue of the Journal of Local Planning we provide feedback from the recent examination of the Thame Neighbourhood Plan which has subsequently gone on to be approved at referendum by the community of Thame in Oxfordshire.

What is particularly interesting about the Thame Neighbourhood Plan – which we summarised in Issue 9 of the Journal of Local Planning – is that it is the first neighbourhood plan to be examined which proposes site allocations. To date, none of the plans that had been examined had included particular sites and policies for their development. This is relevant because inevitably plans that consider site allocations are going to be the most controversial and need to ensure that they have undertaken the process in a watertight way. Also, it appears that a significant proportion of neighbourhood plans are likely to seek to make site allocations as part of their suite of policies.



Another interesting point was made in respect of a consultation event held specifically for younger people. This had a disappointing turnout but, as the examiner noted, "...the important point is that the opportunity was provided for young people to give their opinions.

Participation in consultation is not compulsory. It is relevant to note though, that the views of those young people who did take part were subsequently taken into account.” This gives a clear message that it is right to try and consult as widely as possible, but if it is not wholly successful this does not mean that the plan cannot proceed.

Housing allocations

A range of sites were considered to accommodate the 775 dwelling figure for Thame set by the South Oxfordshire Core Strategy, recently adopted. The most interesting point about the sites that were selected to address these needs and were therefore allocated in the Neighbourhood Plan is that the Examiner considered that there was “strong support” for them, with 67% of respondents to the consultation on the preferred options indicating that they approved. The Examiner then noted that the allocations were tested through the Sustainability Appraisal and subsequent improvements made.

So whilst the final sites selected are not done so simply as part of a beauty contest, the plan would do well to demonstrate that there is majority support for its allocations. Then it is the role of the Sustainability Appraisal to demonstrate that the allocations represent sustainable options for accommodating growth – whilst consulted on, this is more of a technical exercise. The balance between technical and community support must be struck.

Within the site allocation process, flexibility is an important principle which an Examiner will take into consideration. In the case of Thame, one of the sites was recognised as potentially not being capable of coming forward as envisaged in the plan. However, the plan considered this and put in place a mechanism for the site’s removal if this proved to be the case, coupled with a release of identified land elsewhere. This is important and, as the Examiner noted, is in line with the requirement to meet the Basic Conditions. Plans must, wherever possible, be flexible and not overly onerous on those expected to provide their land and deliver development on it.

These are just a few principles that have arisen in the case of the Thame Neighbourhood Plan. They provide important context but every local situation and every neighbourhood plan will ultimately be different. It is important to consider the context provided by examiner’s reports but not necessarily to slavishly follow what they say if it is considered that an alternative approach will still pass the range of tests that the Regulations set.

Notes

Other news

Houghton & Wyton challenge successful

Deputy Judge Charles George QC recently backed Houghton & Wyton Parish Council’s legal challenge and quashed Huntingdonshire District Council’s ‘St Ives West Urban Design Framework’, which the Parish Council claimed unlawfully allocates greenfield land around the villages of Houghton and Wyton for development.

The judge found in favour of the Parish Council on one of its two grounds of challenge to the framework, that guidance relating to the development and use of land in the council’s area should be issued in the proper way under the appropriate regulations. He ordered the district council to pay the Parish Council’s legal costs of £15,000.

In October 2011, the District Council finalised and approved the framework, describing it as “planning guidance to inform council policy and future decisions on potential development applications”. It followed on from a core strategy for Huntingdonshire District adopted in September 2009, which allocated a total of 500 homes to the St Ives area up to 2026, but did not name specific sites.



The framework identified a 47-hectare ‘study area’, comprising several parcels of land between Houghton and St Ives, for development that could accommodate this scale of development. The objectors claimed that, on top of current developments under construction at Slepe Meadow to the north of the the study area, this will add between 700-750 homes to the area, leaving only one parcel of agricultural land separating Houghton Grange from the villages of Houghton and Wyton.

Paul Boothman, a key member of the action group Stop Houghton East Development (SHED), said that the villagers are very pleased with what he described as a “monumental” achievement in having the framework quashed. “We have got a valuable landscape that is

not valued by them. They have put a relatively small community through the wringer to the extent that we had to take them to court. But we believe there is a positive future to all this. What it needs is for everybody to sit round the table – we want to work with them, not against them.”

Community Infrastructure Levy funding for Neighbourhood Plans

It was recently announced that a proportion of the new levy on development, the Community Infrastructure Levy (CIL), could be retained by communities to spend on infrastructure that they wanted. It has now been revealed that this money can also be used to fund the cost of producing a neighbourhood plan.

For areas without a neighbourhood plan, the amount of CIL money that could be retained is up to 15% of the money raised, capped at a maximum of £100 per council tax property in a community. For those with a neighbourhood plan in place, this proportion increases to 25% with no upper limit.

The Regulations about the neighbourhood element of the CIL have now come in to force, together with the guidance about what the neighbourhood ‘pot’ can be spent on. As paragraph 110 makes clear, areas can use some of the neighbourhood pot to develop a neighbourhood plan “where it would support development by addressing the demands that development places on the area”.

This does present a slight ‘chicken-and-egg’ situation – in order to qualify for the 25% of CIL, a community would need to have a neighbourhood plan in place so would be unlikely to spend some or all of this money on that neighbourhood plan. As such, the receipts will mostly come from the lower 15% rate with the associated cap. However, this still represents a further avenue for seeking funding of a neighbourhood plan, along with the funding recently announced by the Government (see the earlier article entitled ‘Grant funding for neighbourhood planning’).

The full guidance on the Community Infrastructure Levy can be downloaded here: <https://www.gov.uk/government/publications/community-infrastructure-levy-guidance>.

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We recognise that parish councils often have difficulty in accessing affordable and impartial advice and the need for such advice is going to increase markedly. In a landscape of local authority cuts and a substantial reduction in the availability of free advice from bodies such as Planning Aid, parish councils that do want to take the opportunities available to them will want to ensure that they are not blowing their budgets but are getting value for money.

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