

A NEW PLANNING LANDSCAPE?

The value of local engagement

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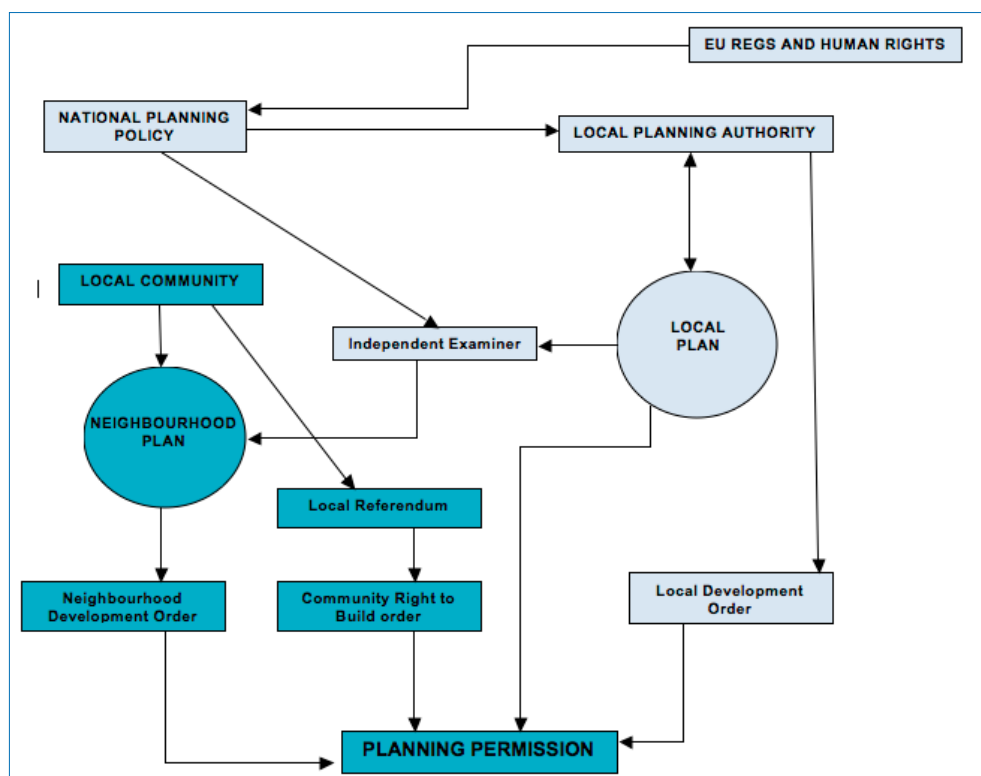
The rise of the grassroots

With November bringing both the new Localism Act 2011 and the long awaited Government Housing Strategy, it is clear that local planning, the devolution of powers and growth have a high priority in Number Ten and Whitehall. Whilst prima facie these reformulated planning guidelines and a cash boost for the sector should mean more money for development, in reality things are never that simple.

TAs part of the Government's flagship localism agenda, the National Planning Policy Framework (NPPF) represents the most significant change to the UK planning system in decades. While the NPPF has opened (and since closed) for public consultation in only its draft form, save for a few 'tweaks' the substance of the final framework is unlikely to be significantly altered.

Much of the controversy has been focused around the 'presumption in favour of sustainable development' which has been heralded by some as 'a builders' charter'. However, little attention has been placed on another crucial change: who is now capable of refusing or granting permission? While under the current system the power base has always been the Local Authority, under the new proposed system local communities will have a direct say in granting or refusing planning permissions.

All the usual suspects will still have a say: Central Government, Local Government, and even the EU. However, what is significant is the rise of grassroots players in the decision making process - community groups, parish councils and neighbourhood forums as the diagram below illustrates:



The impact on local planning applications

The reforms in their current state will have a huge impact on the way planners, housebuilders and developers go about their business. With the net of decision makers widened far beyond national and local government, local people will have a direct say on applications in their patch. If handled badly the 'nimbys', and the self-appointed local spokespeople could cause a major headache for developers. Conversely, if communicated with effectively, these same people could become key allies in supporting a project.

Local Plans

If a proposed development is included in the local plan, the situation is relatively straightforward and the application will be decided in the usual way by the Local Authority. These plans will generally have a timeframe of around 15 years and have the potential to operate strategically across local authority boundaries. If the proposed development does not fall within this plan, the situation becomes more complicated. This in itself is nothing new, the current system operates in a similar way in which the applicant asks the Local Authority to override the plan through use of a Local Development Order (LDO) on the basis of some higher interest.

Neighbourhood Plans

The key difference proposed in the NPPF is to empower communities to plan the areas in which they live, through the use of Neighbourhood Plans. While these Neighbourhood Plans will generally be in conformity with the Local Authority-led Local Plan, there is scope for them to go further and propose more development if they so wish. Outside these strategic elements, Neighbourhood Plans will shape and direct development in the local area (subject to the presumption in favour of sustainable development). With the recent passing of the Localism Act 2011, these Neighbourhood plans are now enshrined in sections 116 to 121 of the Act.

Neighbourhood Development Orders

Under the proposed plans, neighbourhoods will not just shape local plans, they can also decide on local planning applications through the use of Neighbourhood Development Orders (NDO). If a neighbourhood chooses to grant an NDO there will be no further requirement to obtain planning permission from the local planning authority. However, this only includes development as included in the Neighbourhood Plan.

Community Right to Build Orders

More directly still, through a local referendum communities can grant permissions through the use of Community Right to Build Orders. Proposals for the Community Right to Build have just been granted Royal Assent as part of the neighbourhood planning framework in the Localism Act. This means that any successful proposal will now need to be:

- from a community group such as a community interest company or a community land trust, etc
- independently assessed to see whether the proposals meet specific key criteria; and
- supported by more than half of the community that vote in a referendum.

What does this mean for business?

There will evidently be greater reliance on the local communities to reach decisions on planning applications in their local areas. With this greater reliance comes a shift in the dynamics of local decision making. This means that not only will it be harder to ascertain who key stakeholders actually are; it will also be more difficult to influence their decisions in a positive way.

Responding to these changes

Cavendish Communications is a leading independent Public Affairs agency with a track record of delivery for the property and construction sector. Our current clients include leading UK businesses such as Aberdeen Asset Management, Crest Nicholson Plc and Willmott Dixon Group. Further details on our work for these clients can be found at our website: www.cavendishpc.co.uk

In responding to the changes and challenges created by the new Localism Act, Cavendish advocates to property and construction companies a fresh approach to communicating their planning needs:

Vocalising Support

all developments have vocal opponents but those who support proposals are rarely heard. Cavendish specialises in identifying the local groups that will benefit from proposals and pulling them together into a campaign group. The activities of such groups are organised by Cavendish and used to counterbalance NIMBY noise with legitimate and targeted expressions of support eg a campaign group of local businesses that would benefit from a student development.

Community Audits

the gathering momentum of Localism and the potential of neighbourhood planning means that it's not enough to just know who your councillors are – we need insight into the communities and the groups that are active in that area. Cavendish counsels that all developers need to get under the skin of the communities they want to locate projects in. Our consultants conduct both desk and on-the-ground research to understand which groups are influential, vocal, well organised and need to be engaged with.

Guerrilla Exhibitions

the new planning regime means that the “tick box” consultation process needs to be a thing of the past and with it the traditional village hall exhibition. Cavendish undertakes and organises a more flexible approach to exhibitions that takes information out into the community eg sports clubs, farmers markets, rather than expecting the local community to come to us.

Web-advocacy

the first thing that a community and its politicians will do when hearing of a development is turn to the web. Cavendish and its partners will ensure that a positive and informative web-presence is on-line as soon as news of a proposal breaks and can set the tone for how a project is discussed as well as countering misinformation.

Representative Workshops

part of the new agenda includes the need to have demonstrated collaboration with local communities over a development, with a strong expectation that this will have an impact on the proposal. Cavendish's facilitated workshops, deliberately focused not on the usual amenity groups but on supportive demographics such as youth groups, sports clubs and local businesses, are the best ways of securing in-depth engagement with constructive parts of the community.

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