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# Neighbourhood Planning

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<b>Committee considering report:</b>	Council on 8 December 2016
<b>Portfolio Member:</b>	Councillor Hilary Cole
<b>Date Portfolio Member agreed report:</b>	30 September 2016
<b>Report Author:</b>	Rachael Lancaster
<b>Forward Plan Ref:</b>	C3198

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## 1. Purpose of the Report

- 1.1 To inform Members of the Neighbourhood Planning Process and to set out the proposed approval process for the adoption of a Neighbourhood Plan.

## 2. Recommendations

- 2.1 Members are asked to approve the process for approving Neighbourhood Plans
- (1) The designation of Neighbourhood areas is delegated to the Head of Planning.
    - (a) The Scheme of Delegation is updated to allow the designation of a Neighbourhood Area to be approved by the Head of Planning.
  - (2) Following the examination, but prior to the referendum taking place. Council are asked to approve the Neighbourhood Plan progresses to referendum and agreed to adopt the Neighbourhood Plan into the development plan if there is a successful 'yes' vote at the referendum.

## 3. Implications

- 3.1 **Financial:** The Council are currently able to claim up to £30,000 per Neighbourhood area designated (up to a maximum of 20 areas per year). Payments are broken down into stages:
- 1) £5,000 following the designation of a neighbourhood area
  - 2) £5,000 following publication of the proposed neighbourhood plan once it has been submitted to the council
  - 3) £20,000 following successful completion of the neighbourhood plan examination. This is to part pay for the examination and costs associated with the referendum.

The cost to the council is largely through officer time, and in the organisation of the referendum. It is estimated that approximately 90 to 100 hours of officer time is required to support a community develop a neighbourhood plan, at a cost of approximately £2,500. This is based on the time

given to support the development of the Stratfield Mortimer Neighbourhood Plan and does not include the cost of the examination.

Based on average length of examinations the cost of the examination should be between £3,000 and £8,500 depending on the length of time taken to examine the Neighbourhood Plan. However, the Stratfield Mortimer examination cost approximately £18,185.

On average referendums cost £5,000 per ballot box to deliver, plus the officer time associated with arranging the referendum. Some polling stations will have more than one ballot box.

- 3.2 **Policy:** National Planning Policy makes provision for the development of Neighbourhood Planning. An adopted Neighbourhood plan forms part of the district's development plan.
- 3.3 **Personnel:** The Council has a duty to support the development of Neighbourhood Plans. Officer time will be required to offer this support.
- 3.4 **Legal:** An adopted Neighbourhood Plan forms part of the development Plan.
- 3.5 **Risk Management:** N/A
- 3.6 **Property:** N/A
- 3.7 **Other:** N/A

## 4. Other options considered

- 4.1 None

## 5. Executive Summary

- 5.1 The Localism Act 2011 brought in the ability for local communities to develop Neighbourhood Plans, allowing communities to decide the future shape of the places where they live.
- 5.2 Neighbourhood Plans can only be developed by 'Qualifying Bodies'. In West Berkshire Parish Councils are the 'Qualifying Body'. As West Berkshire is wholly Parished, only parish council are able to develop Neighbourhood plans. Unfortunately, the legislation does not make any allowances for parishes that don't have a large enough electorate/population to support a Parish Council.
- 5.3 The Council have a duty to support communities in the development of Neighbourhood Plans, and some limited funding is currently available to support the Council (up to £30,000 per neighbourhood area for up to 20 areas per year).
- 5.4 There are a number of stages to the development of a Neighbourhood Plan these are set out in table 1 below.

Stage	Responsibility	Notes
Neighbourhood Area Application	Parish Council	The Application form (shown in appendix C) will be published on the Council's website for communities to download.
Determination of Neighbourhood Area	West Berkshire Council (Officer)	<p><u>Current method</u></p> <p>Upon receiving the application for a neighbourhood area from the parish council, the Council must publicise and consult upon the application for 4 weeks (if the neighbourhood area is the same as the parish boundary) or 6 weeks (for all other areas).</p> <p>The Council must determine the application within a prescribed timeframe (from the day after the application is publicised, this is 20 weeks for neighbourhood areas falling within two or more local authority areas, 8 weeks if the application is the same as the parish boundary, and 13 weeks for all other applications).</p> <p><u>Proposed Change though the Neighbourhood Planning Bill</u></p> <p>The Government are proposing that if the neighbourhood area is the same as the parish boundary, then the designation would have to be made as soon as possible once the Council is satisfied that the application is valid and complete.</p>
Designation of Neighbourhood Area	West Berkshire Council (Head of Planning)	Approval of the Neighbourhood Area is proposed to be delegated to the Head of Planning.
Development of the Neighbourhood Plan	Parish Council	<p>The Council have a duty to support the development of Neighbourhood Plans.</p> <ul style="list-style-type: none"> <li>• Service Level Agreement – Appendix D</li> <li>• Neighbourhood Planning guidance –</li> </ul>

Stage	Responsibility	Notes
	West Berkshire Council (Officers)	<p data-bbox="794 197 963 228">Appendix E</p> <p data-bbox="699 235 1442 412">The Council have a duty to support the development of the Neighbourhood Plan. This will involve attending a set number of meetings to offer advice and guidance as set out in the Service Level Agreement.</p> <p data-bbox="699 454 1442 703">In addition the Council are required to carry out Screening to determine whether Strategic Environmental Assessment (SEA) is required. This is best done early on in the development of the Neighbourhood Plan, once it has been agreed what Policy topics the will be included in the Neighbourhood Plan.</p> <p data-bbox="699 745 1390 815">If a Neighbourhood Plan is proposing to allocate sites it is likely that SEA will be required.</p>
Pre Submission Consultation (6 weeks)	Parish Council	<p data-bbox="699 822 1422 925">The Parish Council are required to consult their local community on their proposed plan before it is submitted to the Council for examination.</p> <p data-bbox="699 967 1422 1144">The Council will respond to the pre-submission consultation giving an initial view of whether the proposed plan will meet the basic conditions and if any changes are required. Internal council consultees will also be consulted at this point.</p>
Submission of the Neighbourhood Plan	Parish Council	<p data-bbox="699 1151 1422 1254">The Parish Council will submit the proposed Neighbourhood Plan to the council for examination along with the following 'Submission documents'</p> <ul data-bbox="699 1261 1442 1742" style="list-style-type: none"> <li data-bbox="699 1261 1422 1330">• Map/Statement identifying the area to which the proposed neighbourhood plan relates</li> <li data-bbox="699 1337 1422 1480">• Consultation statement (setting out who was consulted, and how and a summary of the main issues raised and how these issues have been considered)</li> <li data-bbox="699 1487 1422 1590">• Basic Conditions statement (setting out how the proposed neighbourhood plan meets the requirements)</li> <li data-bbox="699 1597 1442 1742">• Copy of Screening opinion/Environmental report (depending on the outcome of the SA/SEA screening carried out by the Council during the development of the plan).</li> </ul>
Publication of the Neighbourhood Plan (6 weeks)	West Berkshire Council (Officers)	<p data-bbox="699 1749 1378 1854">The Council is required to publish the proposed Neighbourhood Plan, inviting comments for 6 weeks.</p>
Examination	West Berkshire Council (Officers)	<p data-bbox="699 1861 1442 1964">West Berkshire Council will, in discussion with the Parish Council, appoint an examiner to examine the proposed Neighbourhood Plan.</p> <p data-bbox="699 1971 1378 2040">All procurement requirements will be completed following the appointment of an examiner.</p>

<b>Stage</b>	<b>Responsibility</b>	<b>Notes</b>
Examiner's Report	West Berkshire Council (Officers)	Once the examiner's report has been received the Council will review the report and consider the recommendations made within the report. It is likely that a meeting will take place at this stage with the Parish Council to discuss the recommendations included in the report.
Modifications	West Berkshire Council (Officers)	Where the examiner has requested modifications are made to ensure the plan the council will review these and propose changes to the Parish Council for agreement.  <i><u>Proposed Change to bring in time limits</u></i> It is proposed that Local Planning Authorities will have a period of five weeks from receiving the examiner's report to determine whether to submit the plan to referendum. This would bring the Council policy in line with national policy.
Determination / Approval to proceed	Council to approve referendum and adoption of Plan	Following agreement of modifications with the Parish Council the Neighbourhood Plan will be brought to Council for approval. This will include a copy of the draft determination notice to be published. The motion would be: To approve the neighbourhood plan for referendum and to adopt the neighbourhood plan immediately following a successful 'yes' vote
Referendum	West Berkshire Council (Officers)	The Council are required to make the arrangement for the referendum.  <i><u>Proposed Change to bring in time limits</u></i> It is proposed that the referendum should take place within 10 weeks of the decision being made that the referendum should be held. This would bring the Council policy in line with national policy.
Adoption (Automatic on successful 'yes' vote)	West Berkshire Council	Following a 'yes' vote the Council will have adopted the Neighbourhood Plan into the development plan for the area (following the council resolution above) and will use it to determine planning applications for the neighbourhood area.  <i><u>Proposed Change to bring in time limits</u></i> It is proposed that The Council should bring the neighbourhood plan into force within 8 weeks of the date of the referendum, unless there are unresolved legal challenges. This would bring the Council policy in line with national policy.

## 6. Conclusion

- 6.1 The provision for Neighbourhood Planning is set out in the National Planning Policy Framework (NPPF) and Neighbourhood Planning legislation.

- 6.2 The Council have a duty to support communities wishing to develop Neighbourhood Plans, and following a successful 'yes' vote at referendum the council are required to adopt the Neighbourhood Plan into the Development plan for the district.
- 6.3 This report will progress through the committee process to be approved at Council in December 2016.

## 7. Appendices

- 7.1 Appendix A - Supporting Information
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – Neighbourhood Area Application Form

Template form to be submitted to the Council by Parish Councils wishing to apply for a neighbourhood area designation

- 7.4 Appendix D – Service Level Agreement

Template agreement between the Council and the Parish Council setting out the expectations for the development of the Neighbourhood Plan. The Neighbourhood Planning Bill requires Councils to set out clearly the advice/assistance that the Council can offer the parish council. The SLA provides a clear indication of what the Council will, and will not do to support the development of a Neighbourhood Plan.

- 7.5 Appendix E – Neighbourhood Planning Guidance

Guidance notes for communities wishing to develop a Neighbourhood Plan