

POLICY COMMITTEE | AGENDA

23 April 2024 from 11:00 – 15:00 in person.

Any member wishing to submit an apology for this meeting please contact NALC at NALCcommittees@nalc.gov.uk or call on 020 7637 1865.

DECISION ITEMS (11:00 a.m. – 14:00 p.m.)

1. Welcome & apologies [11:00 – 11:02]

2. Minutes of previous meetings [11:02 – 11:15]

2.1. To approve the draft minutes of the meeting held on 23 January 2024 (appendix 2.1)

3. Update on motions from county associations [11:15 – 11:50]

3.1 No motions were received from county associations for consideration at this session, but the policy manager will provide a short update on the below related changes which are being and have been made to the submission process (ahead of questions being taken from committee members):

- replacement of Survey Monkey with [Forms submission form](#).
- new submission link also now located in [members' area of website](#).
- new submission link located in [open area of website](#).
- county associations have been sent the new Forms link twice this year and also briefed at a fortnightly county association session in March 2024.
- we have received our first motion for National Association consideration note new Forms submission form from the Isle of Wight) but we need ideas for how to elicit more policy motion submissions from county associations moving forwards.

[Short comfort break, 11:50 – Noon]

4. Briefing – committee's role as parish selector under Sustainable Communities Act 2007 (as amended 2010) [Noon – 13:00]

4.1 To receive a verbal update from the policy manager on the committee's role as parish selector (appeal body) under the Sustainable Communities Act 2007 (as

amended 2010), functions and responsibilities – and to take questions from committee members – see appendix 4.1

[Lunch – 13:00 – 13:30 - a sandwich lunch will be available with tea, coffee and cold drinks in meeting room 9 at the session venue]

5. Committee work plan 2024-5 update [13:30 – 14:00]

5.1 To receive an update from the policy manager and to discuss ongoing delivery of the committee's work plan 2024-25 - see appendix 5.1.

5.2 To secure one committee member to attend quarterly Zoom sessions of the Climate Emergency Network moving forwards – to feed in NALC climate change positions and to feed back to the committee on outcomes from network sessions.

5.3 Planning expertise that is available to the committee - to define more clearly the level of expertise the committee seeks and how this is identified.

5.4 To consider a short paper by the committee chair on refinements to the Neighbourhood Planning regulations to update the National Planning Policy Framework (NPPF) and / or the Levelling Up and Regeneration Act – appendix 5.2.

DISCUSSION ITEMS (14:00 - 14:45)

6. External speaker – Mumsnet [14:00 – 14:45]

6.1 To receive a presentation on the Mumsnet campaign for organisations to publish their parental leave policies from Rhiannon Evans, Head of Communications and Public Affairs at Mumsnet – and to take questions.

INFORMATION ITEMS (14:45 – 15:00)

7. Items for information (14:45 – 15:00)

7.1 NALC response to Commons Levelling Up, Housing and Communities Committee inquiry into the Office for Local Government.

7.2 NALC response to the government's Provisional Local Government Finance Settlement 2024-5 consultation.

7.3 NALC response to the government consultation on street vote development orders.

7.4 NALC response to the government consultation on land data.

7.5 NALC response to the government consultation on brownfield development.

- 7.6 NALC response to the government consultation on permitted development rights.
- 7.7 NALC response to the government consultation on the Martyn's Law standard tier.
- 7.8 NALC response to the Lords Built Environment Committee Inquiry into high streets.
- 7.9 NALC response to the government consultation on the local audit backstop.

[All of these responses are available to download and read in full on the members' area of the NALC site [here](#) .]

8. Date and time of next meeting (15:00)

- 8.1 By Zoom from 10:00 to Noon on Tuesday 16 July 2024 (Zoom will be kept open until around 12:10 as needed) © NALC 2024

Appendix 2.1

POLICY COMMITTEE | DRAFT MINUTES

Meeting of the Policy Committee held on 23 January 2024 at 10.00 via Zoom.

Attendees: Councillors Peter Allison (committee chair and West Yorkshire), Iain Hamilton (Merseyside), Nevil Hudson (Kent), Richard Page (committee vice chair and Gloucestershire), and Keith Stevens (NALC chair and East Sussex); Charlene Slade (county officer, Essex Association of Local Councils); and Shelley Parker, policy and external affairs manager, Society of Local Council Clerks; Jonathan Owen, chief executive, Justin Griggs, head of policy and communications and Chris Borg, policy manager.

1. Welcome and apologies

The committee chair welcomed everyone to the first meeting of year, adding no apologies had been received as all members of the committee were in attendance.

2. Minutes of previous meetings

Resolved: The draft notes of the meeting held on 13 December 2023 were noted.

Resolved: The draft minutes from the meeting held on 17 October 2023 were noted.

3. Motions from county associations

(i) Yorkshire Local Councils Associations on the fire and rescue service.

Resolved: The committee supported the motion of *“The YLCA Joint Annual Meeting has resolved that NALC lobby HM Government for: the Fire and Rescue Service to be designated a statutory consultee for the purpose of development of Battery Energy Storage System (BESS) sites of one megawatt or greater; that it be mandatory that applicants of a BESS site of one megawatt or greater must consult with the Fire and Rescue Service before submitting a planning application; that local planning authorities must consider guidance produced by the National Fire Chief’s Council when determining applications; and that the local planning authority must consult with local fire and rescue services before issuing decisions on BESS applications as described above.”*

Resolved: NALC engage with the Rural Coalition partners on this issue.

(ii) Yorkshire Local Councils Associations on pre-application consultations

Resolved: The committee supported the motion of *“That the Yorkshire Local Councils Associations and the National Association of Local Councils lobby HM*

Government to seek a change in national planning policy that would make it mandatory on local planning authorities that they must engage with affected local councils regarding formal pre-application discussions involving major developments.”

(iii) Dorset Association of Parish and Town Councils Association on the energy efficiency of listed buildings

Resolved: The committee supported the motion of “*That NALC lobby central government for changes to planning policy guidance to improve the consistency with regard to requirements for improved environmental and energy efficient insulation methods and material between Conservation’s adherence to less effective standards and Building Regulation’s standards, whilst respecting the value of listed buildings*”.

A comfort break was held between 11:00 and 11:05.

4. Work plan 2024-25

The committee considered a report on the committee’s work plan to deliver the National Assembly work programme/priorities for 2024/25. Points raised during discussion included considering NALC’s definition of a young person, prioritizing planning ahead of and beyond the General Election including growing NALC’s capacity and expertise, provision of advice and guidance on commissioning support services on hidden disabilities, and developing timescales for the work plan.

Resolved: That the draft work programme be updated to reflect the discussion and recommended to the Management Board.

5. Co-options and additional expertise

Resolved (1): Shelley Parker, policy and external affairs manager, Society of Local Council Clerks is co-opted to the committee for 2024/25.

Resolved (2): Charlene Slade, chief executive officer at the Essex Association of Local Councils is co-opted to the committee for 2024-5, subject to renewal by the County Officer Forum in July 2024.

6. External speaker – Locality Neighbourhood Planning team

Samantha Banks, neighbourhood planning programme manager at Locality, gave a presentation covering neighbourhood planning, the government funded neighbourhood planning support programme including grant and technical support, toolkits and resources available, the advice service, quarterly newsletter and closer working with NALC.

Resolved: That the presentation be noted and slides circulated to the committee.

Resolved: NALC write to the government urging it to continue to provide funding for the neighbourhood planning support programme into the longer term.

7. Items for information

The Committee noted NALC had responded had made submissions to the Office for Local Government (OFLOG) consultation on next steps and metrics, Competition and Markets Authority housebuilding market study, Department for Science, Innovation and Technology consultation on very hard to reach areas rural broadband, Levelling Up, Housing and Communities inquiry on OFLOG and government's consultation on the Provisional Local Government Finance Settlement 2024-5.

8. Date and time of next meeting

8.1. In person from 11:00 to 15:00 on Tuesday 23 April 2024 at the Bloomsbury Building, 10 Bloomsbury Way, Holborn, London WC1A 2SL.

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Appendix 4.1

Briefing – committee’s role as parish selector under Sustainable Communities Act 2007 (as amended 2010)

1. Summary

The Sustainable Communities Act 2007 (as amended 2010) (SCA) provides an opportunity for local (parish and town) councils to make direct proposals to the central government to remove legislative or other barriers that prevent them from improving the economic, social and environmental well-being of their area.

2. Philosophy: The Need for the Act

- There has been overwhelming evidence of community decline since 2012/13, when local councils were first given the right to make proposals under the Act: the closure of local shops, post offices, and pubs and the knock-on environmental, economic and social effects of these. It is a national trend affecting the whole country. Local councils can use the Act to bring to the government’s attention significant problems of national relevance for the sector, which require redress.
- Central government can and should help to reverse this community decline – by considering all local council proposals submitted under the Act with evidence of national application and local consultation and support.
- Local councils are very well placed to know their areas and the social, environmental and economic issues that prevail there. They, therefore, also often have a very good idea about what might constitute the solutions to these local problems. Local councils should, therefore, strongly consider using the Act to highlight social, economic and environmental problems of national importance to the central government, ensuring that their proposals specify the solution for a given issue and how it can be implemented.

So, this is the reason behind the Sustainable Communities Act and its proposal process for local councils – to help the central government reverse community decline and create more sustainable communities.

3. The Act: A bottom-up process that gives people power

Under the Act, in 2013, the government and NALC established a process empowering local councils to make direct proposals to central government departments. The ideas in local council proposals can drive the actions that government takes if proposals are adopted. This process is 'bottom-up' - because what local councils need and want at the community level should rightly drive what government does and how it acts.

Local councils are also reminded that they can also submit joint proposals with principal authorities or community groups to the government under the Sustainable Communities Act.

4. How the process works

The Act gives local councils (with supporting evidence and in consultation with their residents) the right to come up with proposals and then submit them directly to central government. These proposals can be for any government action or assistance to reverse community decline and protect or promote sustainable communities. Sustainable communities are defined in the Act as incorporating four things; local economies (e.g. promoting local shops, post offices, local businesses and local jobs); environmental protection (e.g. promoting local renewable energy, protecting green spaces); social inclusion (protecting local public services and alleviating fuel and food poverty); and democratic involvement (encouraging local people to participate in decision making).

Upon receiving proposals, central government must consider them and decide whether to implement them. If they decide not to implement a proposal, they must explain why. We are promoting local council use of the Act in the local council sector.

So local councils can submit any proposal that:

- Can be shown to promote sustainable communities as defined above; and
- Requires central government action or assistance. Local councils can submit proposals whenever they choose to – but they are advised to contact **policycomms@nalc.gov.uk** for a discussion on evidence, consultation and substance.

If councils choose to use the Act by submitting proposals, they must involve communities and citizens in their area. The Act requires that local councils consult their residents on proposal wording and substance and ask residents to provide them with evidence of support ahead of proposals being submitted. How local councils do this is up to them, though it is recommended that local councils set up (or recognise, if they already exist) a panel or panels of resident representatives. These should include people from under-represented groups: ethnic minorities, young people, older people, tenants, etc. receiving proposals, central government must consider them and decide whether to implement them. If they decide not to implement a proposal, they must explain why.

The legal order allowing local councils to make direct proposals to the secretary of state for Levelling Up, Housing and Communities (DLUHC) under the second-round invitation of the Sustainable Communities Act, 2007 – formally commenced on 14 October 2013.

Local councils should also visit the DLUHC SCA web page to find more context about the Act.

We are promoting local council use of the Act in the local council sector.

Here are a few of the latest themes to which local councils have submitted SCA proposals to the government in recent years:

- Building control
- The Dependants' Carers' Allowance
- Neighbourhood planning guidance.

5. The committee's role

Under the Sustainable Communities regulations of 2012 NALC was named as the statutory selector (appellate body) where local councils who are dissatisfied with the outcome of their submitted proposals as handled by the government, can request re-submission of the same or an amended proposal back to government through NALC. The regulations state that a local council whose proposal has been rejected has six months to confirm to NALC whether they wish to appeal. NALC then have 4 months to both convene a session of its Policy Committee (the selector body), reach a decision on the proposal appeal and communicate that back to the proposing council. If and once a proposal has then been re-submitted the government then have a final six months to make and communicate a decision on the re-submitted proposal.

Unfortunately, the Act as far as local councils are concerned is all but dead in practice as following very poor handling of a Weymouth Town Council submission in 2019 by the government very few local councils now make proposals under the Act. This follows recurrent issues with the government failing to meet its own statutory deadlines for making and communicating decisions on parish proposals.

6. Resources

7. Please see our **toolkits** for more information on SCA-related documents (member login required).

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Appendix 5.1

Policy Committee work plan 2024-25

1. Purpose of report

2. For direction.

3. Summary

4. This report provides an update on the committee's proposed projects and programmes for the 2024/25 cycle.

5. Management Board / committee chairs

6. Management Board / all committee chairs received an update on the composite structure of work plans for all external-facing committees, discussed and noted them at their chair's training day on 15 February 2024. All relevant updates have been made to the Policy Committee's work programme 2024-5.

7. Financial implications

8. All commitments can be met from the within existing staffing resources and budget; some new proposals may have to be considered for the next financial year.

9. Background

10. The meeting of National Assembly on 29 November 2023 agreed proposals to develop a two-year work programme for 2024/25.
11. The work programme would comprise:
 - current themes and campaigns of climate change, health and wellbeing, young people, make a change, and planning, with a focused piece of work identified for each.
 - a new theme of community safety.
 - other areas of sector financial resilience, workforce issues and strategy, sector risk register, NALC manifesto, artificial intelligence, data and a membership survey.

12. Following discussions with the committee chair, officers have developed a draft work plan to deliver the National Assembly work programme and committee terms of reference.

13. **Climate change**

- NNN: Climate emergency.
- Updating Climate emergency webpage.
- Online event on climate change – Unleashing the power of local councils to tackle the climate emergency – June 2024.
- Develop new Net Zero sub-group (already held its first roundtable).
- Ongoing promotion of policy positions.

14. **Health and well-being**

- Updating Health and wellbeing webpage.
- Future online event on health and wellbeing (likely in financial year 2025-6).

15. **Young people**

- Updating young people web page, review of current NALC definition of a young person.
- Online event on young people – Empowering the young councillors of tomorrow – December 2024.
- Study visit to Yate Town Council – youth engagement theme – 21-22 May 2024.

16. **Planning**

- Prioritizing planning ahead of and beyond the General Election including growing NALC's capacity and expertise.
- Updating Planning webpage.
- Online event on planning/neighbourhood planning – The future of neighbourhood plans – September 2024.
- Re-engage with Locality with focus on neighbourhood planning support programme (Sam Banks, neighbourhood planning programme manager at Locality spoke at the 23 January 2024 committee session).
- Continuing to make the case for neighbourhood planning support programme.
- Develop proposals and commission external planning advice/expertise.
- Working with CPRE to update planning guides.
- Of the 2,900 neighbourhood planning areas the majority were completed before 2020 and will be approaching a five-year review. Engage with these councils on what they would like to change.

17. Make a change

- Updating Make a Change webpage – as needed.
- Provision of advice and guidance on commissioning support services on hidden disabilities.
- Joint work with LGA Be A Cllr campaign (further joint online event if funded).
- Laura Lock, Deputy CEO, AEA to be invited to speak at 10/24 committee session.

18. Community safety

- Martyn's Law steering group.
- New dedicated webpage – to be developed in Q4 2024.
- Case studies publication.
- Engage with government and relevant stakeholders.
- Identify policy issues to lobby on.
- Online event on community resilience – Mastering emergency planning in your area - October 2024.

19. Workforce issues and strategy

- Work with Improvement and Development Board and Member Services team to lobby on changes to employment law.

20. Sector financial resilience

- Continue to make the case for local councils to have flexible and diverse funding.
- Online event on Emerging trends in local government finance – April 2024.

21. Sector risk register

- To develop this liaising with relevant other committees and sector stakeholders.

22. NALC manifesto

- Promote the NALC manifesto to all political parties.
- Roundtable with Labour Coast and Country for shadow local government minister and Prospective Parliamentary Candidates (PPCs).
- Online briefing sessions for PPCs.
- Prioritise policy objective to promote civility and respect in public life, including strengthening the standards regime and introducing sanctions

(online event - Is the fight for standards in local government a losing battle? – to take place – February 2025).

23. Artificial Intelligence

- Identify policy issues to lobby on.
- Online event on Decoding the future of artificial intelligence in local governance – July 2024.

24. Data

- Engage with Government, OFLOG and other bodies.
- Continue to make the case for extension of OFLOG remit to cover local councils.
- Develop suite of themes for data metrics on local councils.

25. Membership survey

- Work with Member Services team on development of membership survey.

26. Creation of new councils (including in new towns and community stewardship organisations)

- Engage with government on update to guidance on community governance reviews.
- Continue to provide support and advice to county associations and community campaigns.
- Focused piece of work on new councils in metropolitan district council areas (with the election of Cllr Iain Hamilton there are now two members on Policy Committee who represent councils in Metropolitan Districts) (something on new towns and community stewardship organisations).
- Invite Frances Foster, Secretary of SIGOMA to speak at 07/24 committee session.

27. Consultations and inquiries

- Make submissions to consultations and inquiries by government, Parliament and other bodies.

28. Sustainable Communities Act (SCA) Selector

- Briefing/induction session for the Committee on SCA and its role as selector – April 2024 committee session.
- Consider proposals from local councils (if they are submitted).

29. **Sharing good practice**

- NALC National Network: Coastal communities.
- Develop new case study template (relevant lead officer).

30. **External speakers for Committee meetings**

- Sam Banks Neighbourhood planning programme manager, Locality – spoke at 23 January 2024 committee session.
- Rhiannon Evans, head of policy and communications at Mumsnet speaking at 04/24 committee in person session.
- Laura Lock, Deputy CEO, AEA to be invited to speak at 10/24 committee session.
- Government officials.
- Invite Frances Foster, Secretary of SIGOMA to speak at 07/24 committee session.
- Co-Director(s) from Zero Hour (promote Climate and Ecology Bill)
- MPs as needed.

31. **Preparation for a New Government**

- Analyse manifesto commitments by winning party(-ies) with implications for local council sector.

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Annex 5.2

Short paper by the committee chair - refinements to the Neighbourhood Planning regulations to update the National Planning Policy Framework (NPPF) and / or the Levelling Up and Regeneration Act

Neighbourhood Plan Changes

1. Neighbourhood Plans and the green belt

The NPPF makes it clear that the process for establishing and making changes to the Green Belt is a strategic policy and can only place through the development of a Local Plan. In the first edition of the NPPF this was black and white and made it a challenge developing a Neighbourhood Plan in many communities surrounded by the Green Belt. For many communities, such those in the Bradford district, where the adopted Local Plan establishes that the exceptional circumstances that justify changes are fully evidenced and justified. This has required that many communities had to make changes to the Green Belt.

In 2018 the latest version of the NPPF was published where some change with regard to the Green Belt was implied. These is detailed in para 145 of the latest version and I have highlighted the key points in red.

Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

This paragraph clearly establishes that in certain circumstances a Neighbourhood Plan can make changes to the Green Belt. The challenge is that nowhere is there a definition of what is meant by a detailed amendment or the process by which these amendments can be made. I have outlined below the experience for the Wilsden Neighbourhood Plan as an illustration of the challenges and also include details of another example of the potential problems in this area.

In November 2018 we approached City of Bradford Metropolitan District Council (CBMDC) for their agreement to use the NPPF to make changes to the local Green Belt. This was agreed with two conditions, firstly that the methodology to carry out any review should be identical to that used by CBMDC and secondly that we received an MHCLG technical support package to retain a specialised consultant (AECOM) to carry out the work. The support package was granted in February 2019 and the condition on methodology agreed. The condition on the use of the same review methodology was somewhat problematic because CBMDC

subcontracted the initial assessment and allowed the preferred contractor to make detailed modification of the process.

CBMDC consulted MHCLG about the process by which a neighbourhood plan can make changes to the green belt and were advised that there was no guidance available. Simultaneously another part of MHCLG has agreed to fund a technical package for a neighbourhood plan to make changes to the green belt. In parallel with this CBMDC had been starting a review of the adopted Core Strategy of the Local Plan and as a result consulted counsel on various aspects, including the process by which a neighbourhood plan can make changes to the Green Belt. The legal advice to CBMDC was that despite the NPPF a neighbourhood plan cannot make changes to the Green Belt.

During this process we have had a very amicable working arrangement with CBMDC, and they have gone out of their way to share as much information of their green belt review process but they, not unnaturally, choose to follow the advice they have received from MHCLG and their independent legal advice. What we are asking for is clarification (within Planning Guidance) of the process under which a neighbourhood can use the powers granted in the NPPF.

2. Right to challenge planning decisions inconsistent with a Neighbourhood Plan

Once a Neighbourhood Plan passes referendum it becomes an integral part of the Local Plan. The Levelling Up and Regeneration Act (LURA) says in para 93 that “*determination **must** be made in accordance with the development plan and any national development management policies, taken together, **unless material considerations strongly indicate otherwise***”.

It has long been NALC policy that a local council should have the right of appeal if a Local Planning Authority make a decision with which it disagrees. What is being suggested is that we advocate adoption of this policy in certain specific circumstances. Many local councils have expressed concern that Local Planning Authorities do not give sufficient weight to Neighbourhood Plans when making decisions. LURA has set a bar that applications must reach but has not provided a remedy to local councils if that bar is not reached with regard to Neighbourhood Plan related policies. We propose that local councils should have a process that allows them to challenge the LPA decision in those circumstances.

One specific way to address would be to seek an amendment to the existing legislation that would require the local planning authority to consult with the Secretary of State before granting permission for certain types of development that are contrary to the provisions of a NP. The government issued a similar direction earlier this year in relation to development affecting ancient woodlands and other forms of development this year (see [The Town and Country Planning \(Consultation\) \(England\) Direction 2024 - GOV.UK \(www.gov.uk\)](#)).

3. Recommendation

That the committee agree policy solutions to the two neighbourhood planning policy issues highlighted by the committee chair.

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