

Finance, Planning & Economic Development Policy and Scrutiny Committee

Date:	4 th May 2023
Classification:	General Release
Title:	An Analysis of Neighbourhood Planning in Westminster
Report of:	Executive Director of Innovation and Change
Cabinet Member Portfolio	Cabinet Member for Planning and Economic Development: Councillor Geoff Barraclough
Wards Involved:	All
Policy Context:	Town and Country Planning Act 1990 Localism Act 2011 The Neighbourhood Planning (General) Regulations 2012
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1. Executive Summary

- 1.1 Neighbourhood Planning was introduced in the Localism Act 2011; it is an important tool that gives communities statutory powers to shape how their local area develops. The council has a statutory duty to provide support to Neighbourhood Forums that are preparing Neighbourhood Plans.
- 1.2 We have proactively encouraged and supported Neighbourhood Planning since the introduction of the Localism Act and dedicated resource towards helping Forums. This report summarises how the Council supports designated Neighbourhood Forums in carrying out planning activities in producing and adopting Neighbourhood Plans.

- 1.3 There are 23 designated Neighbourhood Areas in the City and of these 15 have existing designated Neighbourhood Forums (more information can be found on our webpage '[Live Neighbourhood forum applications](#)'). Queen's Park is designated as a Community Council and have an adopted Neighbourhood Plan. So far, five other Neighbourhood Plans have been successfully adopted in the city, these are Knightsbridge, Mayfair, Soho, Fitzrovia West and Pimlico. The Council is supporting many other Forums that are coming forward and progressing with draft Neighbourhood Plans.

2. Key Matters for the Committee's Consideration

- 2.1 Members are asked to note the content of this report, which provides an analysis of Neighbourhood Planning in Westminster.

3. Background

- 3.1 The Council has a statutory requirement to provide support for Neighbourhood Planning, which is known as the 'duty to support' which have been embraced by the Council. This includes two specific roles, firstly taking decisions at key stages in the Neighbourhood Planning process, and secondly to provide advice and assistance to the Neighbourhood Forums preparing Neighbourhood Plans. Council officers in the Policy & Projects team provide advice and assistance in several ways.
- 3.2 The Planning Policy has two dedicated Policy Officers working specifically on Neighbourhood Planning, with each officer assigned a designated Neighbourhood Area, with a further support officer being provided to each assignment from senior members of the team. These officers are tasked with engaging with and offering specialist advice to Forums, as well as guiding them through the process from inception to adoption. Officers regularly update the Neighbourhood Planning section of the Council's website¹ with information on existing Neighbourhood Areas and Forums (including contact details), live designation and plan consultations. An interactive Neighbourhood Planning map shows the designations². We have produced a bespoke Neighbourhood Planning Guide (contained as part of the Background Documents to this report) 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 the Neighbourhood Areas is also provided.
- 3.3 Currently, Westminster has six 'made' (adopted) Neighbourhood Plans:
- [Knightsbridge Neighbourhood Plan](#), adopted 11 December 2018.
 - [Mayfair Neighbourhood Plan](#), adopted 24 December 2019.
 - [Soho Neighbourhood Plan](#), adopted 8 October 2021.
 - [Fitzrovia West Neighbourhood Plan](#), adopted 8 October 2021.

¹ [Neighbourhood Planning section on the Council's website](#)

² [Interactive Neighbourhood Planning Map](#)

- [Queen's Park Neighbourhood Plan](#), adopted 25 November 2021.
 - [Pimlico Neighbourhood Plan](#), adopted 7 December 2022.
- 3.4 Officers are currently engaging with Belgravia, Maida Hill, Notting Hill East and St James's Neighbourhood Forums who are working to progress their plans through key stages of the Neighbourhood Planning process.
- 3.5 Neighbourhood planning is closely related to the Neighbourhood Community Infrastructure Levy (NCIL). NCIL is apportioned across the 23 designated Neighbourhood Areas. Neighbourhoods with made Neighbourhood Plans receive higher percentage of CIL collected as NCIL; NCIL rises from 15% to 25% when a Neighbourhood Plan is 'made'. Neighbourhood Plans also help to inform prioritisation of NCIL spending, ensuring that NCIL funding allows the local community to support infrastructure projects that positively shape the area and help residents achieve their vision for their neighbourhood. In October 2022, the Council updated the CIL Spending Policy Statement to establish a more inclusive and flexible definition of infrastructure, introduce policies including on revenue spending, and prioritise projects to reflect the Fairer Westminster Strategy. Subsequent public engagement has worked to enhance awareness of NCIL so that it is spent and accessed by a wider variety of individuals and organisations.

Engagement with Neighbourhood Forums

- 3.6 Before submitting the Neighbourhood Plan to the Council for examination, officers ask Forums to share with them at least two drafts versions of their plan, for the Council to then provide written feedback and assess whether it meets the 'Basic Conditions'. The Basic Conditions are set out in Schedule 4B of the Town and Country Planning Act 1990 as outline requirements such as promoting sustainability and being in conformity with higher level strategic policy, be that local, regional or national level. It is particularly important for officers to see the final draft before it is published for formal consultation.
- 3.7 Officers cannot draft the policies on behalf of the Forums however, the role of officers is to provide guidance to Forums on how they can put the views of their local communities, their vision for the development of their area and strategies into a Neighbourhood Plan. Community consultation is a key part of the process in making sure views of the community are addressed and that Neighbourhood Plans are compatible with human rights law. Forums must ensure that they engage with all members of their local community and assess any impact against different characteristics under the Equality Act 2010 and the Public Sector Equalities Duty.
- 3.8 When the final Neighbourhood Plan draft has been consulted on, officers will also provide a response with comments on its policies and conformity. Lead officers will also incorporate feedback from other Council departments such as Town Planning, Highways, Licensing, Events etc.
- 3.9 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 Town and Country Planning Act 1990, National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)³. They state that Neighbourhood 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.

- 3.10 Once the Neighbourhood Plan is 'made' (adopted), the plans are used to determine planning applications within the area they cover. It is important for Forums to monitor and keep track of the progress of the objectives and policies included in the Neighbourhood Plan to ensure the aims of the plan are being achieved and policies are working effectively. Neighbourhood Plans can be monitored by either the Neighbourhood Forums or as part of our Authority Monitoring Report⁴.
- 3.11 Town Planning will be responsible for implementing the plan when determining planning applications. To help facilitate this, the appropriate area-based planning team (i.e. Central, South or North) will have been involved early on as the plan develops. Officers in Policy and Projects will ensure that colleagues in Town Planning, and any other relevant team, are briefed on the contents of the plan at various stages of their production and their views incorporated into any feedback given to the Forum on their drafts.
- 3.12 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.

Perception of Neighbourhood Planning

- 3.13 Academic literature on Neighbourhood Planning within Westminster specifically, or wider perceptions of Neighbourhood Planning more generally, is somewhat limited given the niche subject matter and short duration since its introduction in 2011. Two of the preeminent studies into this field were both undertaken by the University of Reading on behalf of the former Ministry of Housing, Communities and Local Government and the current Department for Levelling Up, Housing and Communities in 2014 and 2020 respectively.
- 3.14 The 2014 study was titled '*User Experience of Neighbourhood Planning in England*'⁵ and as the name suggests, examined the experiences of

³ [PPG Paragraph: 065 Reference ID: 41-065-20140306](#)

⁴ [Authority Monitoring Reports](#)

⁵ [User Experience of Neighbourhood Planning in England](#)

Neighbourhood Forums and Parish Councils in the preparation of their Neighbourhood Plans. The specific findings of this study were:

- The drivers and motivations for Neighbourhood Planning were to reinvigorate the local area, as well as to protect the desirable characteristics of the area.
- The overall experience of Neighbourhood Planning was stated as being positive by 90% of respondents.
- A majority of respondents considered the plan-making process as being 'burdensome', however, 59% thought it was proportionate to the task of developing a document (or suite of documents) which would eventually have statutory status.
- To make Neighbourhood Planning a more attractive prospect, 49% of respondents stated that a better explanation of each step involved in the process would be beneficial, while 39% of the responses stated that a faster process would make it more attractive.
- 82% of those responding had been able to access the skills and knowledge needed for Neighbourhood Planning, however, 68% of respondents had to rely on consultants for support.
- Perceptions of support by the Local Planning Authority to communities participating in Neighbourhood Planning were positive, with 82% of respondents stating that their authority had been 'very' or 'somewhat' supportive.

3.15 The study also identified key issues relating to the different stages of the Neighbourhood Plan process, which are summarised in the following table:

Stage	Comment
Area Designation	<i>"Delay from the local authority was seen as holding up the process for a minority of the sample. There was also a plea made to clarify guidance on how to implement area designation more smoothly."</i>
Evidence Gathering	<i>"For some, delays or problems with assembling evidence for the Neighbourhood Plan was seen as relating to a general lack of resources, time and volunteers. Several interviewees indicated that some evidence was not available. Toolkits and templates were cited as ideas to help with this stage."</i>
Plan-making	<i>"For some, delays or problems with assembling evidence for the Neighbourhood Plan was seen as relating to a general lack of resources, time and volunteers. Several interviewees indicated that some evidence was not available. Toolkits and templates were cited as ideas to help with this stage."</i>

Community Engagement, Consultation and Publicity	“This went well for most groups but it was noted that little advice or guidance on community engagement was available. Further advice and guidance on this dimension of neighbourhood planning was recognised as being useful.”
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3.16 The 2020 study was titled ‘*Impacts of Neighbourhood Planning in England*’⁶ and involved a desktop study that analysed 865 completed Neighbourhood Plans, as well as a detailed review of nine case study areas across England involving 20 ‘made’ Neighbourhood Plans. The study focused on the impacts on the planning system arising from Neighbourhood Planning being in place for its first decade. The key findings of this study were:

- *Development Impacts and Housing Supply* – Where Neighbourhood Plans allocate housing sites, there can be significant improvements in supply. Over the 135 Neighbourhood Plans reviewed, there were an additional 18,000 units above Local Plan allocations.
- *Design Impacts* – Neighbourhood plans have helped improve design policy and refined local priorities. The example cited was improving the design standards for housing for specific societal groups, although design impacts are widespread given the broad areas that policies can cover.
- *Decision-Making* – Neighbourhood Plans have gained an influential role in planning decisions, which reflects their statutory status. Over 50% of respondents from Local Planning Authorities across England see Neighbourhood Plans as having a ‘moderate’ or ‘high’ degree of influence on decision-making.
- *Community Attitudes and Engagement* – Neighbourhood Planning is widely seen as improving relations between the community and Local Planning Authority. There was also anecdotal reports from respondents about there being higher levels of acceptability of development where a Neighbourhood Plan is were place.
- *Influence of Geography* – In general there is a higher uptake of Neighbourhood Planning in southern England and in rural communities. Conversely, northern England and urban communities saw lower uptake.
- *Common Barriers* – Time and resource burden where the key barriers identified by respondents, with the average time taken to reach completion of Neighbourhood Plan being approximately three years. Other issues identified was the need to engage consultants and maintaining a positive working relationship with the Local Planning Authority.

⁶ [Impacts of Neighbourhood Planning in England](#)

Challenges

- 3.17 Whilst the introduction of Neighbourhood Planning has produced many benefits, some challenges persist, namely time and resource allocation and Forums' expectations of the Council. These are explored in more detail in the following sections.

Time Allocation and Resources

- 3.18 Although the Council fully supports Neighbourhood Planning in Westminster and it is important that officers provide fair and equal support to each forum and spend time fairly, officers have a limited amount of time available given other statutory responsibilities, such as carrying out the City Plan review or developing Supplementary Planning Documents (SPD's). 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 different Forums and a number of different Neighbourhood Plans. 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 impacted.
- 3.19 The time and resource demands for Neighbourhood Planning present another barrier to entry for Forums, meaning that maintaining representation from a broad cross-section of the community can be difficult as those who have the time and willingness to become involved with Neighbourhood Planning tend to come from the same demographic (i.e. retirees or those heavily involved in the local business community such as Business Improvement Districts).

Forums' Expectations of the Council

- 3.20 Neighbourhood Forums should be made aware that there are limits to what the council can offer. For example, we cannot draft the plan for them and they must be responsible for the policies in order to truly represent the local views. It is therefore not the Council's role 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 Neighbourhood Plans.
 - Provide legal advice.
 - Assist in collating and analysing consultation responses.
 - Make comments at every stage of the plan making process or where multiple iterations of draft Neighbourhood Plans are produced.
 - Promote the Neighbourhood Plan outside of the regulation requirements.
 - Provide monetary assistance.
 - Set up external webpages.

Limits to Neighbourhood Planning

- 3.21 It is also important for Forums to understand the limits to Neighbourhood Planning. Ultimately, the plans are technical documents for decision making and must only pertain to planning issues. A common issue that is encountered is Forums straying from planning matters and focusing on other local issues, such as trying to control construction impacts, licensing of events, influencing the quality of retail occupiers or changing bus routes, all of which have no mechanism within Neighbourhood Planning to regulate.
- 3.22 It can be difficult for Forums to engage a broad audience when developing their plan as it becomes technical and can be overwhelming for people without a planning background. It is therefore important for officers to support residents in developing their objectives and views into actual policies, and for these to be presented in a simple and logical manner.

Implementation

- 3.23 Once the Neighbourhood Plan has followed of the relevant statutory stages and been formally 'made' (adopted), the final stage is implementation and delivering the priorities identified in the plan. The following considerations will be used to ensure that 'made' neighbourhood plans create positive change locally, through:
- *Planning decisions* - The Council will determine planning applications in accordance with the statutory development plan for the area, which will include the Neighbourhood Plan when it is 'made'.
 - *Community Infrastructure Levy (CIL)* – Once Neighbourhood Plans are 'made', the amount of neighbourhood portion of CIL to spend on infrastructure to support growth in the area, rises to 25% of CIL receipts rather than the basic 15% when a Neighbourhood Plan is not in place. Neighbourhood Plans also inform how CIL is spent. The plans provide strategic direction on priorities for local NCIL and are taken into consideration when determining applications for NCIL funding.
 - *Monitoring* - Keeping track of the objectives and policies included in Neighbourhood Plans can be monitored by the Forum to help assess whether the plan's aims are being achieved, and if not, whether anything different need to be done to achieve them.

Comparison with Neighbouring Local Authorities

- 3.24 It has been well documented in the media that just a quarter of designations approved for a Neighbourhood Area and Forum in order to prepare a Neighbourhood Plan in London have resulted in an adopted Neighbourhood Plan. Analysis from Planning Resource shows that just 27 plans have been adopted in London and remains the area in England with the lowest number of 'made' Neighbourhood Plans to date.

3.25 To better understand this within Westminster’s context, we have taken a look at adjacent/nearby authorities to see how Westminster compares:

Local Authority	Number of Adopted Plans
Westminster	6
Camden	7
Kensington and Chelsea	2
Lambeth	1
City of London	0
Southwark	0
Hammersmith & Fulham	0
Islington	0
Wandsworth	0
Brent	2
Tower Hamlets	2
Hackney	0
Total (exc. Westminster)	14

3.26 From the table above, this shows that other than Camden, Westminster has one of the highest areas with ‘made’ (adopted) Neighbourhood Plans within this area of Central London.

3.27 The majority of ‘made’ Neighbourhood Plans seek to address strategic and long-term plans for their areas and to achieve policy outcomes to address particular development needs for their areas. In some cases, however, Neighbourhood Plans provide an opportunity to develop site specific policies focussed on achieving the best outcomes for the community on particular schemes in the area. Others also include a number of projects that are community aspirations and non-planning related, but which would seek to improve the area.

3.28 Although not within the London context, officers recently learnt about a ‘made’ Neighbourhood Plan for York called the York Minster Precinct Neighbourhood Plan⁷ following a work exchange to visit peers in the City of York’s dedicated Planning Policy Team. This Neighbourhood Plan demonstrated how some Neighbourhood Forums are proactively using the Neighbourhood Planning process to fund projects. In this case, the Neighbourhood Plan was ‘made’ to bring about the future care and development of the York Minster heritage estate. Multiple planning mechanisms were explored by the custodians of the Minster estate to achieve these conservation aims, but having an adopted Neighbourhood Plan was opted for as it presented the quickest path to approval and allowed for significant influence to be retained on the desired outcomes from key stakeholders of within the estate. The entire process was achieved in a 12 month timeframe, one third of the average for other Neighbourhood Plans across England, with significant collaboration between the custodians, Local

⁷ [York Minster Precinct Neighbourhood Plan](#)

Planning Authority and other key stakeholders in the area, including local residents and the business community, being crucial to achieving these aims.

Financial Implications

- 3.29 The costs associated with officers advising Neighbourhood Forums through the Neighbourhood Planning process, including preparation of the draft plan, public consultation and public examination are to be met from the existing Policy and Projects planning policy budget.
- 3.30 The portion of CIL collected that is apportioned to Neighbourhood CIL rises from 15% to 25% when a Neighbourhood Plan is made for that Neighbourhood Area. This reduces the amount of CIL apportioned to Strategic CIL, which is allocated through the capital programme to city-wide projects identified by the Council's infrastructure planning processes, but there is no overall impact on the total amount of CIL available to fund infrastructure.

Legal Implications

- 3.31 Under the Town and Country Planning Act 1990 (as amended) and the Planning & Compulsory Purchase Act 2004, the Local Authority has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans and Orders and to take Neighbourhood Plans through a process of examination and referendum. The Localism Act 2011 (Part 6, Chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.
- 3.32 The Neighbourhood Planning (General) Regulations 2012 (as amended) set out the legal requirements that must be complied with when preparing a Neighbourhood Plan. It is the Council's responsibility to ensure that these regulations have been met.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact Report Author:

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APPENDICES:

Appendix A – Westminster's Neighbourhood Planning Guide.

BACKGROUND PAPERS

Nil.