



ISLINGTON LOCAL PLAN STRATEGIC AND DEVELOPMENT MANAGEMENT POLICIES
A response to the consultation draft from Neighbourhood Planners.London
December 2018

1. This response to the Regulation 18 Draft Islington Local Plan is submitted by Neighbourhood Planners.London – the volunteer-led network of neighbourhood planners in the capital (www.neighbourhoodplanners.london).

Omission of neighbourhood planning as part of the statutory framework

2. We are surprised to see that the draft Local Plan makes no mention of neighbourhood plans or neighbourhood planning, thereby omitting any reference to (or explanation of) the layer of the English planning system closest to Islington residents. We suggest that that some significant edits and changes are needed before the Draft Plan proceeds to Examination in Public, and hope our comments below are helpful.

3. We believe that the current paragraphs 1.5 and 1.6 at the start of the document, setting out the 'planning framework', would be found at Examination to be deficient in failing to take account of NPPF (2018) paragraphs 12, 13, 18, 21, 28 and 29. As the document states at paragraph 1.8 "*The NPPF must be taken into account in preparing the development plan.*" Neighbourhood planning is now a well-established part of the planning system in London (with 12 made plans and over 100 communities actively involved) and elsewhere across England (with over 700 made plans). We do not understand why this part of the planning framework is being ignored in the preparation of a new Local Plan for Islington?

4. Paragraph 1.5 of the Draft Plan refers to the 2004 Town and Country Act and its definition of development plan documents. Section 38(2) of this Act reads:

- (2) For the purposes of any area in Greater London the development plan is—
 - (a) the spatial development strategy
 - (b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area, and.
 - (c) the neighbourhood development plans which have been made in relation to that area.

5. The current 2013 Islington Local Plan Development Management Policies, at Policy DM93, includes a minimal recognition of the statutory position, in stating:

“B. Planning applications that accord with policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without avoidable delay, unless material considerations indicate otherwise.”

6. While Islington is currently a Borough with no 'made' neighbourhood plans, the plan period for this updated Local Plan is 2020-2035. The Finsbury Park and Stroud Green neighbourhood area and forum was designated by the Council in September 2018. The Mount Pleasant neighbourhood area and forum are designated, as is the Crouch Hill and Hornsey Rise area. There may be a number of neighbourhood plans coming forward in the borough in the early part of the new plan period.

7. As a minimum we suggest that these early paragraphs of the Draft Plan are amended to read as below, with additions in red/bold type:

The planning framework

*1.5 The Local Plan is developed within a complex planning framework, at the heart of which is primary legislation which sets out the basic legal parameters within which the Local Plan should be prepared and subsequently operate. The Planning and Compulsory Purchase Act 2004 (“The PCPA”) provides the fundamental basis on which the plan-led system functions. It sets out the definition of Local Development Documents, a suite of documents **which now includes any 'made' neighbourhood plans** and which must (taken as a whole) set out the authority’s policies (however expressed) relating to the development and use of land in their area. This includes documents which have Development Plan status as well as those which do not, such as Supplementary Planning Documents and the Statement of Community Involvement.*

*1.6 The Development Plan is the key set of documents which inform decisions on planning applications. In Islington, the Development Plan consists of any locally adopted Development Plan Documents (such as the Local Plan) and the London Plan (the Spatial Development Strategy prepared by the Mayor of London). **Any neighbourhood plans which are successful at referendum and subsequently 'made' by the Council will also form part of the Borough's Development Plan.** The PCPA specifies that planning applications must be made in accordance with the Development Plan **(including policies in any 'made' neighbourhood plan)** unless material considerations indicate otherwise. What does and does not constitute a material consideration is determined on a case-by-case basis, as is the weight to be given to any such considerations.*

8. To properly address the issue we believe the new Local Plan should explain, in language the public can understand, the opportunities that neighbourhood planning provides for local communities to shape the future of their area, as set out in the NPPF. We believe that local plans will with increasing frequency be found at Examination to be 'unsound' and less than fully 'effective' in cases where such information is omitted. Such

material would add little length to a 250 page document, and could refer readers to more information in the authority's Statement of Community Involvement (see below).

Strategic and non-strategic policies

9. A further major concern is that the current Draft ignores the requirement in NPPF paragraph 23 to *'make explicit which policies are strategic policies'*. As this NPPF paragraph goes on to state *'These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies'*.

10. From a brief review of the Reg 18 Draft it seems doubtful if many of the more detailed policies set out the chapter on Area Spatial Strategies would meet the 'considerations' set out in NPPG paragraph 076 ID 41-076-20140306 (the paragraph on *How is a strategic policy determined?*). There does not seem to be any explanation in the current Reg 18 Draft on the distinction between strategic and non-strategic policies. This fails to take account of paragraphs 20-23 of the 2018 NPPF and 184/185 of the 2012 NPPF.

11. The practical consequence for neighbourhood forums working on neighbourhood plans in the Boroughs is to make it very difficult to identify where issues of non-conformity with the strategic policies of the London Plan might arise. The same problem confronts independent Examiners, when required to test draft neighbourhood policies for 'general conformity' as a basic condition for a neighbourhood plan.

12. While it is true that other local plans in London, drafted in the years immediately following the 2011 introduction of the neighbourhood planning framework, similarly fail to distinguish between strategic and non-strategic policies, this should not be happening in a Reg 18 Draft launched in late 2018. We believe that Inspectors of Local Plans will pay increasing attention to this issue, given its reinforced prominence in the 2018 NPPF.

Designation of Local Green Spaces

13. Chapter 5 of the draft document covers Green Infrastructure and emphasises the importance of open space in the Borough. It makes no mention of the NPPF provisions allowing local communities to identify, designate and hence protect open spaces as Local Green Space, where a set of criteria are met and subject to a referendum and the making of a neighbourhood plan (paragraphs 76, 77 of the 2012 NPPF and 99, 100 of the 2018 version). We are puzzled that there is no mention of this in draft policy G1 and the accompanying text.

Statement of Community Involvement

14. We appreciate that SCIs are no longer a development plan document as such, but the Council's SCI may well be reviewed at EIP as part of a wider suite of documents supporting the new Local Plan.

15. Islington's current SCI was updated in 2017. It includes two paragraphs on neighbourhood planning. The Neighbourhood Planning Act 2017 introduced two new requirements relating to SCIs. These came into force on July 30th 2018.

16. Section 6 of the Act requires that a Statement of Community Involvement “sets out the local planning authority’s policies for giving advice or assistance under—
(a) paragraph 3 of Schedule 4B to the principal Act (advice or assistance on proposals for making of neighbourhood development orders), and
(b) paragraph 3 of Schedule A2 to this Act (advice or assistance on proposals for modification of neighbourhood development plans).”

17. The policy background to the Government’s addition of these new statutory requirements was described in the Explanatory Notes to the Neighbourhood Planning Bill as follows: “The Bill also makes the duty on local planning authorities to support neighbourhood planning groups more transparent and improves community involvement in the early stages of plan-making.” The first of these new requirements is generally viewed as reinforcing the 'duty of support' placed on local authorities by the 2011 Localism Act (a duty which was not specified in any detail in that Act)

18. Hence we suggest that the Council needs to undertake a further update of its SCI document. The LBI 'Short Guide' to neighbourhood planning, available on the council website is a helpful document but we do not feel that it sets out the '*advice and assistance*' that the authority offers to neighbourhood forums, in the way that the 2017 Act envisages. In any event the requirement is for such material to be within the SCI and not separately, presumably with the intention that the public can find in one place all information relevant to community engagement in an authority's planning activities.

19. We are currently flagging up with all London LPAs this need to review and update SCI documents, to meet the new legislative requirements. See our publication on SCIs at http://docs.wixstatic.com/ugd/95f6a3_25c3511ec1ed46f4b76dff9a9deb3821.pdf

20. We hope that you find the above comments useful. We wish them to be treated as a formal response to the current consultation. It would be helpful to know as soon as possible if the Council will be making modifications to the current draft in response to these comments, as we monitor the review and preparation of Local Plans across all London LPAs and some of these issues are surfacing elsewhere.