

REPORT TO: Environment and Urban Renewal Policy
and Performance Board

DATE: 12th September 2012

REPORTING OFFICER: Strategic Director – Policy and Resources

PORTFOLIO: Resources

SUBJECT: Neighbourhood Planning

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 The report provides the Environment and Urban Renewal PPB with an overview of the Neighbourhood Planning process and indicates the likely resource implications to the Council of producing a Neighbourhood Plan.

2.0 RECOMMENDATION: That

- (1) the content of the report is noted; and**
- (2) the Council respond to any requests for Neighbourhood Planning in accordance with the relevant legislation, thereby fulfilling its statutory duty to support and advise its communities in this regard.**

3.0 SUPPORTING INFORMATION

3.1 The 2011 Localism Act introduced the ability for local communities to shape their local communities and have a greater say in the planning of their areas by producing neighbourhood development plans, neighbourhood development orders and community right to build orders. The notion behind this is that if communities are involved in shaping the development of their area, they are more likely to become proponents, rather than opponents of development. The emphasis is placed on the local community leading the process, with support from the local authority in relation to conformity with higher order planning policy and statutory process requirements.

Neighbourhood Plans

3.2 The key tool available to local communities is the ability to produce a Neighbourhood Development Plan (Neighbourhood Plan) which once adopted, forms part of the development plan for the local authority alongside the Unitary Development Plan, Regional Strategy and emerging Core Strategy. A Neighbourhood Plan can be used to:

- Develop a shared vision for a neighbourhood
- Set out where residential, retail, business or other development should be located

- Protect local green infrastructure
- Influence building design

A Neighbourhood Plan can have a broad or a narrow scope, but it must primarily be about the use and development of land. It is in effect a mini-Local Plan, with a mixture of policies and land designations as desired, but it will be specific to a much smaller geographical area.

- 3.3 The process of producing a Neighbourhood Plan is governed by the Neighbourhood Planning Regulations which came into force on 6th April 2012 to supplement the provisions of the Localism Act. The sections below set out the five key stages in the production of a Neighbourhood Plan.

Stage 1: Defining the neighbourhood

- 3.4 The Regulations set out that the neighbourhood planning process can only be led by a recognised community group such as a Parish Council, Town Council or Neighbourhood Forum. Where a recognised community group does not exist for the area proposed to be covered by a neighbourhood plan, a Neighbourhood Forum must be set up by making an application to the local authority. The proposed Neighbourhood Forum must meet certain criteria including having at least 21 members and having a written constitution. In Halton should a community outside of the Parish Council areas wish to produce a neighbourhood plan, they would need to form a neighbourhood forum and seek designation from the Council before commencing the production of the plan.
- 3.5 A neighbourhood area then needs to be designated for the area to be covered by a neighbourhood plan. It will be the local authority's responsibility to ensure that the suggested boundary "makes sense" on the ground and to assist in helping the community to designate an area where they can achieve their aims through neighbourhood planning. Where a Parish Council proposes to produce a Neighbourhood Plan, the plan does not need to cover the entire parish area. However, there can only be one Neighbourhood Plan covering any one area, so communities may need to work collaboratively with neighbouring communities to ensure there is no overlap.

Stage 2: Preparing the plan

- 3.6 Through a neighbourhood plan, communities can establish general planning policies for the future development and use of land within their area. These could detail where new homes or offices should be built and what they should look like. It should set a vision for the future of their area. The neighbourhood plan and the policies within it can be as detailed or general as local people desire.
- 3.7 Importantly, neighbourhood plans **must be in line** with all national and local planning policies. In Halton this means that neighbourhood plans must accord with the higher level policies in the National Planning Policy Framework, the Regional Strategy (until its forthcoming revocation), the

Core Strategy and Unitary Development Plan (until such a time that it is replaced by other local plans). For instance, if another local planning policy promotes a neighbourhood for growth or designates a site in a neighbourhood for development, the neighbourhood plan should not promote less development than set out elsewhere or indeed undermine any of the strategic policies for the area.

- 3.8 Neighbourhood plans must also be in line with other regulations, including the requirement for Strategic Environmental Assessment in accordance with European obligations. Local authorities should advise their Parish Councils or Neighbourhood Forums whether a Strategic Environmental Assessment is required for the neighbourhood plan they are promoting.
- 3.9 There is a requirement for public consultation to be carried out on any proposed neighbourhood plan. The initial requirement is the community to consult on any draft proposals for a minimum of 6 weeks, in a way that is likely to bring the proposal to the attention of people who live, work or carry out business in the neighbourhood. After the neighbourhood plan has been finalised and submitted to the Council, the local planning authority must publicise the proposals for a further 6 week period so that formal representations can be made.

Stage 3: Independent examination

- 3.10 Once a neighbourhood plan has been prepared, an independent examiner will ensure that it has been produced in accordance with national and local planning policies. The examiner does not have to be a Planning Inspector working for the Planning Inspectorate. The Localism Act states that anyone with the appropriate qualifications and skills and who is acceptable to the local authority and local community can conduct the examination. The costs of the examination (namely the fees of the examiner) will need to be met by the local authority.
- 3.11 After the close of the examination and receipt of the examiner's report, the local authority must publish its decision regarding how it will progress with the Neighbourhood Plan. As with Local Plans, the examiner may recommend that certain changes be made to the neighbourhood plan to improve it. The local planning authority decides whether these changes should be made. The local planning authority also has the choice to refuse or decline to make the Neighbourhood Plan at this stage. If any changes proposed by the examiner are significant, the local community may choose to carry out further public consultation.

Stage 4: Community referendum

- 3.12 Once the examination has ended and the views of the independent examiner are known, the Council must ask the community whether they wish to see the Neighbourhood Plan introduced for the area. A referendum of the local population (classed as anyone registered to vote in local elections and living in the designated neighbourhood area) must be carried out.

3.13 It will be for the local authority to organise any such referenda, on behalf of the community promoting the Neighbourhood Plan. The cost of organising and carrying out the referendum will be borne by the local authority. In order to reduce costs, there is a likelihood that neighbourhood planning referenda will be combined with other elections where possible. Standard questions have been developed by the Government for the purposes of a referendum. 50% or more of all votes cast must be in favour of the Neighbourhood Plan for the plan to be capable of being adopted by the Council. There is no requirement for a minimum turnout at the referendum to make the outcome of the vote valid.

Stage 5: Adoption of the Neighbourhood Plan

3.14 Once the result of the referendum is known, and if it has been agreed by the majority of those voting, the Council must adopt the Neighbourhood Plan as soon as possible, so that it becomes part of the Development Plan for the authority. Once it is part of the Development Plan, the local planning authority will then have to make decisions on planning applications for that area in line with the neighbourhood plan, unless material planning considerations indicate otherwise.

Cost and resource implications

3.15 CLG estimate that the average cost of producing a Neighbourhood Plan to be between £20-86k¹. Ultimately, the cost of preparing a plan will vary depending on the complexity and size of the area covered. The costs will need to be met by the community promoting the neighbourhood plan. The Council has a duty to support this process by providing officer time. As identified in the sections above, local planning authorities are required to assist in designating a neighbourhood forum (if necessary) and in defining the neighbourhood plan area. They should also provide advice to communities during the production of the neighbourhood plan and help with the assessment of conformity with national and local planning policies.

3.16 Certain specific costs related to the production of the neighbourhood plan do fall to the local authority. These relate to the Independent Examination and the Referendum. CLG estimates the total cost of these activities to be in the region of £13-16k per plan. Funding of up to £50million has been identified through the Comprehensive Spending Review to allow local authorities to recoup the costs of delivering these elements of neighbourhood planning.

Other support available

¹ CLG (2012) Localism Act: Neighbourhood Plans and Community Right to Build Impact Assessment

3.17 The Government has provided funding to four national organisations to allow them to give help and assistance to communities carrying out neighbourhood planning. These authorities are:

- Planning Aid (part of the Royal Town Planning Institute)
- The Prince's Foundation for Building Community
- The Campaign for the Protection of Rural England, working with the National Association of Local Councils
- Locality (the Building Communities Consortium)

3.18 Local communities will be advised to approach these organisations for assistance as they have dedicated resources to assist communities and neighbourhoods in taking forward neighbourhood planning. A number of the above organisations have also produced useful guides to Neighbourhood Planning.

Other Neighbourhood Planning tools

3.19 Communities can also choose to produce a Neighbourhood Development Order. These are the same as a Local Development Order where the community can automatically grant planning permission for the buildings they want to see built. This means that developers do not have to apply for planning permission where their proposal is covered by Neighbourhood Development Order. CLG estimate that the cost of producing a Neighbourhood Development Order to be anywhere from £25-£86k, and such costs would need to be met by the community.

3.20 Community Right to Build schemes will be able to be brought forward by community groups established as a corporate body by members of the local community. They will allow small scale, community-led developments (e.g. for 5-10 homes or a community facility) to be brought forward by using a Community Right to Build Order (similar to a Neighbourhood Development Order). CLG estimate the costs of producing a Community Right to Build scheme to be in the region of £40k and again, such costs would need to be met by the community.

4.0 POLICY IMPLICATIONS

4.1 As highlighted in the report, should any Neighbourhood Plans be produced for any area within the Borough, once adopted it will automatically become part of the Development Plan for the Borough. This means that, along with the Core Strategy and UDP, the Neighbourhood Plan would be used in the determination of any planning applications that come forward in that area. As such, neighbourhood plans have greater weight than Supplementary Planning Documents (SPDs) which do not have statutory Development Plan status.

5.0 OTHER IMPLICATIONS

5.1 As highlighted in paragraphs 3.15-3.16, although the costs of producing a Neighbourhood Plan, Neighbourhood Development Order or Community Right to Build Scheme will need to be met by the community

promoting the plan, the Council will have a statutory duty to support those members of the public interested in producing a plan for their neighbourhood. As planning policy staff resources are limited, it is expected that the Council will fulfil its statutory duty but it is unlikely that it will have the capacity to support neighbourhoods beyond these basic requirements.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children & Young People in Halton

Using neighbourhood plans, local communities can choose to respond to the needs of their young population via the means of allocating sites or developing specific policy approaches which target the needs of children and young people.

6.2 Employment, Learning & Skills in Halton

Neighbourhood plans can be produced for employment areas as well as for residential communities. Any proposals for neighbourhood plans concerning any of the Borough's employment areas have the potential to improve the physical environment around commercial premises, thereby assisting and helping to stimulate encourage investment.

6.3 A Healthy Halton

In order to assist in creating a healthy Halton, there is scope for neighbourhood plans to allocate land for sport or recreation purposes in response to local need or demand.

6.4 A Safer Halton

Neighbourhood planning will allow communities to tackle local issues such as community safety by promoting land uses or a policy approach which tackles problem areas where crime or anti-social behaviour may be prevalent.

6.5 Halton's Urban Renewal

Through the introduction of an additional tier of planning policy documents, there is the opportunity to improve areas of Halton in need of regeneration through the use of neighbourhood plans. This will be subject to Neighbourhood Forums being formed and neighbourhood plans being promoted for areas in need of renewal.

7.0 RISK ANALYSIS

7.1 As this report purely provides information about the neighbourhood planning process, no risks to the Council have been identified at this stage. As highlighted in the report, if any of the Borough's communities do commit to producing a neighbourhood plan for their area, the Council will have a number of statutory obligations that it must perform to support that community.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 Any community in the Borough (subject to meeting the relevant criteria), can apply to become a Neighbourhood Forum. In setting up and designating a Neighbourhood Forum, there is a requirement that its membership reflects the inclusivity, diversity and character of the area. Therefore the opportunity to take part in neighbourhood planning is open to all.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
The Neighbourhood Planning (General) Regulations 2012	Municipal Building, Widnes	Gemma Hawkesford
The Neighbourhood Planning (Referendums) Regulations 2012	Municipal Building, Widnes	Gemma Hawkesford
The Neighbourhood Planning (Prescribed Dates) Regulations 2012	Municipal Building, Widnes	Gemma Hawkesford
Localism Act: Neighbourhood Plans and Community Right to Build Impact Assessment	Municipal Building, Widnes	Gemma Hawkesford