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EXPLORING WHETHER THE UK LOCALISM ACT (2011) AND EFFECTIVE COMMUNITY ENGAGEMENT CAN EMPOWER COMMUNITIES AND DELIVER PLACE SENSITIVE DEVELOPMENT

Abstract

This paper illustrates the case of the historic market town of Malmesbury, England as an important example for neighbourhood planning, exploring whether localism can redress the balance of power between communities and developers, as well as facilitate community-supported development which respects and enhances a place's character, function and identity.

Given current planning and development proposals and years of substandard, inappropriate development, the town was at a crucial crossroads. Through strategic engagement led by the Prince's Foundation for Building Community, local stakeholders developed a clear and shared vision and identity, forming the basis of an effective campaign in support of sustainable growth based on the best of the town's qualities and historic growth patterns. A design-led Neighbourhood Plan is currently being taken forward and aims to resist substandard proposals whilst constructively defining the town's future growth and identity. The buy-in is very strong, and crucial, as will be documented.

Key Words: Localism, planning, neighbourhood planning, community engagement, empower, identity, sustainable growth, masterplanning.

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"The Prince's Foundation workshops transformed the way that we consider, look and think about our built environment. They gave us the much needed confidence to do the work necessary to create a local plan for future development." Simon Killane, Wiltshire Council Councillor and Chair, Malmesbury Neighbourhood Steering Group

1. Introduction

The UK Government's Localism Act aims to shift power from central government to local communities, making the planning system more democratic and effective. Malmesbury, an historic market town in Wiltshire, England was identified in late 2011 as a flagship to create a sustainable vision for the town and influence its future through the development of a Neighbourhood Plan.

A recent history of substandard development in inappropriate locations and proposals for further large scale housing and retail development provided the catalyst for community involvement in defining the town's future in relation to what gets built, where and, crucially, the opportunity to improve design standards. The Prince's Foundation for Building Community (The Prince's Foundation) was approached to engage with the local community to help create a sustainable vision by exploring the issues and concerns facing the town. Two separate workshops, a number of meetings and separate events were held to both educate and inspire the local community about sustainable planning and urbanism and to begin to draw up a design-led plan rather than a developer-led plan.

One of the key outputs of the process was a collaborative effort to identify 'preferred' sites within the neighbourhood plan to accommodate future housing growth and retail development. In contrast to the standard, developer-led and local planning authority-facilitated process which has too often resulted in numbers-driven and piecemeal development, key sites were identified taking consideration of the town in its entirety, its setting, landscape and history as well as how and where growth might occur to enhance its qualities to ensure a sustainable future. Malmesbury has provided an important test case for neighbourhood planning, considering the balance of power between communities and developers.

2. Localism and the Localism Act

Localism is the driving principle underpinning the UK Government's Localism Act, adopted in 2011, which introduced changes to the policy framework for planning, housing, regeneration and economic development. It involves a radical transformation and devolution of responsibilities to the local level, giving new powers and opportunities to local authorities and communities, to plan and design their communities and places. In doing so it responds to the perception that: 1) planning did not give members of the public enough influence over those decisions which make a big difference to their lives, whilst power was exercised by people who were not directly affected by the decisions they were taking; 2) that people resented often what they saw as decisions, plans and development being foisted on them, with little or no benefit to their communities; and 3; a confrontational and adversarial system, with many applications being fought over. Thus the aim of the new system is to: 1) drive change at a local level and empower communities with new rights to have more of a say in the development process; 2) open up the planning responsibilities giving communities the opportunity to shape development in their favour; and 3) to support buy-in through direct involvement, thus promoting longterm viability of decision-making.

For Localism to be effective and bring positive results that go beyond broad, numbers based outputs it needs to be infused by an understanding of what makes good places. It is also dependent on the ability to effectively engage people and address issues, planning and designing 'with' rather than 'for' communities, helping to redress the perceived imbalance of power between communities and the development industry. Localism provides a significant and potentially powerful opportunity to help change attitudes towards planning and development through genuine, positive and inspiring engagement.

3. National Planning Policy Framework

Under the reforms within the Localism Act the National Planning Policy Framework (NPPF), adopted in 2012, sets out the Government's priorities for planning in England. The NPPF was designed to simplify the planning system and reduces over 1000 pages of planning policy, contained in numerous and separate documents, to about 50. A central message of the NPPF is to support economic expansion through a move towards a more developer-friendly planning system, with a *presumption in favour of sustainable development*, which should be seen as a "golden thread" running through both plan making and decision taking. It is the Government's policy to support the housing market as a mechanism for stimulating consumer confidence, creating jobs and therefore supporting economic growth. In defining what is sustainable growth, the NPPF sees three mutually dependent roles for the planning system:

- An economic role;
- A social role: and.
- An environmental role.

In addition, and to help with boosting the supply of housing, the NPPF requires all local planning authorities to identify, and keep up-to-date, a deliverable five-year housing land supply. Numerous recent developments and unpopular proposals have been approved at planning appeal based on the local authority being unable to demonstrate this five-year supply. If councils fail to plan for growth, they are at risk of having decisions made for them through the planning appeals process. Appeal losses can result in unbalanced distribution of development, or piecemeal development, in areas considered unsuitable by the community, in terms of location, affordable housing and design quality, among other aspects.

Thus communities that do not have a deliverable five-year housing land supply are at significant risk from developer's proposals and inappropriate development approved at appeal under aim to drive economic growth and the presumption in favour of sustainable development. Localism provides a mechanism, through the neighbourhood planning process, for communities to proactively designate appropriate land within a considered framework to meet housing land supply requirements for development

4. Neighbourhood Planning

Issues related to the requirement to maintain a five-year housing land supply and lack of clarity in the application of the presumption in favour of sustainable development through the legal planning process have direct implications for how communities engage in the planning system. The Localism Act introduced a new set of tools to for communities to exert control over the future of their area, including the right to draw up a neighbourhood plan, in effect a new tier of the planning system at the most localized level.

Neighbourhood plans cannot be drawn up in isolation and their content must have regard to the NPPF and its policies, as well as conform to local strategic policies, i.e. local development plans prepared by the relevant local authority as well as identified housing allocations. Critically, neighbourhood plans cannot prevent development; they can, however guide development to be more appropriate to local context and help decide where it goes within the area.

Whilst planning for housing brings with it some difficult decisions, a plan-led approach puts communities in a stronger position when it comes to dealing with proposals and makes it easier to ensure that development is provided at the right scale, in the right places, at the right time and with the necessary facilities and service infrastructure to support it.

5. The Prince's Foundation for Building Community

The Prince's Foundation is a UK-based educational charity that believes sustainably planned, built and maintained communities improve the quality of life of everyone who is part of them and that effective and continuous community engagement and co-design in the planning process leads to greater community empowerment and leadership, essential elements of success and sustainability (The Prince's Foundation, 2012). The Prince's Foundation was approached in 2011 to work with the Malmesbury Neighbourhood Steering Group (MNSG – the local body formed to deliver the neighbourhood plan) and stakeholders in Malmesbury to help develop a neighbourhood plan for the town. Funding for the project was provided by the Government as a 'front-runner', one of a limited number of national test cases for neighbourhood planning.

5.1 Community Capital

The Prince's Foundation believes that effective and continuous community engagement and co-design in the planning process leads to greater community empowerment and leadership, essential elements of success and sustainability (The Prince's Foundation, 2012).

In seeking to embed a holistic approach to sustainability all of The Prince's Foundation work is framed by the notion of Community Capital. As a starting point The Prince's Foundation believes that every community is endowed with different natural, financial, social and built assets and that these assets can be developed into lasting capital which can provide benefits to communities now and in the future. These forms of capital are all interconnected and necessary for communities to function and prosper in harmony. Each element of community capital represents parts of a whole. Achieving progress in some areas without addressing the others, or at the expense of the others, will be of only limited value and, ultimately, could be counter productive to a successful and sustainable community. Using a holistic approach to build community capital sets the foundation for a community that not only invests responsibly in its local assets, but does so in a sustainable way, thus providing the base for a vibrant and lasting environment (The Prince's Foundation, 2012).

Community Capital Framework

How the principle of community capital works at different scales



Figure 1: The Community Capital Framework: The framework draws on Christopher Alexander's Nature of Order and the notion of life as a series of patterns, or centres, which are self-supporting. This concept has been adapted and transferred to a sustainability framework whereby the vertical threads of the weave become the more usual attributes of sustainability – namely Social, Natural, and Financial Capital with Built Capital added to represent the physical framework. The cross-weave gives meaning to the capitals, stitching them together – namely Rooted, Connected, Balanced, resilient and Prudent. (Bolgar, 2014) [Image: The Prince's Foundation, 2012]

5.2 Enquiry by Design

Key to implementing the Community Capital Framework is The Prince's Foundation's "Enquiry by Design" (EbD) process of engagement. Similar to the 'charrette' process, it includes an emphasis on education – educating stakeholders and participants on planning and design principles as well as delivering a plan based on community capital and multi-disciplinary input.

The EbD process involves four key steps; listening, examining, diagnosing and creating special solutions and strategies. Specialists work together with community representatives in parallel multi-disciplinary groups when developing hypotheses. These hypotheses are presented and the commonalities drawn-out, discussed and recorded. The emerging consensus is then developed in terms of consolidation plans or strategies which are then critiqued and refined. This process is referred to as 'cross-cutting', where groups oscillate between holistic to specialist. It is this process that draws out and makes use of the best of local intelligence, commitment and emotion and was used as the core engagement approach during the work in Malmesbury (Bolgar, 2014).

6. Malmesbury

6.1 Historic Malmesbury

Malmesbury is an historic market town (population approximately 4,500), located on the southern edge of the Cotswolds, one of the most scenic and heritage rich areas of the country. The town is something of an anomaly as it provides a rare example of a hill town in England, with steep sides and a plateau like summit, surrounded by waterways (and meadows, referred to locally as 'meads') below. Country meets town in close proximity, via views and direct access provided by a network of footpaths.

By far the most visually assertive feature of the town is the hill-top basilica of Malmesbury Abbey. A fine mediaeval stone structure, the Abbey dominates both long and short-range views of the town from most directions. Its past and associations with religion, learning and tourism provide a historical reference point but also one that continues to be valued today as a unique asset, as people continue to visit Malmesbury for the Abbey. The structure still provides a grand physical presence and focal point for the community, serving as a venue for a range events and activities.

As a 'nuclear town' Malmesbury clusters tightly around the Abbey and historic market place (now known disappointingly for on its primary contemporary use, as the Cross Hayes car park). With over 400 listed buildings the town's architecture and streetscape provide distinct and treasured qualities, as well as deep-seated associations for local residents and communities. Fragments of the 12th century medieval walls remain as does a distinct pattern of development based on the topography and its water courses. Development historically occurred at relatively high densities respecting contours of the land via terraced, or continuously connected, built forms and on generally long, narrow plots. The angle of slope on which the town is built dictates the vertical depth of the town's visual profile, as the town is seen to layer up the hill. In Malmesbury, streets run generally along the land contours with exceptions made for a few that run straight down to the river. This pattern of development enhances the cohesiveness and richness of the townscape as few buildings can be seen as separate units.



Figure 2: The distinctive urban silhouette of the town is defined by this hilltop setting, patterns of development influenced by its topography and rivers, with the prominence of the Abbey and church spire adding an undeniable element of drama. [Photo © 2014 Robert Peel. Used with permission.]

Functionally, Malmesbury's core provides an increasingly rare example of a town centre and high street truly acting as a civic space, fostering the social encounters that impart a strong and evident sense of community.

6.2 Proposals for New Development

Malmesbury, like many towns and cities throughout the country, faces pressure for growth and the ability to integrate this development is the key to successful planning. In the case of Malmesbury, the neighbourhood plan must adhere to Wiltshire Council's Core Strategy and its allocation of 270 houses for the town. This housing allocation, as well as a demonstrated market pressure for growth through recent and proposed planning applications for further housing, and two competing supermarket proposals, highlighted

the need to find effective and pragmatic planning solutions or responses.

A proposal to extend a recent housing development somewhat detached from the town (known locally as 'Filands') was a significant issue. Whilst providing a relatively 'easy' option, i.e. greenfield site with few ground constraints, to meet the local authority's housing allocation, further development in this location was seen locally as corroborating support for a concurrently proposed large-scale supermarket, as well as opening the door to further housing development beyond the allocated 270 units.

Another supermarket, albeit of a smaller scale, was proposed on an environmentally sensitive site on the edge of the town centre. Both of the two supermarkets were contentious and raised emotions based on their potential to impact on the town centre and high street shopping, with implications as well as on the town's much valued community spirit.

6.3 NIMBYs

Whilst there is an acknowledged need for more homes, particularly in the South of England1, this general consensus is, however, masked by local disagreements over what is to be built where, and entrenched anti-development (NIMBY) mentalities. NIMBYism was evident and well-established in Malmesbury, and provided a significant obstacle in relation to developing a neighbourhood plan that required to accommodate a certain level of growth.

Recent development proposals had been met locally with fierce and well-organised opposition, with community members being broadly suspicious of change and nervous about the type and quality of new development or housing that might be built.

Suspicion extended to the involvement of The Prince's Foundation and the practical usefulness and perspective this might have brought. As planning and design consultants, albeit with an acknowledged unconventional take on these matters, the NIMBYs expected The Prince's Foundation to be dangerously aligned with the development industry and/or detached from reality and unable to deal effectively with the real issues and the magnitude of change resulting from certain proposals facing the town and community.

7. Enquiry by Design Workshops

The neighbourhood plan, enabled and energised by the EbD process, thus provided the opportunity to instigate a change in perceptions and culture in regards to: 1) matters of principle, i.e. how communities can exercise genuine influence over the forward planning process; 2) over development itself, even countenancing the possibility that it might respect or even enhance places and their identity; and 3) pragmatic matters such as the current issues facing the town, i.e. housing growth, retail development and public realm improvements.

Over the course of 2011 and 2012 a series of meetings and workshops providing educational and practical advice were held, culminating in an EbD attended by over 250 local residents and stakeholders. The EbD was held at venues in the town centre and included both technical sessions and events open to the public.

The Prince's Foundation assembled a bespoke team of consultants covering expertise in town planning, urban design, architecture, transport planning, landscape architecture, retail and development economics. The aim was to educate and inspire the MNSG, stakeholders and residents to develop a neighbourhood plan with a broad vision of mapping a sustainable future for the town based on the best of Malmesbury based on an iterative process of progressive accumulation of knowledge. The EbD progressed through phases, with each stage being instrumental in addressing issues and concerns, considering alternatives and understanding both immediate and longer-term impacts. The blending of local knowledge with professional expertise allowed for implications on the town and its residents from the various scenarios to be compared, weighed up, tested, etc through frank, honest and constructive communication.

It was clear that Malmesbury was at a decisive crossroads in terms of planning and

¹ Research suggests that between 240,000 and 245,000 must be delivered every year to 2031, with approximately 60% in the four southern regions of England. (Holmans, 2013)

development, with diverging options as to how it could evolve. The 'easy' or 'default' option would be to continue the trajectory of the recent past by allowing further (sub)standard suburban housing estates and large-scale out of town retail. The challenge was to empower the community through the EbD and neighbourhood planning to develop an alternative vision for Malmesbury that not only responded to the present challenges and accommodated development but did so within a framework based on the town's assets, as well as the aspects that form community capital, and in turn sustainability.



Figure 3: The EbD workshops brought local residents and stakeholders together and encouraged open debate and testing of various options to reach a consensus-based vision and supporting strategies. "They were encouraging people to think of their environment in a different way." – Simon Killane, Chair, MNSG [Photo: The Prince's Foundation, 2012]

8. The Vision

The vision that was developed at the EbD responded to the key issues highlighted throughout the process. It considered how Malmesbury could be improved, for both residents and visitors alike, through development and initiatives tailored to, and inspired by, a renewed appreciation of the town's unique qualities, responding appropriately to its setting and history, as well as supporting the strongly evident sense of community.

The vision included a range of proposals:

A new neighbourhood extension which could accommodate a significant portion, if not all, of the identified growth of the town over the neighbourhood plan period²

² A number of options were drawn and tested, including improvements to the Filands development, but then discounted as inappropriate and unsustainable. By testing these options community members further understood the unsuitability of this site for further development.

- A 'preferred' location for a new food store or supermarket³
- A series of linked public realm projects to create or transform underutilised, historically important spaces.

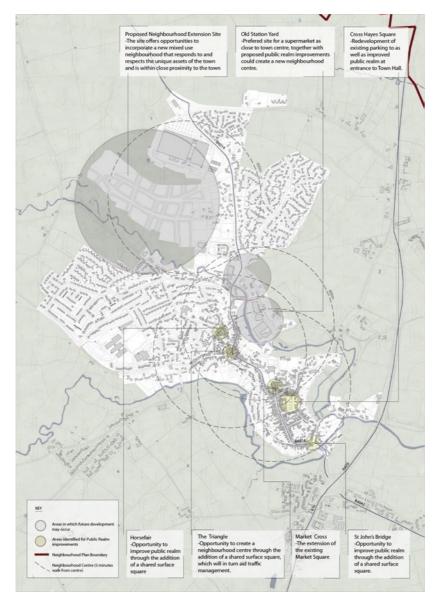


Figure 4: The EbD Masterplan for Malmesbury. [Image: The Prince's Foundation, 2012]

8.1 The Preferred Site – Malmesbury's New 'Old' Neighbourhood

The distinctive characteristics of hill towns in England informed the process to identify suitable land for housing development to meet local housing requirements. Following the existing local topography offered a robust method to inform the nature of any further evolution of Malmesbury by:

- responding to the existing settlement pattern
- containing future expansion
- preventing the phenomenon of "sprawl"
- securing views of the Abbey for the future
- protecting the habitats and recreational potential of river corridors

³ Again, a number of options were tested, recommendations made and the out-of-centre supermarket proposal robustly discounted as inappropriate and unsustainable.

Investigation of landforms which embrace the settlement suggested that two contours at 75m and 85m were significant.

- The 75m contour represents the approximate level to which the rivers will flood, but also defines the extent of the ecological/recreational corridor.
- Development below 85m tends not to interrupt views of the Abbey.

8.2 The Preferred Housing Site - Malmesbury's New 'Old' Neighbourhood

The land contained between the 75m and 85m levels was acknowledged as the most appropriate location for future development and by identifying an appropriate site and preparing a masterplan which takes its cues from the historic evolution of Malmesbury, the character and coherence of the settlement may be maintained and enhanced.

The site offers the opportunity to be developed, not as an abstracted and disconnected new 'development' at the periphery of Malmesbury, but instead to evolve the town in much the same fashion as that which historically occurred in the pre-war era; informed by the characteristics of the landscape and waterways, and always subservient to the Abbey.

Appropriately designed and delivered the development would build upon the town's architectural and urban character, offering the opportunity to 'terrace' up from the mead in much the same manner as has occurred within the historic core, yet without breaching the 85m threshold.

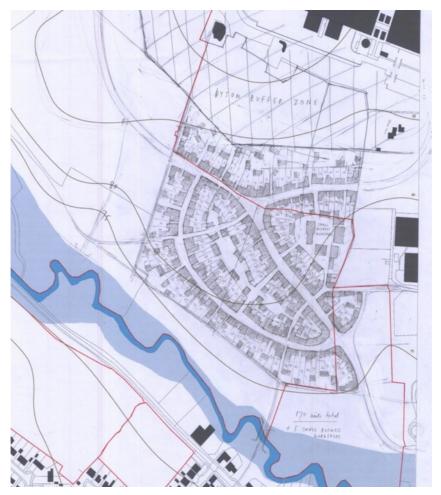


Figure 5: The masterplan for the preferred housing site evolved further through a dedicated workshop held in March 2012. The site provides the opportunity for a further evolution of the town based on the much valued and admired historical patterns of development and could accommodate a sustainable mixed use neighbourhood to meet the identified housing allocation. [Image: The Prince's Foundation, 2013]

The issue of supermarkets, their merits as well as potential impacts on the town centre and high street, was one of the most emotive issues of the EbD. In the end it was considered prudent to address an identified desire for improved shopping, especially as a supermarket of appropriate scale and offer would provide the opportunity to reduce car travel to supermarkets in other towns (as is the current pattern). A rigourous assessment of existing proposals and potential alternative sites was undertaken and in the end support was engendered for a site adjacent to the town centre.

Public Realm

One of Malmesbury's most valued assets is its existing townscape, the town centre containing remnants of its mediaeval street pattern and historic market spaces framed by buildings largely composed of local vernacular architecture. Many of the spaces, interspersed at regular intervals throughout the core of the town, have lost their original use but the legacy of agreeably scaled public spaces remains.

Thus the strategy developed at the workshop was to reinforce the value of these spaces by emphasising their inherent qualities, decluttering them and giving a pedestrian orientation. Through developing the proposals residents and stakeholder's emerged with a new appreciation for the character and quality of their town and how the public realm impacts on, and reinforces, Malmesbury's civic pride and sense of community. This conclusion has long-term value; residents now understand what is good for the town, which can be articulated in response to inappropriate development. Beyond reinforcing NIMBYism, they can communicate a support for development that strengthens civic pride and sense of community, in effect becoming 'YIMBYs'.

9. The Current Situation

Neighbourhood plans must adhere to the same complex bureaucratic and legal processes associated with other aspects of planning and as such the Malmesbury neighbourhood plan is still awaiting formal adoption. All neighbourhood plans require to be the subject of a public referendum, and if approved by 50% of the voters will be formally adopted as planning policy against which all planning applications will be weighed. The Malmesbury plan has progressed through various stages in the adoption process and is due to be voted on in late 2014. This onerous process is one of the significant frustrations for all involved, given that the MNSG, certainly one of most spirited groups taking their plan forward have, after 3 years time and untold hours of toil and labour, still not managed to have their plan approved yet.

Yet Malmesbury is still considered to be at the forefront of the government's new policy of Localism.4 As such, the future path for the town is still evolving, not least in regards to housing development. However significant steps have been taken, specifically that a design and place-led neighbourhood plan has been drawn up, inspired by the workshops held with the local residents and stakeholders.

The workshops crucially provided residents and stakeholders with knowledge, momentum and a renewed appreciation for the town. Most importantly though there is a confirmed sense of empowerment, especially in regards to defining aspirations in regards to development, which if undertaken per the principles established through the workshops, could actually work in their favour and address community deficiencies and issues whilst supporting the unique qualities of the town.

Recent successes include the rejection of the planning application for the major supermarket proposal outside the town and in its place the approval of a smaller-scale supermarket, which is currently being built on the edge of the town centre, on a site confirmed through the EbD process; this is due to open in summer 2014.

Furthermore, negotiations have progressed between landowners and developers in regards to the new 'old' neighbourhood. Given that the likely developer is a large volume housebuilder, the neighbourhood plan's design policies, which were much more detailed than typical local plan design policies, will be crucial, aiming to act as a security blanket and deliver a higher standard of development. Whether the developers adhere to the design policies or, instead tries to push the development through as standard volume

⁴ As of the 21st March 2014 only six neighbourhood plans had been formally adopted in England (Geoghegan, 2014).

housing 'product' through via the support for 'sustainable development' (given the that the site was identified through the neighbourhood plan as 'sustainable') may still require to be tested. Whilst a wider debate is carried out in regards to the Government's Localism agenda and the need to drive economic growth through housing development, the residents of Malmesbury have at least defined what they want on the site and have been given the confidence to assert themselves in dealings with the developers and Wiltshire Council, the local planning authority, to aim for the highest standards of design and development possible.



Malmesbury Neighbourhood Steering Group

Draft Malmesbury Neighbourhood Plan

Volume II – Design Guide Place Making and Quality Design Consultation Version 1.0, 5-March-13



Figure 6: A Draft Neighbourhood Plan was published in January 2013, including masterplans and development briefs for the key housing site(s) and policies for inclusion in the neighbourhood plan. The aim was to establish a coherent set of design policies, against which any proposals would be assessed. [Image: Malmesbury Neighbourhood Steering Group, 2014]

The EbD and neighbourhood plan process has stimulated both long-term visioning and short-term actions, with development initiatives being considered in a wider, more holistic context to the town, its history and identity. This process as it was applied in Malmesbury and the results obtained are a testament to the effectiveness and robustness of the methodology and principles in terms of addressing issues, engendering discussion and debate in an open and direct way, building consensus and empowering locals to define a more positive future for the town, based on its unique qualities and identity, in the face of numerous adverse conditions.



Figure 7: "The workshop was unexpectedly and refreshingly one of the most inspiring nights of my life. It truly opened my eyes to new and exciting possibilities." – Ruth Jeffrey. MNSG member. [Photo: The Prince's Foundation, 2013]

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