



Response form

Proposals for new neighbourhood planning regulations Consultation

We are seeking your views on the following questions on the Government's proposed approach to new regulations on neighbourhood planning. **If possible, we would be grateful if you could please respond by email.**

Email responses to: neighbourhoodplanning@communities.gsi.gov.uk

Alternatively, we would be happy to receive responses by post.

Written responses to:

Neighbourhood Planning Regulations Consultation
Communities and Local Government
Zone 1/J1
Eland House
Bressenden Place
London
SW1E 5DU

(a) About you

(i) Your details

Name:	John Perry
Position (if applicable):	Councillor and Chair of Staplehurst Parish Council
Name of organisation (if applicable):	Staplehurst Parish Council
Address:	Parish Office, Village Centre, High Street, Staplehurst Kent TN11 0PL
Email Address:	clerk@staplehurstvillage.org.uk
Telephone number:	01580 891761

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

- Organisational response
- Personal views

(iii) Please tick the one box which best describes you or your organisation:

- Private developer or house builder
- Housing association
- Land owner
- Voluntary sector or charitable organisation
- Business
- Community organisation
- Parish council
- Local government (i.e. district, borough, county, unitary, etc.)
- National Park
- Other public body (please state)
- Other (please state)

(iv) Please tick the one box which best describes which viewpoint you are representing:

- Rural
- Urban

(b) Consultation questions

Question 1:

Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on:

a) designating neighbourhood areas

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

This appears straightforward for such areas as those covered by a parish council as the boundary is already defined. However the problem might arise where there are cross border neighbourhood planning applications and two LPA's are involved. It is not clear in the regulations as to how neighbouring LPA's should/could work together.

b) designating neighbourhood forums

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

We consider that Neighbourhood Fora are a good idea in principle. However, they must be seen in the context of the needs of the local community as a whole. In this respect there are processes and procedures already in place through the various tiers of local government where the views of all sections of the community can be taken into consideration. These processes and procedures are both democratic and transparent and take into account the views of the community as a whole and are not solely driven by single issues. We also note that individual Neighbourhood Fora would likely require administrative and possibly financial support which would probably have to be supplied by Parish Councils.

c) Community Right to Build organisations

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

There appears to be adequate legislation to ensure any such organisation works to the benefit of the community. It is noted that the organisation must have at least 5 members who are unrelated. This is welcomed and would prevent families or closely related groups with a hidden agenda etc... going down this particular route.

d) preparing the neighbourhood plan

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

In the main, there appears to be more than adequate legislation to ensure a consistent approach to this process. However whereas there are time restrictions on 'qualifying bodies' such as Parish Councils re publication and feedback, there are no restrictions on LPA's as they appear to have a get out clause; legislation regularly states 'must as soon as reasonably practicable' with regard to publishing a decision. How long might this be?

e) preparing the neighbourhood development order

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

In the main, there appears to be more than adequate legislation to ensure a consistent approach to this process. However whereas there are time restrictions on 'qualifying bodies' such as Parish Councils re publication and feedback, there are no restrictions on LPA's as they appear to have a get out clause; legislation regularly states 'must as soon as reasonably practicable' with regard to publishing a decision. How long might this be?

f) preparing the Community Right to Build order

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

In the main, there appears to be more than adequate legislation to ensure a consistent approach to this process. However whereas there are time restrictions on 'qualifying bodies' such as Parish Councils re publication and feedback, there are no restrictions on LPA's as they appear to have a get out clause; legislation regularly states 'must as soon as reasonably practicable' with regard to publishing a decision. How long might this be?

g) Community Right to Build disapplication of enfranchisement

- | | |
|----------------------------|-------------------------------------|
| Strongly agree | <input checked="" type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Explanation/Comment:

A Parish Council may wish to become the 'Landlord' for a number of properties to be rented and would not want tenants having the right to buy these properties in the future. The properties would always remain in the ownership of the Parish Council until such time as these were sold or given to a Housing Association or other such organisation.

h) independent examination

- | | |
|----------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input checked="" type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Explanation/Comment:

It is imperative that the application does go to independent examination. However the decision to place the application before the examiner rests will rest with the LPA and this might not be the Parish Council. There are concerns that delaying tactics could be used to stall what in effect are perceived as unwanted developments outside of the immediate community. Consideration should be given to including time restrictions with the emphasis on the LPA to explain why the application has not gone to the independent examiner.

i) referendum

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

We agree that the local community should have input on whether a neighbourhood plan or order comes into force. However, we consider that referenda do not necessarily represent a cost effective or efficient solution. They may undermine the established democratic processes and may not represent the views of the community on this issue. We are also concerned that this might open the door for further referenda which could undermine the position of elected councils and slow down decision making as well as being costly to operate.

j) making the plan or order

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

It is important that communities have a neighbourhood plan outlining the vision for the future. We consider that the plan must be a "living" document that can be revised to reflect the changing environment and requirements of our community. However it is not clear what will happen to communities who do not have a plan or where they had one, abandon it for any particular reason. Does the non existence of a Plan, leave the gate open for developers and rogue LPA's to do whatever they like? The legislation must cover the non existence of a plan.

k) revoking or modifying the plan

- Strongly agree

- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

There does not appear to be any legislation stating that the LPA should consult with the qualifying body prior to publishing the changes. There does not appear to be a right of redress/appeal for the 'qualifying body' where it appears that the changes are counter to the wishes of the community and undermines localism. There does appear to be adequate legislation to ensure that the LPA publishes any changes.

I) parish councils deciding conditions

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

Part 10 Section 35 states that 'When a parish council determine an application they shall be treated as a local planning authority for the purpose of the application'. We look forward to this part of the legislation being carried forward although it is not clear as to when the LPA would stand aside and take note of local informed decisions around conditions etc..

Question 2:

Our proposition is that where possible referendums should be combined with other elections that are within three months (before or after) of the date the referendum could be held. We would welcome your views on whether this should be a longer period, for example six months.

- Three months
- Six months
- A different period

Explanation/Comment:

The referendum on a neighbourhood plan should not be tied to another election/referendum just to save money on associated costs. It might be cost effective to run all elections/referendums about the same time but the Neighbourhood Plan might be used as a political tool. There is always the risk that the electorate might be confused with the number of issues they are being asked to vote upon. The best project management might still result in delays which would throw out any timeline. Obviously there will be 'good practice' emanating from the front runners which could be turned into 'guidance' rather than legislation.

Question 3:

The Bill is introducing a range of new community rights alongside neighbourhood planning – for example the Community Right to Buy and the Right to Challenge. To help communities make the most of this opportunity, we are considering what support measures could be made available. We are looking at how we could support people in communities, as well as local authorities, other public bodies, and private businesses to understand what each right can and cannot do, how they can be used together, and what further support could be made available for groups wanting to use them.

We would welcome your views on what support could usefully be provided and what form that support should take.

Explanation/Comment:

There needs to be much more work done with regard to communicating 'Localism' and the associated legislation to communities at large. Greater IT provision is required in libraries and other such community assets/buildings etc..Future cost savings should not be targeted at such buildings where this IT provision exists or could exist. The same Training and Support to be given to parish and borough councillors alike.

Question 4:

Do you have any other comments on the proposals?

(Please begin with relevant regulation number and continue on a separate page if necessary)

Explanation/Comment:

No.