

Localism in London What's the story?

November 2014



Planning Committee Members

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Summary

Reforms stemming from the Localism Act include new rights and powers for communities and individuals to shape their neighbourhoods and changes to the planning system designed to make it more democratic.

Since 2012 the Planning Committee has been monitoring the progress of two aspects of localism – neighbourhood planning and the community right to bid – to see how they have been adopted in London.

The Committee has now produced this report that monitors the progress made in the 12 months since the last meeting on the issue (October 2013), and contains a number of questions for the wider stakeholder community designed to assess how Localism can be progressed in London.

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Executive summary

This report monitors the progress made on various aspects of the Localism agenda in London over the last 12 months and contains a number of questions for the wider stakeholder community designed to assess how Localism can be progressed in the capital.

Localism is a key part of the Government's intention to devolve power to local communities to enable them to shape their neighbourhoods. Since 2012 the Planning Committee has been monitoring the progress of two aspects of localism – neighbourhood planning and the community right to bid – to see how they have been adopted in London.

Currently, progress in London has been slow. Around 80 of London's 1,200 neighbourhoods, that cover 624 electoral wards, have expressed any interest in the process. One neighbourhood plan has so far been adopted and is now influencing the development of a local area. It is difficult to imagine more than a handful of plans will be in place by the time of the next election – some three years after the legislation came into effect.

The reasons for this are difficult to pinpoint, but there is evidence to suggest that the legislation was designed for smaller, more homogenous areas than London. London's complex network of mixed communities with diverse interests seems to make even defining neighbourhood areas a difficult and time consuming process – and this is just the first stage of the process.

In 2012, the Planning Committee highlighted the issues that need to be addressed if neighbourhood planning is to be a success in London. Neighbourhood forums need clear legitimacy, access to the right resources (financial and human) and need adequate support and advice to successfully navigate the many steps required to develop a neighbourhood plan. Our analysis of the current situation indicates that these factors are still holding back the progress of neighbourhood planning. Where these challenges have been met, in areas such as Westminster and Camden, neighbourhood planning is much further advanced.

In terms of the community right to bid – the right for communities to take over buildings and facilities of local community value – the picture is a little more encouraging. The process is simpler than developing a

neighbourhood plan and perhaps more tangible to local people. There are now more than 100 listed assets, and the numbers are growing quickly.

However, we have found the approach to listing these assets by boroughs to be inconsistent and the necessary skills required by local communities difficult to bring together. There have been successes – valued local amenities such as pubs and community halls are now safely owned and run by communities. But there have been some unexpected applications of the legislation – a group of skateboarders has managed to counter a multi-million redevelopment plan by successfully applying for and receiving a listing. The case even attracted Mayoral interest and support for the skateboarders.

Introduction

In May 2010, the Government announced “the time has come to disperse power more widely in Britain today.”¹

The subsequent Localism Act 2011 introduced a series of measures that were designed to shift power away from central government towards local people. Localism is an attempt to devolve power by:

- Giving new freedoms and flexibilities for local government
- Establishing new rights and powers for communities and individuals
- Reforming the planning system to make it more democratic and more effective
- Ensuring that decisions about housing are taken locally

Reforms stemming from the Localism Act include new rights and powers for communities and individuals to shape their neighbourhoods and changes to the planning system designed to make it more democratic.

Planning shapes the places where people live and work and it is right that local people should be involved in the process of deciding local priorities. Since July 2011, the London Assembly’s Planning Committee has been monitoring the implementation of these reforms to assess how community involvement in planning is changing.²

This report provides the first overview and assessment of how far London’s communities have managed to secure “a greater sense of ownership over decisions that make a big difference to the quality of their lives”.³ It looks at how two aspects of the Localism agenda, the establishment of neighbourhood planning and the right for communities to nominate and protect assets of community value, are playing out in London.

The Committee is keen to understand how Localism can be progressed in London. The final section of this report contains a number of questions for the wider stakeholder community and the Committee would welcome positive suggestions for how this part of Localism can be taken forward.

Neighbourhood planning

The Localism Act 2011 introduced statutory neighbourhood planning to give communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area through their own Neighbourhood Plan.

“They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead.”⁴

An adopted neighbourhood plan forms part of the borough development plan and sits alongside the Local Plan prepared by the local planning authority. Decisions on planning applications will be made using both the Local Plan and the neighbourhood plan, and any other material considerations.

What a Neighbourhood Plan can and cannot do

A Neighbourhood Plan can:

- Decide where and what type of development should happen in the neighbourhood.
- Promote more development than is set out in the borough plan.
- Include policies, e.g. design standards, which take precedence over policies in the borough plan.

A Neighbourhood Plan cannot:

- Conflict with the strategic policies in the borough plan.
- Be used to prevent development that is included in the borough plan.
- Be prepared by a body other than a parish or town council or a neighbourhood forum.

Source: <http://www.planninghelp.org.uk/improve-where-you-live/shape-your-local-area/neighbourhood-plans/some-general-principles-for-neighbourhood-plans>

Typical things that a Neighbourhood Plan might include:

- The development of housing and bringing vacant or derelict housing back into use.
 - Provision for businesses to set up or expand their premises.
 - Transport and access (including roads, cycling and walking).
 - The development of schools, places of worship, health facilities, and leisure facilities.
 - The restriction of certain types of development and change of use.
 - The design of buildings.
 - Protection and creation of open space, play areas, parks, gardens.
 - Protection of important buildings and historic assets.
 - Promotion of renewable energy projects, such as solar energy and wind turbines.
-

Will it work in London?

In March 2014 the Parliamentary Under-Secretary of State for Communities and Local Government said that “neighbourhood planning is proving to be one of the Government’s most popular reforms. Nearly 1,000 communities across England are working on neighbourhood plans, and all eight of the plans to go to referendum thus far have commanded popular support.”

London, however, faces particular difficulties in developing neighbourhood plans. Previous work by the Committee⁵ identified a “London” dimension that makes the underlying assumptions behind the push for neighbourhood planning far more challenging in the capital than elsewhere. Indeed, we have heard views that the legislation is primarily aimed at rural communities⁶ and will not work in complex urban geographies.

Small towns and villages have obvious boundaries, often parish councils, by which communities define themselves. London, in contrast, is a uniquely tangled urban area. Self-defined communities often cross local authority boundaries, and may be fragmented or mobile.

Residents may live and work in different parts of the city. In many parts of London – particularly central and inner London – transient and highly diverse communities live in and among areas of national and international significance. Communities in London exhibit wide variations in income levels, housing tenures, age ranges and occupations and there can be high population turnover.

All of these factors can make it hard to develop a shared vision for a 'neighbourhood' in London.

Who can form a neighbourhood forum?

In London neighbourhood plans will most likely be produced by neighbourhood forums. These can be existing community or business groups, or local residents, workers or businesses may set up a new group. The Localism Act 2011 and Neighbourhood Planning Regulations 2012 specify the groups must:

- Have at least 21 members.
- Be established to promote the well-being of the neighbourhood area.
- Be open to new members.
- Have a written constitution.
- Have taken reasonable steps to secure membership from residents, business and local elected members across the neighbourhood area.

To be formally designated as a Neighbourhood Forum the group must apply to the Local Authority for the proposed boundary of the Neighbourhood Plan area to be formally consulted on and then designated. Once a designation is made, no other organisation may be designated for that area.

Source: The Neighbourhood Planning (General) Regulations 2012 (Part 3)

In early work the Committee therefore sought to identify high-level issues that need to be addressed by individuals coming together to successfully clear all the hurdles to make a neighbourhood plan. These are:

- Clear legitimacy: Groups need to ensure their plans are truly representative of local people, and local authorities must have a legitimate process in place to consider it so people have faith in the system.
- Realistic about resources: Groups need to realistically assess their strengths and weaknesses in areas like knowledge of the planning process, communication skills and leadership.
- Support for stakeholder management: The Mayor, borough planners and ward councillors all have a role to play in providing support and advice to local groups. Relationships with other neighbourhood planning bodies across London – and even beyond – are essential to share successes and ways around any difficulties.

The analysis provided below suggests that local groups are struggling to address these issues and this is therefore restricting the progress London is making with neighbourhood plans.

Neighbourhood planning in London

- where are we now?

Neighbourhood planning came into effect in April 2012. Producing a neighbourhood plan requires a neighbourhood forum to successfully negotiate a seven stage process:

- 1 Designating a neighbourhood area (and if appropriate a neighbourhood forum)
- 2 Preparing a neighbourhood plan
- 3 Pre-submission consultation on a neighbourhood plan
- 4 Submission of a neighbourhood plan
- 5 Independent examination of a neighbourhood plan
- 6 Referendum on whether a neighbourhood plan should come into legal force
- 7 Making of the neighbourhood plan - bringing it into legal force

By February 2013, some 60 areas of London had expressed interest in developing plans for their communities.⁷ Six areas were successfully recognised by their local authorities as valid neighbourhood forums.

As of September 2014, 78 areas had registered interest in the process and more than half (48) have received designation as recognised neighbourhood forums. Recognition, however, is only the first of the seven steps.

Progress on subsequent stages has been slow. Only two neighbourhoods in the whole of London have made significant progress. One, Norland in Kensington and Chelsea, has an adopted plan (see summary box below). Another, Fortune Green and West Hampstead in the London Borough of Camden (recognised in May 2013), has currently reached the third stage of the process. It has submitted the final version of its neighbourhood plan to Camden Council for a six week consultation period that closed on 31 October 2014.

The Norland neighbourhood plan

In the whole of London only one neighbourhood, Norland in the Royal Borough of Kensington and Chelsea, has successfully completed all seven stages. In the referendum, held on 5 December 2013, 74 per cent voted in favour of the plan (on a 26 per cent turnout). Norland now has a neighbourhood plan that was adopted in March 2014 that the council must take into account when deciding applications for development.

“As any highly desirable inner London conservation area, Norland has been subject to many new development pressures. This neighbourhood plan seeks to promote positive growth and development in the area.”

Source: Neighbourhood Plan <http://www.rbkc.gov.uk/pdf/NNP-Ch1,2-lowres.pdf>

Of the 78 areas that have expressed interest, the experience of the Highgate neighbourhood forum is a typical example of the process being worked through in other areas of London. In this instance the need for cross-boundary recognition was an added complication.

The Highgate Neighbourhood Plan

In January 2012, amenity groups, residents' organisations and individuals in Highgate, supported by councillors from Camden and Haringey, decided to set up a forum with the aim of developing a neighbourhood plan. The neighbourhood straddles two boroughs and three wards and represented the first cross boundary Forum. The forum was designated in December 2012.

As well as extensive community engagement the forum set up five working sub-groups to look at different aspects of the neighbourhood plan. These were:

- Economic Activity.
- Open Spaces and the Public Realm.
- Social and Community (including Culture).
- Traffic and Transport.
- Development and Heritage.

Sustainability was to run through each of the groups. Over 50 people worked in the subject groups to research and write policy for the neighbourhood plan.

From this a draft plan was produced in September 2013. However many of the aspirations of the neighbourhood could not be supported as policy and as a result the plan stalled. The forum applied for both financial and direct support from Locality and they were awarded nearly £7,000 and also direct assistance from Planning Aid.

The forum, recognising that it did not have sufficient skills in this area, used part of their funds to employ a specialist to write the plan. This is currently being undertaken and it is hoped to have this completed by the end of 2014, after which the draft will be published as part of a six week consultation exercise. Following amendments, it will then go to an Independent Examiner appointed by Camden and Haringey Councils. If accepted that it complies with the Councils' Local Plans, the Regional Plan and the National Planning Policy Framework, the Councils will organise a referendum.

Assuming all goes well then the Plan should be published in mid-2015, some 3 ½ years from inception.

Very few areas have expressed an interest in local plans...

Seventy-eight neighbourhoods in London have begun to engage in the process, but to set this figure in context, there are 624 electoral wards in London and the London Plan identifies some 1,200 neighbourhoods in relation to local shopping areas.

The legislation does not set a high bar in terms of criteria for establishing a neighbourhood forum that can be recognised by a local authority. Only 21 individuals are required to establish a forum, and these can be residents, workers or elected councillors for the area. So, why have relatively so few neighbourhood forums been formed and recognised?

The answer, in part, is probably reflected in London's unique composition and the difficulties of satisfying the requirements for a commonly agreed geographical area when there are many distinctive communities living within the same part of the city.

As the City of Westminster commented "... Trying to transpose it [the legislation] into an incredibly complex area like the heart of a metropolitan global city, it is quite an uneasy fit because it is very easy to have community groups when you have a few hundred people, it is a lot more difficult ... actually trying to find out how you represent Soho when you have people that are in the media industries, you have the sex industry, you have restaurants, you have bars and clubs, you have people that are there 24/7 who know the place and you have residents; trying to actually get that to gel together is incredibly complex."⁸

As our earlier work highlighted questions of establishing a group's legitimacy, in terms of being truly representative, is a challenge for neighbourhood forums and has put a further brake on their formation. For example, disagreements in Tower Hamlets have led to the failure of a proposed neighbourhood forum in Wapping to gain recognition from the local authority.⁹ The council was "not satisfied that the proposed forum is representative of the local community to an extent that will lead to successful neighbourhood planning within the Wapping area". The area application included St Katharine Docks to the west of Wapping, but local group the Friends of St Katharine Docks "strongly objected" to its inclusion.

There have been challenges in explaining the new role and structure of neighbourhood forums and how those will be different from [traditional] community groups, for example, the fact that the membership has to be open. "Some neighbourhood amenity societies have found it odd that

the membership has to be open to people who work in the area in addition to those that live in an area”.¹⁰

Yet another complication arises from the fact that only one neighbourhood plan and forum can be produced for each designated neighbourhood area. With competing applications from different groups with overlapping geographical boundaries, local authorities are placed in a difficult and time consuming mediation role, further hindering the ability for a forum to jump the first hurdle.

...with almost half of activity in Westminster and Camden

“People interested in having a neighbourhood forum under the new system are very much clustered in the centre.”¹¹

We have found that the boroughs of Westminster and Camden account for 46 per cent of interest expressed so far in establishing neighbourhood forums. More than one third of London boroughs (12) have no community expressing interest in neighbourhood plans.¹²

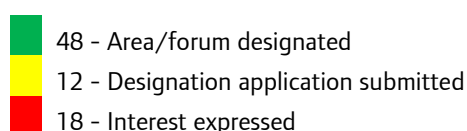
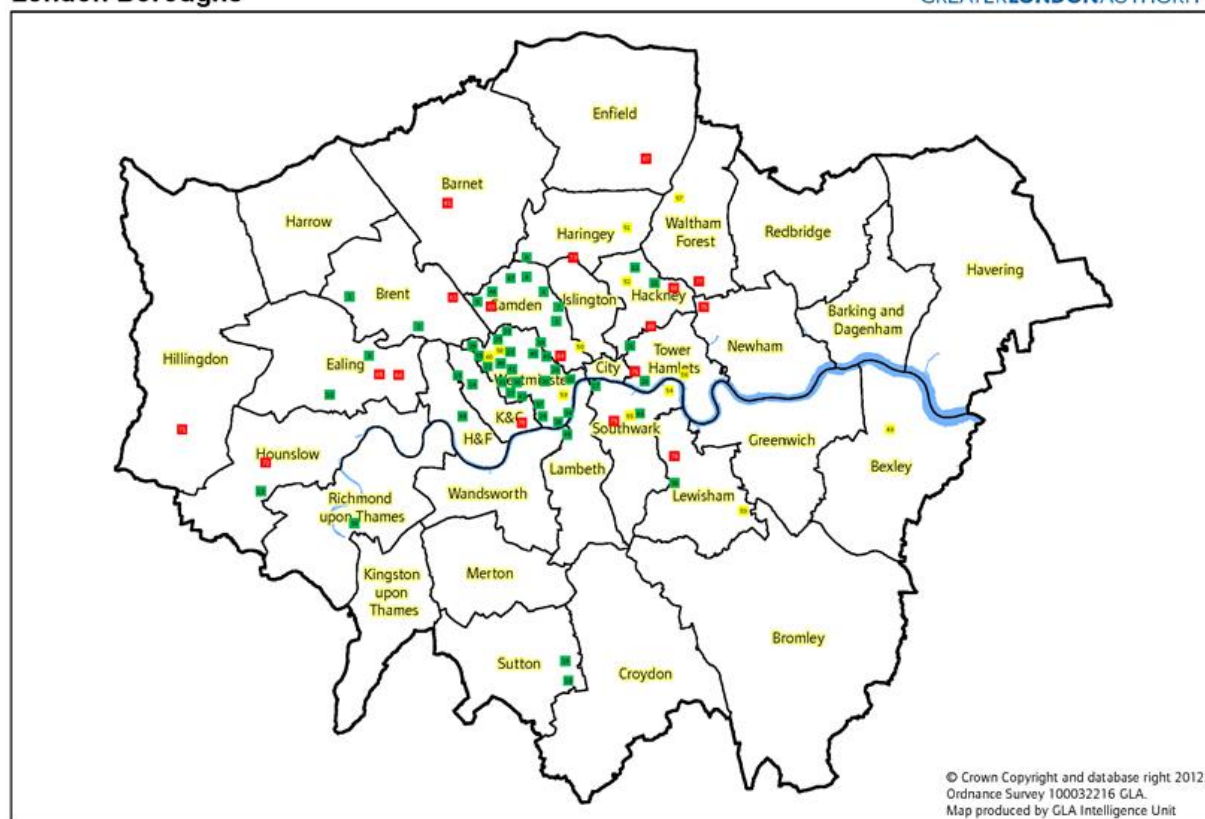
The boroughs with no community interest are mainly in outer London and are varied in terms of affluence and development pressure. However, this is not to say they do not contain established amenity societies, many that have been active and effective for some considerable time, that could spark interest in a more formal role in neighbourhood planning.

Conversely, almost the whole of Westminster is now covered by designated neighbourhood forums – 21 in total, with three more forums awaiting formal recognition.¹³

Neighbourhood planning forums in London – October 2014

London Boroughs

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A number of reasons might explain this concentration of interest and activity.

Boroughs with historically large numbers of civic and amenity societies, and with established experience of supporting those groups, may be in a better position to react to neighbourhood planning applications. Historically, Westminster has always had very active engagement in planning. Prior to the Localism Act, it had 19 amenity societies that were fully involved in both policy making and in response to applications and commenting on them. Westminster also has seven business improvement districts and the first parish council in London for 60 years in Queen's Park.

Another factor may be the response in one area to the creation of a forum in a neighbouring area: “there are others happening in my borough so we have to have one, do we not?”¹⁴ Thus there are suggestions that the perceived threats of adjoining neighbourhoods developing policies that might affect other areas has led to reactive moves in neighbouring areas.¹⁵ There may be a threshold above which a critical mass is reached that will stimulate the interest in neighbourhood planning.

There is a perception that the level of expertise that is going to be required to undertake neighbourhood planning is beyond the skills of a neighbourhood. “Many of the groups have said they are very daunted by the prospect of having to draft an evidence-based neighbourhood plan and also even completing the initial consultation.”¹⁶ A lack of capacity of the local community to organise and to work effectively through the legal and administrative requirements of the system may be linked to areas where neighbourhood planning has not taken off may reflect.

What happened to the “front runners”?

In February 2012, the Committee reported on the status of seven areas of London that had responded to a Government invitation to lead the way in neighbourhood planning and were defined as ‘front runners’.¹⁷

By October 2014 only four of these areas have been recognised by their local authority and two have submitted an application for recognition. The final neighbourhood of the original seven has given up on the idea of producing a plan and is, instead, focussing on efforts to influence Kensington and Chelsea’s basement development policy.¹⁸

This slow progress is largely reflected nationally, with only 27 neighbourhood plans outside London passing a referendum.

Notwithstanding the issues of capacity in the neighbourhood to progress this type of plan, and the hurdles surrounding area definition and legitimacy that need to be overcome, the cost of support has been mentioned by a number of commentators as one further brake on progress.¹⁹

Initially, local authorities were only able to ask the Government for £5,000 per neighbourhood forum with a total cap of £20,000 per local authority. In an area like Westminster with more than 20 active forums

"there has to be lots of investment by the city council in assisting with neighbourhood planning which we are legally required to do... This seems to me to be a full-time job for at least a handful of planners."²⁰

Boroughs have to make hard financial choices. Brent, for example, noted the impact of designating a neighbourhood forum: "either additional staff resources will be necessary to support neighbourhood planning, depending upon the number of Plans that are taken forward, or staff resources will be diverted from other plan-making projects to provide support and advice."²¹

Planning Aid for London has suggested that some of those [neighbourhood planning applications] going on in Camden could take three years and cost £80,000 to £100,000 to produce.²² And at the end of the process is a referendum – the one for Queen's Park parish council, a similar size to a neighbourhood, cost £23,000.²³

The cost implications are significant. Westminster alone is facing a £500,000 bill for referendums should all the neighbourhood forums progress to the final stage alongside the salary costs of "at least a handful of planners" for some years to come.

Furthermore, some commentators have suggested that support from locally elected councillors may not be as forthcoming as was envisioned by the Government. Neighbourhoods rarely tie in with wards. Ward boundaries and borough boundaries divide neighbourhoods.²⁴ Many groups "want cohesive planning for their neighbourhood and sometimes the councillors find that a bit challenging."²⁵

Government reform to speed up the process

The Government is concerned about the time it is taking for neighbourhood forums to be recognised. In July 2014, the Government consulted on proposals that will make it easier for residents and businesses to come together to produce a neighbourhood plan.²⁶

New measures include requiring local planning authorities to decide whether to designate certain neighbourhood areas within 10 weeks and removing the minimum six-week consultation period.

Neighbourhood forums would, however, still need to consult and win a local referendum on the final neighbourhood plan.

Neighbourhood planning in London – an evaluation

Currently, progress towards neighbourhood planning in London seems to be slow. From an analysis of activity to date, it would be difficult to imagine more than a handful of neighbourhood plans will be in place by the time of the next election – some three years after the legislation came into effect.

The reasons for this are difficult to pinpoint, but there is evidence to suggest that the legislation was designed primarily for smaller, more homogenous areas than can be found in London. London's complex network of mixed communities with diverse interests seems to make even defining neighbourhood areas a difficult and time consuming process. This is just the first stage of the process.

Some parts of London have overcome this barrier but they appear to be fortunate in having a number of favourable conditions already in place. Areas with established community and interest groups, in relatively affluent neighbourhoods with access to professional expertise have managed to galvanise themselves into action. Other areas, without these advantages, have found the challenges too great to overcome.

A local authority that is (relatively) well-resourced and willing to allocate further resources will make a further positive contribution. Where these factors have come together, progress towards neighbourhood planning has been the most significant.

Neighbourhood planning clearly is only one tool and there are other planning tools that communities can use. If the buzz around neighbourhood planning does anything, it can help communities understand the alternatives to a neighbourhood plan and the value of the [borough] local development plan itself.

The idea of involving the community in planning is not new.

"Neighbourhood planning has been going on as long as I can remember... We have developed... about 180 community and civic groups across the capital in a network for engagement with their local councils for them to be involved in decision-making and for those decisions to be in their best interests. [So] we have been doing neighbourhood planning for 25 years."²⁷

A number of commentators argue that there are alternative ways of securing community involvement in planning and achieving the same outcome as envisaged by the Localism Act.

These include:

- Better public engagement with the borough's own Local Development Frameworks.
- Area Action Plans that form part of the Local Plan, have statutory status and avoid the cost associated with a local referendum.
- Community networks that link several groups across a wider area to develop policy for regeneration and growth.²⁸
- Parish councils are the lowest or first tier of local government – and the first one in London for 35 years was established in 2013 – only three years after residents first considered the idea of a community council.

Neighbourhood planning is not a legal requirement but a right which communities can choose to exercise. Some communities are deciding that they could achieve the outcomes they want to see through other planning routes, such as incorporating their proposals for the neighbourhood into the Local Plan, or through other planning mechanisms such as Local Development Orders and supplementary planning documents.

Neighbourhood planning – what next?

Despite the slow progress, and the undoubted additional challenges for neighbourhood planning in London, the idea of localism in planning is one we have supported. By allowing people involvement in the process of deciding local priorities they can have a say in shaping the place where they live and work.

This is not to say that the more established and conventional pathways to local planning have failed. The role of local councillors and the formal borough wide local plan will continue to be the main forces that shape neighbourhoods.

As this report shows, there may not be much measurable progress to date but there are signs that the renewed focus on neighbourhood planning that the Localism Act stimulated is inducing a lot of neighbourhood planning activity. "It may not lead to an end-product neighbourhood development plan, but that does not mean that it is not worth doing, if it raises the issues and get communities and representatives talking to authorities more effectively."²⁹

This is the reason we believe neighbourhood planning should be encouraged in London and we are keen to find out how we can help

foster its spread across the city. The idea of neighbourhood planning is a positive one but the lack of progress in giving local people real influence means that the policy is in need of a refresh.

At the end of this report we ask a number of questions designed to assist the process of neighbourhood planning in London.

The Community Right to Bid - Assets of Community Value

The Localism Act also introduced new rights for individuals and communities to take over community assets through the Community Right to Bid.³⁰

The Community Right to Bid (Assets of Community Value in legislation) came into force in September 2012 and allows communities to nominate buildings or land for listing by the local authority as an asset of community value (ACV). When a listed asset comes to be sold, a moratorium on the sale (of up to six months) may be invoked, providing local community groups with a better chance to raise finance, develop a business plan and to make a bid to buy the asset on the open market.

The Right to Bid aims to keep valued land and buildings in community use by giving local people the chance to bid to buy them, if and when they come onto the market. If something on the list is offered for sale, the Right is triggered and communities have up to six months to prepare a bid to compete to buy it.

Community Assets – what are they and...

Community assets, in the broadest sense, are buildings and pieces of land that are an essential part of the social fabric of the area. The Localism Act's Community Right to Bid legislative definition is that a building or piece of land will be deemed to have community value only if:

- The use of the land or building currently, or in the recent past, furthers the social well-being or cultural, recreational or sporting interests of the local community.
- This use (as described above) of the building will continue to further the social well-being or interests of the local community.
- The use of the building or land must not be deemed 'ancillary', i.e. of secondary purpose. This means that the use of the land or building to further social well-being or interests of the community must be its principal use.
- Legislation only permits community or voluntary groups to nominate potential assets - local authorities and public bodies are prevented from doing so.

...what is the current picture?

The use of this part of the Localism Act appears to be more widespread across London than the provisions that enable neighbourhood planning. Of course the process is simpler and, perhaps, reflects something that is more tangible to local people.

In September 2013 (one year after the right came into force) there were 27 assets listed in London in 12 boroughs. By May 2014 this list had grown to 66 assets in 16 boroughs, and by October this had risen to 100 in 22 London boroughs.

Date	Listed Assets	Listed Assets	Boroughs with registers of community assets
September 2013	27	<ul style="list-style-type: none"> • Pubs (14) • Community halls (5) • Sporting/recreational facilities (4) • Library (1) • Nursery (1) • Open space (1) • Local shop (1) 	12
May 2014	66	<ul style="list-style-type: none"> • Pubs (30) • Community halls (13) • Sporting/recreational facilities (8) • Library (4) • Nursery (2) • Open space (3) • Allotment (1) • Education facility (1) • Cinema (1) • Local shop (1) • Police Station (1) • Public square (1) 	16
October 2014	100	<ul style="list-style-type: none"> • Pubs (36) • Community halls (29) • Sporting/recreational facilities (10) • Library (6) • Nursery (2) • Open space (10) • Cinema/bingo/theatre (4) • Other (3) 	22* *Data from 28 of 33 boroughs

Community assets – an evaluation

The process by which assets are listed has been described as a ‘seesaw’. The first part is weighted towards the organisation nominating and there is no right of reply for the owner to object to the proposal as an asset of community value. However, once it is listed, the process then swings the other way and is very much in favour of the owner. They have the right to request a review; they have the right to take it to tribunal.³¹

This asymmetry can be frustrating, for both owners and community, as they are unable to be involved at every stage of the often long process, when time for producing business cases and raising finance is of the essence.

Speeding up a decision to sell or change use

Once something is listed it may then become a material consideration in planning applications. Owners are therefore very keen for things not to be listed in the first place and there is a danger of forcing through a sale or change of use prior to the listing process. “The six-month moratorium buys time for the community, but there may be a risk that the owner could just sit out that period of time and then proceed exactly as he or she planned.”³²

Consistency of the listing process

At the end of 2013, some of the boroughs still did not have a listing process in place and this was delaying registration of assets.

Nominations for assets must come from the community itself, from a voluntary or community body with a local connection.³³ Some boroughs are interpreting the regulations in different ways: “some of the boroughs are saying [the nominating group] has to be rather like a neighbourhood forum. It has to have 21 representatives and they have to be representatives of all interests in the area where that asset is of value to the community. Others are saying that the [group] can be a charity, so if a community group is a registered charity, then that group is enough and it can proceed to complete the paperwork.”³⁴

Boroughs have different interpretations of what constitutes an asset of community value. In Merton no asset nominations have been accepted despite eight having been submitted. A variety of reasons have been given, such as a pub “has not furthered the social well-being or social interests of the local community in the recent past and realistically will not do so again in the next five years.” This compares with many other boroughs that have accepted pubs as assets. Now, only just ahead of

community halls, the largest type of asset listed to date in London, are pubs.

“It is often not as clear-cut as it might be. Some things are quite obviously assets of community value, but even with something like a pub it can be difficult to determine whether it is an asset of community value.”³⁵

The Ivy House Pub

The Ivy House in Nunhead is London's first co-operatively owned pub, the first pub to be listed as an Asset of Community Value, and the first building in the UK to be bought for the community under the provisions of the Localism Act.

The Ivy House was a popular local pub when its tenants were given one week's notice to quit by Enterprise Inns in April 2012. The building was boarded up and advertised for sale with vacant possession. A group of local residents successfully applied to Southwark Council to have the pub listed as an asset of community value.

According to the lead campaigner, Tessa Blunden, “Listing the pub under the Localism Act was the key to our success in buying the Ivy House. The six-month moratorium triggered by the listing bought us the time we needed to prepare a bid.”³⁶

Once the group had secured the asset of community value status, they were referred to Locality, a network for community-led organisations, which directed them to a number of organisations to help provide finance, business development advice or other support. The group raised £1 million through a mixture of loan and grant finance and negotiated with the vendor to buy the building for £810,000 in March 2013. The pub re-opened in August 2013.

Skill sets and capacity of the local community

Successfully applying for, and getting an asset listed, is the first step in the process. Purchase of the asset requires business planning, fund raising and management skills but also more practical inputs to physically repair and maintain the asset.

“It is extremely hard work. It is very, very difficult... and you have to be very careful not to underestimate that and be prepared for it to be very

difficult. However similarly, do not underestimate the resources within your community.”³⁷

Valuable support is provided by organisations like Locality and the Plunkett Foundation that provide assistance with business planning, overcoming legal issues and some funding.

The Mayor might assist in the process as this aspect of the localism agenda seems to fit perfectly with his policy of creating sustainable communities. The Mayor has Supplementary Planning Guidance on creating sustainable communities and it has been suggested that he modify it to extend the guidance to deal with the registration of assets.³⁸

The Mayor could also provide advice on how local authorities should carry out the internal review process and encouraging some consistency among boroughs.

Community assets in a global city

As with neighbourhood planning, the idea of nominating assets of community value seems to have originated with more rural communities in mind – protecting the village pub or local shop that might be the only asset locally. In London, however, the principle may have been stretched to the limit.

In March 2013, The Southbank Centre unveiled designs for a £120 million redevelopment including the plan to transform the iconic Southbank Undercroft skate park into retail units.

Long Live Southbank was formed to protecting the Undercroft in its current form – “believing its cultural and historical status to be irreplaceable and that its unique architecture and the vitality of the thriving community should be present for future generations.”³⁹

After much confusion in relation to the listing process, Long Live Southbank has been successful in securing the Undercroft’s as an Asset of Community Value by Lambeth Council.

The Mayor spoke out in favour of the campaign, recognising the Undercroft as ‘part of the cultural fabric of London’ and stating that ‘redevelopment should not be at the detriment of the skate park, which should be retained in its current position.’

In February 2014, the Southbank Centre withdrew its planning applications in order to seek alternative sources of funding for their redevelopment project.

This drawn out, and high profile case, illustrates the challenges of applying legislation to community assets on prime central London riverside sites worth millions of pounds.

Assets of Community Value – what next?

Every neighbourhood is home to buildings or amenities that play a vital role in local life. “Local life would not be the same without them, and if they are closed or sold into private use, it can be a real loss to the community.”⁴⁰

As with neighbourhood planning, the ability to register a valued building or amenity as a community asset allows local people the time to organise themselves to try to keep that asset in public use and part of local life. For this reason we support the chance this gives local people to protect what they see as important parts of their communities and want to see the power this gives used as widely as possible.

The way forward – what next?

The Planning Committee agrees that the idea of neighbourhood planning is a positive one but the lack of progress in giving local people real influence means that the policy is in need of a refresh.

The Committee is also keen to engage with Londoners to understand how we can help communities across the city use the legislation to protect valued community assets and how, in the first instance the challenges to registering an asset can be addressed.

This report provides an opportunity to start a conversation with stakeholders to find out how these parts of the Localism agenda can be progressed in the capital – and in particular if Mayoral involvement could help support neighbourhood planning and expand London's list of registered community assets.

Views are sought on the following questions in relation to neighbourhood planning in London

Why is interest so limited?

- Are the requirements for designating neighbourhoods, in terms of boundaries, membership and competing interests, simply unworkable in London?
- How can we overcome the barriers to getting a forum recognised?

Why is interest so concentrated?

- Do affluent communities with access to professional expertise to drive the formation of neighbourhood forums have an advantage over those with less capacity or history of community organisation?

Why is progress so slow?

- To what extent are financial considerations and the budget pressures on local authorities slowing down the progress of neighbourhood planning in London?

Is enough support being given?

- Would greater promotion for neighbourhood planning in London's opportunity areas both further the aims of localism and regeneration and boost a sense of legitimacy and support in these areas?

Views are sought on the following questions in relation to assets of community value in London

Are boroughs interpreting the legislation consistently in London?

- Why are there so few listed assets in some boroughs?
- Are boroughs interpreting the legislation consistently?

Can assets of London-wide importance be covered by the guidance?

- Given London's city wide communities, is the legislation supportive of recognising assets on the basis of communities of interest rather than communities of locality?

If you would like to respond to these questions, or to provide comments on this report, please send your views by **30 January 2015**.

You can email your responses to scrutiny@london.gov.uk

Written responses should be sent to:

The Scrutiny Team
London Assembly
PP10
City Hall
The Queen's Walk
London
SE1 2AA

Endnotes

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- ¹ Coalition Agreement, May 2010
- ² The first review of community involvement in planning culminated with the publication of a report on the role of neighbourhood plans in February 2012
http://www.london.gov.uk/sites/default/files/NBH%20Planning_v3%20AB.pdf The Committee followed this up in October 2013 with a review of the progress in London towards establishing neighbourhood planning
<http://www.london.gov.uk/moderngov/documents/s29408/13-10-10-Neighbourhood-Planning.pdf> and how provisions in the Localism Act that allow the listing of community assets are being used <http://www.london.gov.uk/moderngov/documents/s29409/13-10-10%20Community%20Assets%20Report.pdf>
- ³ Minister for Decentralisation, November 2010
<https://www.gov.uk/government/speeches/participation-in-planning>
- ⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/what-is-neighbourhood-planning/>
- ⁵ Beyond consultation: The role of neighbourhood plans in supporting local involvement in planning, February 2012
http://www.london.gov.uk/sites/default/files/NBH%20Planning_v3%20AB.pdf
- ⁶ Kit Malthouse AM and Rosemarie MacQueen, Strategic Director, Westminster City Council, Planning Committee, 10 October 2013
- ⁷ http://www.londoncommunications.co.uk/cms/wp-content/uploads/2013/02/LdnNForum.Map_.13.02.12.pdf
- ⁸ Rosemarie MacQueen, Strategic Director, Westminster City Council, Planning Committee, 10 October 2013
- ⁹ Neighbourhood forum bid is thwarted by local opposition
<http://www.planningresource.co.uk/article/1230304/neighbourhood-forum-bid-thwarted-local-opposition>
- ¹⁰ Rosemarie MacQueen, Strategic Director, Westminster City Council, Planning Committee, 10 October 2013
- ¹¹ Peter Eversden, Chairman, London Forum of Amenity and Civic Societies, Planning Committee, 10 October 2013
- ¹² Barking and Dagenham, Bromley, City of London, Croydon, Greenwich, Harrow, Havering, Kingston upon Thames, Merton, Newham, Redbridge and Wandsworth
- ¹³ <https://www.westminster.gov.uk/neighbourhood-planning-news>
- ¹⁴ Peter Eversden, Chairman, London Forum of Amenity and Civic Societies, Planning Committee, 10 October 2013
- ¹⁵ Ibid
- ¹⁶ Rosemarie MacQueen, Strategic Director, Westminster City Council, Planning Committee, 10 October 2013

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- ¹⁷ Beyond consultation: The role of neighbourhood plans in supporting local involvement in planning, February 2012
http://www.london.gov.uk/sites/default/files/NBH%20Planning_v3%20AB.pdf
- ¹⁸ <http://www.rbkc.gov.uk/planningandconservation/neighbourhoodplanning/markham-square.aspx>
- ¹⁹ Planning Committee, 10 October 2013
- ²⁰ Rosemarie MacQueen, City of Westminster
<http://www.planningresource.co.uk/article/1164244/council-inundated-neighbourhood-planning-applications>
- ²¹ <http://www.brent.gov.uk/media/4599231/The%20Unity%20Neighbourhood%20Forum%20Designation%20Report.pdf>
- ²² Peter Eversden, Chairman, London Forum of Amenity and Civic Societies, Planning Committee, 10 October 2013
- ²³ Rosemarie MacQueen, Strategic Director, Westminster City Council, Planning Committee, 10 October 2013
- ²⁴ Three neighbourhood forums cross borough boundaries – Highgate, Kings Cross and East Shoreditch
- ²⁵ Peter Eversden, Chairman, London Forum of Amenity and Civic Societies, Planning Committee, 10 October 2013
- ²⁶ Technical consultation on planning, DCLG, July 2014
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/339528/Technical_consultation_on_planning.pdf
- ²⁷ Peter Eversden, Chairman, London Forum of Amenity and Civic Societies, Planning Committee, 10 October 2013
- ²⁸ For example the Our Tottenham network that brings together a number of community groups working together to formulate alternative plans for their area of north London
- ²⁹ Gavin Parker, Royal Town Planning Institute, Planning Committee, 10 October 2013
- ³⁰ The other main new rights are Community Right to Challenge and Community Right to Build
- ³¹ Mike Webb, London Borough of Camden, Planning Committee, 10 October 2013
- ³² Tessa Blunden, The Ivy House community pub, Planning Committee, 10 October 2013
- ³³ <http://mycommunityrights.org.uk/wp-content/uploads/2012/04/Step-3-read-more.pdf>
- ³⁴ Peter Eversden, Chairman, London Forum of Amenity and Civic Societies, Planning Committee, 10 October 2013
- ³⁵ Mike Webb, London Borough of Camden, Planning Committee, 10 October 2013
- ³⁶ <http://www.theguardian.com/social-enterprise-network/2013/mar/28/localism-act-london-cooperative-pub>
- ³⁷ Tessa Blunden, The Ivy House community pub, Planning Committee, 10 October 2013
- ³⁸ Peter Eversden, Chairman, London Forum of Amenity and Civic Societies, Planning Committee, 10 October 2013

³⁹ Long live Southbank <http://www.llsb.com/>

⁴⁰ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5959/1896534.pdf

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