

PAPER NO.5

REPORT TO THE EXECUTIVE MEETING OF 23 APRIL 2012

Status: Decision
Title: Neighbourhood Plans
Originator: Stephen Pointer
Where from: LDF Task Panel
Where to next: Executive

1 Purpose of Report

1.1 This report seeks to establish arrangements to allocate funding awarded to the Council as Local Planning Authority by the Communities and Local Government Department to assist Billesdon, Broughton Astley and Lubenham Parish Councils through the CLG Frontrunner Programme in preparing Neighbourhood Plans and agree arrangements to support other Parish Councils who have expressed an intention to begin to prepare such Plans.

2 Recommendation:

- 2.1 **CLG Frontrunner funding be allocated by the Council to Lubenham, Billesdon and Broughton Astley Parish Councils to support the necessary preparation of the Plan primarily to obtain expert technical and professional assistance, subject to retention of the total amount considered necessary to fund examination and local referendum as per paragraph 3.6 in the report.**
- 2.2 **That assistance is provided by the Planning Authority as set out in the draft advice note (attached) at no cost to all Parish Councils intending to commence preparation of a Neighbourhood Plan and resource implications beyond 2012/13 be considered through Service Re-design process**
- 2.3 **Parishes who have expressed intent to prepare Neighbourhood Plans but not awarded Frontrunner Status be informed that the Council may need in future to seek reimbursement of the costs of examination and referendum of Neighbourhood Plans and should therefore budget accordingly.**

3 Summary of Reasons for the Recommendations

- 3.1 Bids made to the CLG Neighbourhood Plan Frontrunner Wave 5 Scheme on behalf of Lubenham, Broughton Astley and Billesdon have been successful and £60,000 has been received from CLG to provide £20,000 each to assist these communities in adopting a Neighbourhood Plan.
- 3.2 In addition, **Foxton, Great Glen, Bitteswell, Scraftoft, Stoughton and North Kilworth** have confirmed in writing that they wish to prepare a Plan for their Parish. Further information is now being sought from these communities about the scope and timetable for preparing these documents.
- 3.3 The Neighbourhood Plan Regulations have been laid before Parliament and came into force on 6 April. A draft advice note (attached) has been prepared based on current understanding of the Regulations and is being made available to communities requesting relevant information to help the Council plan its on going support.
- 3.4 There is no budget provision at present to support Council activity on neighbourhood planning but this has been firmly registered in the Service Re-design process currently being carried out. The Council has a duty to support and advise each community and it is not appropriate for this to be directly charged for. The paper attached provides a guide to the ways in which this duty is intended to be carried out. Officers in the planning policy team can only provide limited support at present so are encouraging for Parish Councils to appoint their own advisors to work specifically with them on the development and examination of the Plan.
- 3.5 Meetings have taken place with Lubenham, Broughton Astley and Billesdon Parishes to discuss the use of the £20,000 funding and understand the nature of the support they may need. It is understood by each that the Council will need to retain funding to pay for the independent examination and the referendum owing to no budget being provided by the Council for this activity in 2012/13. In discussion it is generally agreed that the rest of the funding is used primarily to provide expert advice and support to assist in local consultation processes and in final preparation of the Plan together with support through the examination stage.
- 3.6 At present some broad brush estimates of the cost of examination and referenda for the three frontrunner parishes is as follows

Billesdon

Potential Cost of Examination	5 days x £500	£2500
Potential Cost of Referendum	(Billesdon Parish)	£1300
Residual amount for use by Parish		£16200

Broughton Astley

Potential Cost of Examination	10 days x £500	£5000
Potential Cost of Referendum (Broughton Astley Parish)		£7000
Residual amount for use by Parish		£8000

Lubenham

Potential Cost of Examination	15 days x £500	£7500
Potential Cost of Referendum (Lubenham Parish & Logan Ward*)		£5000
Residual amount for use by Parish		£7500

* owing to the fact that the proposed Neighbourhood Plan is intended to cover the Strategic Development Area for Market Harborough, it is considered that any Referendum should include residents of Logan Ward in Market Harborough since it will have major issues for these residents. The Parish Council requests further consideration of how the Council might share these

- 3.7 In light of the fact that the costs of examination and referenda are quite provisional across all three frontrunners – but the Council need to ensure funding is available to cover these costs in 2012/13 - it is proposed that total costs of examination and referenda should be pooled together. This would allow £10, 566 to be committed to each Parish to aid for Plan preparation now with the remainder held back and further allocations made once these costs have been better identified.

4 Impact on Communities

- 4.1 There will be a significant opportunity for local communities to take control in providing local planning policy documents for their neighbourhoods

5 Key Facts

- 5.1 Neighbourhood development plans have been introduced through the Localism Act and from 6 April Regulations are in place which provide for their creation and adoption. They will have the status of being part of the development plan. Consequently they must be taken very seriously because of their significance in respect of the determination of planning applications in the neighbourhood area to which they relate, since the effect of section 38 of the 2004 Act is that a planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 There is no obligation to create a neighbourhood development plan but where one has been created there will be two tiers of documents comprising the development plan, with the new neighbourhood development plans additional to the planning authority's Development Plan Documents (DPDs). Their contents must have regard to national policies and advice in guidance from the Secretary of State, and be in general conformity with strategic policies in the development plan for the area.

- 5.3 The local planning authority (LPA) will also be the body which formally makes neighbourhood development plans and it has a role in checking that certain basic statutory requirements and regulations have been met by a proposed neighbourhood development plan. However as regards the content, it is the duty of an independent examiner to check that the proposed neighbourhood plan conforms with national policies and the strategic policies in the LPA`s DPDs.
- 5.4 The local planning authority must respond to a proposal for a neighbourhood development plan made by a "qualifying body" in respect of a neighbourhood area. Where there is a parish council for the whole or any part of the intended neighbourhood area, that is to say the area to be specified in the neighbourhood development plan as the area in respect of which the policies for development and land use will relate, the parish council will be the qualifying body for the purpose of initiating the process.
- 5.5 There are various stages before the formal making of a neighbourhood development plan, involving acceptance of the draft plan first by the LPA to whom it is submitted, and subsequently by an independent examiner, after they have checked that a number of requirements are satisfied, consideration of the examiner`s report by the LPA and then (if the proposal is accepted) the holding of a local referendum in the neighbourhood area to ascertain whether the plan has local support. A majority of those voting is required. The LPA is obliged to give such advice or assistance to qualifying bodies as they consider appropriate for facilitating the making of proposals for neighbourhood development plans, but this does not include a duty to give financial assistance.

6 Legal Issues

- 6.1 The Neighbourhood Planning Regulations 2012 read in conjunction with the Localism Act provides the necessary legal basis for this activity.

7 Resource Issues

- 7.1 There are implications in terms of additional work for the Planning Policy section, which will only be partially be offset by reductions in the work which otherwise would have been undertaken by the District Council as planning authority. The Council will need to set up an examination and referenda and may choose to charge Parishes for this service – otherwise it will need to budget for this work which could amount to around £18, 000 based on the six Parish Councils who have notified the Council of their intentions

8 Equality Impact Assessment Implications/Outcomes

- 8.1 There are none arising directly out of this report.

9 Impact on the Organisation

- 9.1 See above
 - 10 Community Safety Implications
 - 10.1 None arising from this report.
 - 11 Carbon Management Implications
 - 11.1 None arising from this report.
 - 12 Risk Management Implications
 - 12.1 No resource considerations.
 - 13 Consultation
 - 13.1 Meetings have taken place with representatives of Lubenham, Broughton Astley and Billesdon Parish Councils
 - 14. Options Considered
 - 14.1 None arising from this report.
 - 15. Background Papers
 - 15.1 None
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Previous report(s): None

Information Issued Under Sensitive Issue Procedure: N

Ward Members Notified: N

Harborough District Council

Guide to the Neighbourhood Plan Process

The Government has now issued the Neighbourhood Planning Regulations 2012 which come into effect on 6 April . These help to bring the relevant sections of the Localism Act into effect. The District adopted its Core planning strategy in November 2011 and provides the basis for further plans can be prepared. Now that the National Planning Policy Framework has been issued in final form, it is an ideal time for local communities to respond to the opportunity of preparing a Neighbourhood Plan. Harborough District Council wishes to help local communities understand the process and indicate what our role will be.

This is a short guide produced by the Planning Policy team

Informal discussion and application process

We will meet with you initially to discuss your proposals and tell you what information we hold and how this can be provided. You need to have thought about what issues and objectives the Plan will have.

If you wish to use the process to make a Neighbourhood Development Order (ie enable development to occur without the need for planning consent) you will need to apply for the designation of a neighbourhood area. You will need to send the Council, a map which identifies the area to which the area application relates, a statement explaining why this area is considered appropriate to be designated as a neighbourhood area and a statement that the organisation making the application is a “relevant body” . Parish Councils are already defined as such through the Localism Act – if you live in Market Harborough – the only non parished area in the District you will need to comply with certain criteria.

The Council will publish the application on its website and in the local area and invite comments for at least six weeks. After this period it will consider any representations and assuming all is ok will designate it and publish the fact. If we refuse to designate for any reason we have to publish the reasons.

If you are not a Parish Council you will also need to apply to be designated a neighbourhood forum to undertake a Plan by submitting the name of the proposed Forum, a constitution , the area concerned, contact details to the Council. These are publicised as above and the Council then decides on the application.

The Regulations state clearly that Parish Councils are already a qualifying body and are entitled to “initiate a process” for the purpose of requiring a local planning authority in England to make a neighbourhood development plan.

Harborough District Council would advise that any Parish Council wishing to initiate this process do this by writing to Stephen Pointer Policy Manager (Housing, Planning and Infrastructure). It would be helpful if the following information was supplied

- i) that their intent to prepare a Neighbourhood Plan has been approved by a meeting of the Parish Council
- ii) the area to which a Neighbourhood Plan is to relate
- iii) what matters in relation to the development and use of land, the Neighbourhood Plan is intended to deal with.
- iv) A broad timetable for the preparation of the neighbourhood plan
- v) A contact point for the District Council with the Parish Council

This will help the District Council monitor the number and scope of Neighbourhood Plans in preparation and help to plan how the Council can continue to assist during its preparation

Plan preparation

The neighbourhood should decide what a neighbourhood plan contains and how policies in relation to the development and use of land are expressed

The Plan must be in conformity with national planning policies and the strategic policies in the Council's Local Planning framework .The Core Strategy was adopted by December 2011. A neighbourhood plan cannot promote less housing and economic development than envisaged in the Councils development plan because a neighbourhood plan must be in "general conformity" with the strategic elements of the development plan.

Following the adoption of the Core Strategy, up to date site proposals are needed for such matters (where relevant) as follows:

- Settlement Limits to Development
- Housing development
- Business development
- Local Green Space
- Land for Recreation and Open Space
- Community uses
- Green Wedges
- Areas of Separation

Dependent on your area, it is likely that we will have technical reports and other information to help you gather evidence, assess options and decide on

The stages of preparation are likely to involve:

- 1 Informal discussion with the District Council and initiation
2. Prepare the Plan – consult on issues options – prepare final document.
(consider use of a sustainability appraisal process as a guide, especially for Plans with larger proposals – discuss with Council)
3. Validation check with LPA (to see whether it is in line with the strategic objectives of the Core Strategy)
4. Independent Examination

5. Examiners Report
6. Plan modifications if needed
7. Referendum
9. Adoption by local authority

Examination and referendum stages

The Council will arrange an independent examination to test whether the Neighbourhood Plan is in accordance with strategic policies in the local plan / core strategy. It will be undertaken by a suitably qualified person who is independent of the process: It will be a 'light touch' examination. The examiner may suggest that changes be made. These could, for example, relate to the phrasing of text to provide greater clarity. If the examiner agrees that the plan is in line with strategic objectives, then a referendum can be held.

Following an examination, the plan needs to be subject to a referendum, where 50% of the votes need to be in favour of the plan. As with a general election, the vote is not based on the total population of the area, rather the number of people who actually turn out to vote. If the vote is in favour of the plan the local authority are legally obliged to adopt it for plan making and development control purposes.

The assistance to be offered by the District Council

The Council will offer expertise and advise throughout the process of plan preparation as follows.

1. Initial advice on the plan area and what information is available
2. Making information available (including maps and plans and advising at each stage of preparation)
3. Publishing the Plan for representations
4. Appointment and funding an examination *
5. Holding a Referendum *

Developers and landowners may provide financial assistance where they may have an interest in securing planning permission.

* The costs of these elements may be recovered or charged for under the Neighbourhood Plan Regulations but no decision has been taken by the Council on this matter as yet. Parishes and others should therefore budget for these costs which will vary according to the size and complexity of the neighbourhood and its proposals. Further guidance is available from officers. Part of the funding obtained to help the Council support the Frontrunner Wave 5 Parishes (Lubenham, Billesdon and Broughton Astley will need to be retained to cover these costs in 2012/13)

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ANNEX

INFORMATION PROVIDED BY THE DEPARTMENT OF COMMUNITIES AND LOCAL GOVERNMENT 4 APRIL 2012

NEW PROVISIONS COMING INTO FORCE ON 6 APRIL 2012

Neighbourhood Planning (General) Regulations 2012

These new regulations outline detailed requirements for neighbourhood planning, including the procedures for designating a neighbourhood area and forum, and making neighbourhood development plans, neighbourhood development orders and Community Right to Build Orders. Further regulations on neighbourhood planning referendums and guidance on neighbourhood planning will follow later this year.

More information on neighbourhood planning can be found at [\(http://www.communities.gov.uk/planningandbuilding/planningsystem/neighbourhoodplanningvanguards/\)](http://www.communities.gov.uk/planningandbuilding/planningsystem/neighbourhoodplanningvanguards/).

The full text of the regulations can be found at

http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf.

Please address any queries to Gareth Bradford in DCLG in the first instance (Gareth.Bradford@communities.gsi.gov.uk).