

## **NEIGHBOURHOOD PLANNING – SUPPORTING LOCAL COMMUNITIES**

### **SUMMARY**

- 1.1 The neighbourhood planning elements of the Localism Act and associated regulations came into force on 6 April 2012. Prior to this, on 21 February 2012, the previous Cabinet considered a report on the Localism Act, which identified a need for the following actions in connection with neighbourhood planning:
- Establish a corporate approach for supporting communities wishing to prepare neighbourhood plans and orders
  - Establish how the Council will deal with applications from groups wishing to establish themselves as neighbourhood forums to prepare neighbourhood plans or orders
- 1.2 This report considers these two issues in turn, identifying the minimum obligations placed on the Council and other support Government is indicating that communities should be able to expect. It is proposed that this forms the basis of the level of support offered to communities.
- 1.3 A number of communities have expressed some interest in preparing a neighbourhood plan. Residents in Allestree have already submitted an application. Consequently, the Council needs to establish a mechanism to consider and determine these applications.
- 1.4 To achieve this, it is proposed that the Strategic Director of Neighbourhoods should be delegated the power to determine neighbourhood planning applications, in consultation with the Cabinet Members for Planning, Environment and Public Protection and for Neighbourhoods and Streetpride.
- 1.5 Whilst most Council support to communities will need to be provided by planning policy officers and neighbourhood managers, a corporate approach will be needed. To this end, an officer level Neighbourhood Planning Working Group has been established to consider these issues in more detail. A guidance note is also being prepared to help communities prepare their plans.

- 1.6 Finally, the report notes that neighbourhood planning is likely to have significant resource implications for the Council, both in terms of cost and officer time. To help with costs, Government is indicating that Councils nationwide could receive up to £50m over the period to 2015. The local allocation is yet to be determined.

## **RECOMMENDATION**

- 2.1 To agree the initial approach to supporting communities to undertake neighbourhood planning as set out in the report.
- 2.2 To recommend to Full Council that the Strategic Director of Neighbourhoods, in consultation with the Cabinet Members for Planning and Neighbourhoods, should be given delegated powers to determine applications to establish neighbourhood areas and neighbourhood forums.

## **REASONS FOR RECOMMENDATION**

- 3.1 To establish the level of support that local communities wishing to undertake neighbourhood planning can expect.
- 3.2 To enable the Council to deal with applications submitted under the Neighbourhood Planning Regulations.

<b>SUPPORTING INFORMATION</b>
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- 4.1 The neighbourhood planning elements of the Localism Act and associated regulations came into force on 6 April 2012. These empower local communities to establish themselves as neighbourhood forums and to prepare neighbourhood development plans, neighbourhood development orders and community right to build orders.
- 4.2 The regulations are light touch and we therefore need to establish some local procedures to ensure a consistent approach throughout the city.
- 4.3 On 21 February 2012 Cabinet considered a report on the Localism Act, which identified a need for the following actions in connection with neighbourhood planning:
- Establish a corporate approach for supporting communities wishing to prepare neighbourhood plans and orders
  - Establish how the Council will deal with applications from groups wishing to establish themselves as neighbourhood forums to prepare neighbourhood plans or orders

These issues are considered in turn below.

**Supporting communities to undertake neighbourhood planning**

4.4 The regulations place the following minimum obligations on the Council:

- publicise the details of any groups applying to be designated as a Neighbourhood Forum and the area they wish to prepare a plan or order for
- decide whether to accept such a proposal, including deciding between competing groups should there be more than one wish to prepare a plan or order for the same area
- ensure the plan or order complies with European and British law, including the Strategic Environmental Assessment Directive
- assess whether the draft plan is in conformity with its own local plan (LDF)
- publish the draft neighbourhood plan or order on our website; inform and consult with the local community, organisations and statutory consultees
- arrange and pay for an independent examination of the draft plan and publishing the results of this
- assess the Inspector's report and decide to accept or reject any changes and publish the decision and reasons for it
- arrange and pay for a referendum to be held on the draft plan
- formally adopt the plan as part of its Development Plan if a simple majority of voters agree to it and publicise the adoption.

4.5 In addition there is a legal duty on local authorities to provide support and advice to local communities. Government guidance leaflets indicate that communities should be able to expect the following from local authorities:

- advice on national and local plan policies
- evidence and information on planning issues, such as transport or environmental issues
- advice on how to use evidence and undertaking assessments
- help with consultation events
- help in communicating with external partners where this is required

It is proposed that the level of support from the Council should be in line with these principles. Experience is that help will also be sought on practical issues such as acquiring OS map bases.

- 4.6 Some of this support could be quite resource intensive. For instance, a neighbourhood plan will need to be subject to a Sustainability Appraisal. This involves quite difficult and lengthy processes that most communities will need significant help with. Furthermore, a higher level of evidence will be needed if communities are considering making new allocations for development. Neighbourhood Development Orders in effect grant permission for specified forms of development and it is anticipated that significant levels of support would be needed to progress these.

Other requirements, such as organising and paying for examinations and referenda, will have implications in terms of both officer time and cost.

- 4.7 Most of this support will need to be provided by planning policy officers and partnership managers. Close working arrangements between these two areas will be vital and it is important that respective roles and responsibilities are clear. It is also important that other services fully understand and prioritise this work. To help develop and coordinate the support provided by the Council, it is intended to set up an officer level Neighbourhood Planning Working group with potential representatives from the following areas:

- Planning policy
- Development management
- Partnership managers
- Regeneration
- Parks
- Policy, research and engagement
- Legal and democratic services
- Communications
- Finance

- 4.8 As part of the proposed support package, a guidance note is being prepared to give advice to communities on how to prepare their plans. It will also cover issues they might wish to consider, how they might present their ideas and policies, information requirements and sources, likely costs and sources of assistance. To help improve its usefulness to communities, it is being drawn up in liaison with the emerging Allestree neighbourhood planning group.

**Considering applications from communities wishing to prepare neighbourhood plans and orders**

- 4.9 A number of communities have expressed some interest in preparing a neighbourhood plan. Residents in Allestree have already submitted an application, although further work will be needed on it before it could be considered acceptable in terms of the new regulations. Procedures for dealing with applications to form neighbourhood areas and forums therefore need to be agreed.
- 4.10 It is proposed that the Strategic Director of Neighbourhoods is delegated the power to determine neighbourhood applications, in consultation with the Cabinet Members for Planning, Environment and Public Protection and for Neighbourhoods and Streetpride. Criteria amplifying the regulations are suggested below which could be used in assessing applications for neighbourhood areas and forums.
- 4.11 A *neighbourhood area* is the area an organisation wishes to prepare a plan for. It could be an existing ward, part of a ward, more than one ward. It could even include land outside the city, although that may be harder to set up. Neighbourhood areas cannot overlap. A *neighbourhood forum*, in the meaning of the Regulations, is the organisation which prepares the neighbourhood plan or order for an area. This must be specially constituted for the purpose and our existing forums will not automatically qualify. Only one neighbourhood forum can be set up for each neighbourhood area.
- 4.12 Proposals for neighbourhood areas should be assessed having regard to the regulations, the following criteria and any other relevant factors:
- Does the proposed area follow clear and logical boundaries, for example ward boundaries or locally distinct features such as roads or rivers.
  - Does the proposed area exclude any land which should be included in the interests of good planning?
  - Does the proposed neighbourhood area include land that is unrelated to the rest of the area and is better related to another neighbourhood?

- 4.13 Proposals to form neighbourhood forums should be assessed having regard to the regulations, the following criteria and any other relevant factors:
- Does the organisation have a written constitution?
  - Is the organisation established for the express purpose of promoting or improving the social, economic and environmental well-being of the area?
  - Is membership of the organisation open to all residents, businesses and people who work in the proposed neighbourhood area?
  - Does the organisation's membership include people from different parts of the area and from different sections of the community?
  - Does the organisation's membership include at least 21 people who live, work or are an elected Member for the area?
  - Does the purpose of the organisation reflect the general character of the area?

### **Resource Implications**

- 4.14 It is clear that supporting neighbourhood planning is likely to have significant resource implications for the Council. There are already additional pressures on existing staff resources and these are likely to grow significantly. Although local communities will be required to bear most of the cost of plan preparation, the regulations state that the financial burden of holding examinations and referenda fall on the Council. The Government has suggested that an Examination might cost £5000 - £8000 and a referendum £7000, but these costs will vary depending on scale and complexity. However, the regulations setting out how and when a referendum should be carried out have yet to be enacted. Precise implications for the Council, and the overall costs, have therefore yet to be determined.
- 4.15 Recent Government publicity states that Councils are to receive up to £50m over the period to 2015 so that they can support groups wanting to do neighbourhood planning. Currently the actual level of funding associated with this initiative is not known.
- 4.16 Assessing resource implications is difficult without knowing the extent of eventual interest in neighbourhood planning or the precise financial support from Government. The Neighbourhood Planning Working Group will give further consideration to the staffing and financial implications of supporting neighbourhood planning, including the best use of any funding received.

<b>OTHER OPTIONS CONSIDERED</b>
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- 5.1 Providing a higher level of support to local communities is not realistic given current resources. Providing less support would not meet our statutory obligations.

**This report has been approved by the following officers:**

<b>Legal officer</b>	Stephen Teasdale
<b>Financial officer</b>	Mazer Hussain
<b>Human Resources officer</b>	n/a
<b>Service Director(s)</b>	Christine Durrant
<b>Other(s)</b>	Rob Salmon

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<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Implications



<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 Currently the actual level of funding associated with this initiative is not known, but Government has indicated that Councils nationwide could receive up to £50m over the period to 2015. We intend to contain costs within existing budgets plus any grant, but there are a number of unknown cost implications yet to be determined. No additional budgets have been allocated for this work.

**Legal**

- 2.1 As detailed in the report, the neighbourhood elements of the Government's reforms brought in pursuant to Chapter 3 and Schedules 9-12 of the Localism Act 2011 and respective regulations namely The Neighbourhood Planning (General) Regulations 2012 & The Town and Country Planning (Development Management Procedure)((England)(Amendment) Order 2012 came into force on 6 April 2012.

**Personnel**

- 3.1 The new plans and orders will have resource issues for the Council, especially for planning policy officers and partnership managers.

**Equalities Impact**

- 4.1 In deciding whether to accept a Neighbourhood Forum, the Council must have regard to the extent its membership includes people who live or work in the area, are an elected member for the area, include people from different places in the neighbourhood and are from different sections of the community.
- 4.2 The Sustainability Appraisal should include an Equalities Impact Assessment.

**Health and Safety**

- 5.1 None anticipated.

**Environmental Sustainability**

- 6.1 Neighbourhood Plans will need to include a Sustainability Appraisal to meet domestic legislation and requirements of the European Strategic Environmental Assessment Directive.

## **Asset Management**

7.1 None.

## **Risk Management**

8.1 None.

## **Corporate objectives and priorities for change**

9.1 The main implications of the regulations will be for the Derby Plan priorities of a strong community and a thriving sustainable economy.