

EAST HERTS COUNCIL

LOCAL DEVELOPMENT FRAMEWORK EXECUTIVE PANEL – 24
NOVEMBER 2011

REPORT BY EXECUTIVE MEMBER FOR PLANNING POLICY AND
ECONOMIC DEVELOPMENT

INTERIM NEIGHBOURHOOD PLANNING GUIDANCE NOTE
(NOVEMBER 2011)

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To seek Members agreement to publish an interim guidance note on Neighbourhood Planning; and
- To set out what the potential resource implications of Neighbourhood Planning are for East Herts Council.

RECOMMENDATION FOR EXECUTIVE: to commend to Council that:

(A)	The Interim Neighbourhood Planning Guidance Note (November 2011) contained at Essential Reference 'B' to this report be agreed and published;
(B)	Further consideration is given to the potential resource implications of Neighbourhood Planning; and
(C)	Communities wait before they do any substantive work on Neighbourhood Plans until the Localism Bill has been enacted, associated regulations published and the Council has progressed with its Core Strategy.

1.0 Background

1.1 The Localism Bill was presented to Parliament on 13 December 2010. The Bill is currently being debated and is not expected to receive Royal Assent until late in 2011, with enactment in spring 2012.

1.2 The Bill will devolve greater powers to Councils and neighbourhoods and give local communities more control over

housing and planning decisions.

- 1.3 A key component of the Bill introduces a new tier of planning – namely neighbourhood planning. The Government anticipates that neighbourhood planning will allow people to come together to produce a Neighbourhood Plan.
- 1.4 An introductory report on Localism and Neighbourhood Planning was previously considered by Members at the Local Development Framework Executive Meeting on 7 July.
- 1.5 The Localism Bill leaves various procedural and technical requirements of the neighbourhood planning system to regulations. The Government is currently consulting on new neighbourhood planning regulations. The consultation runs until 5 January 2012, and the final regulations (Neighbourhood Planning (England) Regulations 2012) are not anticipated to come into force until 1 April 2012. The regulations will, for example, govern the process for establishing neighbourhood areas and forums.

2.0 Report

- 2.1 The guidance note contained at **Essential Reference 'B'** has been produced primarily for town and parish councillors, but may also be of interest to local residents and businesses in East Herts. This document represents Officers' current understanding of the concept of, and the processes involved in, Neighbourhood Planning as detailed within the Government's Localism Bill.
- 2.2 The guidance note is intended to provide town/parish councils with information to help them decide, at this early stage, whether or not they would be interested in preparing a Neighbourhood Plan in due course. (It does not deal with either the preparation of Neighbourhood Development Orders or Community Right to Build Orders, as these are matters that would be dealt with separately by the District Council.)
- 2.3 It is anticipated that this document will be updated next year following enactment of the Localism Bill and publication of associated regulations, when the Council will be in a better position to support and advise those communities that wish to prepare a Neighbourhood Plan.

What are the benefits of preparing a Neighbourhood Plan?

- 2.4 Developing a Neighbourhood Plan can help communities to play a greater role in shaping the future of their area. It will bring together residents, businesses, local groups, landowners and developers to share ideas and build consensus about what needs to be done in the area. It can also help create lasting partnerships both within and outside the community, for example with public service providers or local businesses.
- 2.5 Neighbourhood planning also offers communities an opportunity to include their own local planning priorities within the wider planning system.

Who should be involved?

- 2.6 In East Herts it is anticipated that the majority of Neighbourhood Plans will be initiated by town/parish councils. The Government has also stated that it will enable businesses to bring forward Neighbourhood Plans. Town/parish councils should not, however, develop the Neighbourhood Plan in isolation from the rest of the community. The involvement, throughout the process, of a broad range of local stakeholders will help strengthen community support for the Plan and make its implementation easier.

Duties on Local Authorities

- 2.7 There will be new duties on local authorities to:
- Confirm the geographical area of the proposed Neighbourhood Plan
 - Confirm the constitution of 'neighbourhood forums'
 - Provide expertise and advice to neighbourhood forums
 - Arrange for independent examination of the Neighbourhood Plan
 - Hold referendums
 - Adopt Neighbourhood Plans where all requirements have been met

How to develop a Neighbourhood Plan

- 2.8 There is no set process for developing a Neighbourhood Plan, although good practice is becoming available all the time. There are certain elements of the process that will become statutory once the Localism Bill becomes legislation. Figure 1 (below) summarises

the steps that a community could go through to develop a Plan. The final stages will be statutory and should therefore be seen as obligatory in the process.

Figure 1: Typical process for producing a Neighbourhood Plan

Getting Started		<ul style="list-style-type: none"> • Get the community on board • Establish a 'neighbourhood forum' • Define the 'neighbourhood area' • Produce a programme for developing the plan • Develop a communications strategy 	Sustainability Appraisal
Developing a Vision and Objectives		<ul style="list-style-type: none"> • Gather together relevant information • Identify the area's strengths and weaknesses • Draft the vision and objectives • Check for conformity with the strategic policies in the development plan • Check draft vision and objectives with the community 	
Developing the Plan		<ul style="list-style-type: none"> • Develop policies • Develop an implementation plan • Finalise draft of the Neighbourhood Plan • Check for conformity with the strategic policies in the development plan • Check draft Neighbourhood Plan with community and other stakeholders 	
Statutory Stages	Independent Examination	<ul style="list-style-type: none"> • Submit to East Herts Council • Appointment of independent examiner • Examiner's report published 	
	Referendum	<ul style="list-style-type: none"> • East Herts Council co-ordinates a local referendum 	
	Adoption	<ul style="list-style-type: none"> • If the referendum indicates community support, then the Neighbourhood Plan will be adopted by East Herts Council 	

Issues

- 2.9 There are a number of issues that could potentially affect the uptake and success of Neighbourhood Plans. These include:
- Timetabling of Neighbourhood Plans, associated regulations and the Local Development Framework;
 - The relationship of Neighbourhood Plans to existing Town/Parish Plans (including the requirement to undertake Sustainability Appraisal);
 - The Government's intention that Neighbourhood Plans will achieve the same level of development (or additional), but not less when compared to the Local Development Framework;
 - Gaining support from and consensus within the community (more than 50% support is needed at a public referendum to adopt a Neighbourhood Plan);
 - Achieving a coherent framework across the district will be difficult – not every parish will want to develop a Neighbourhood Plan;
 - Resourcing – both within the community and within the District Council (see below).

Potential Resource Implications

- 2.10 There are a number of potential resource implications for the District Council that need to be considered.
- 2.11 The Localism Bill places a duty on local planning authorities to provide advice and assistance to Town and Parish Councils in developing Neighbourhood Plans. Depending on the number of parishes that wish to prepare a Neighbourhood Plan, this has the potential to require a significant amount of Planning Policy Officer time.
- 2.12 The current and single priority for the Planning Policy Team is to progress with the Core Strategy and to establish a Community Infrastructure Levy (CIL) as quickly as possible, in order to provide an effective strategic planning policy framework for neighbourhood planning. Consequently, there are currently limited staff resources available to direct towards neighbourhood planning. This, coupled with the need for Neighbourhood Plans to be directly related to the emerging Core Strategy, means that communities are advised to wait until the Council has progressed with its Core Strategy before they do any substantive work on Neighbourhood Plans.

- 2.13 The Localism Bill also states that the local planning authority 'must make such arrangements as they consider appropriate in connection with the holding of the examination' and 'may appoint a person to carry out the examination' relating to a Neighbourhood Plan before it is adopted. The local planning authority must also 'make arrangements' for the local referendum on a draft Neighbourhood Plan. This seems to indicate that the local planning authority would pay for both of these formal parts of the process.
- 2.14 The Government has estimated that an independent examination will cost between £5,000 and £8,000, and a local referendum will cost in the order of £7,000. Further consideration therefore needs to be given to how these might be financed. (Local planning authorities may be able to levy a charge on development allowed under a Neighbourhood Development Order, to enable some of the costs of neighbourhood planning to be recouped, however, this has not yet been agreed and is anticipated to be the subject of consultation later this year.)

Conclusion

- 2.15 The Localism Bill presents a range of opportunities for communities in East Herts to play a greater part in shaping their neighbourhoods.
- 2.16 In particular, the Government's proposals with regard to neighbourhood planning offer new tools for communities to set out local policies for development and to permit specified types of development in certain locations.
- 2.17 Whilst it is too early to tell how many parishes will want to do a Neighbourhood Plan, the incentive is undoubtedly that of local people being able to decide for themselves how and where development should take place within their community. Parishes must, however, be cognisant of the fact that the Government has clearly stated that neighbourhood planning should not be seen as a means of achieving less development. Clearly, for any town/parish council wishing to undertake this work, they must first accept the general strategy for growth outlined within the emerging Core Strategy.
- 2.18 The guidance note contained at **Essential Reference 'B'** is intended to provide early advice to those town/parish council's

that are considering doing a Neighbourhood Plan.

2.19 The District Council will in due course need to give further consideration to the potential resource implications of Neighbourhood Planning.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Localism Bill: neighbourhood plans and community right to build: impact assessment (DCLG January 2011)

<http://www.communities.gov.uk/publications/localgovernment/localismneighbourhoodplans>

Broadland District Council Neighbourhood Planning Guidance (Version 1 – June 2011)

East Herts Local Development Framework: Localism and Neighbourhood Planning, Report by Executive Member for Planning Policy and Economic Development (7 July 2011)

<http://online.eastherts.gov.uk/moderngov/mgConvert2PDF.aspx?ID=6805>

Introduction to Neighbourhood Planning (DCLG 13 October 2011)

<http://www.communities.gov.uk/publications/planningandbuilding/introductionneighbourplanning>

Neighbourhood Planning Regulations Consultation (DCLG 13 October 2011)

<http://www.communities.gov.uk/publications/planningandbuilding/planningregulationsconsultation>

Contact Member: Councillor M G Carver, Executive Member for Planning Policy and Economic Development

Contact Officer: Kevin Steptoe, Head of Planning and Building Control – Ext 1407

Report Author: Claire Sime – Team Leader Planning Policy

ESSENTIAL REFERENCE PAPER 'A'

<p>Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):</p>	<p>Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i></p> <p>Pride in East Herts <i>Improve standards of the built neighbourhood and environmental management in our towns and villages.</i></p> <p>Shaping now, shaping the future <i>Safeguard and enhance our unique mix of rural and urban communities, ensuring sustainable, economic and social opportunities including the continuation of effective development control and other measures.</i></p> <p>Leading the way, working together <i>Deliver responsible community leadership that engages with our partners and the public.</i></p>
<p>Consultation:</p>	<p>Internal consultation has taken place with the Executive Member for Planning Policy and Economic Development; Director of Neighbourhood Services; Director of Customer and Community Services; Director of Internal Services; Head of Planning and Building Control; and the Council's Planning Policy Team.</p>
<p>Legal:</p>	<p>The Council will be required to adopt Neighbourhood Plans within the Local Development Framework where all requirements have been met.</p>
<p>Financial:</p>	<p>Neighbourhood Planning will be potentially resource intensive, both in financial and staffing terms for the Council, as well as for town/parish councils. The Government has estimated that an independent examination will cost between £5,000 and £8,000, and a local referendum will cost in the order of £7,000.</p> <p>Local planning authorities may be able to levy a charge on development allowed under a Neighbourhood Development Order, to enable some of the costs of neighbourhood planning to be recouped, however, this has not yet been agreed and is anticipated to be the subject of consultation later this year.</p>

Human Resource:	The Localism Bill places a duty on local planning authorities to provide advice and assistance to Parish and Town Councils in developing Neighbourhood Plans.
Risk Management:	Clarity is needed to enable town/parish councils and the general public to manage their expectations of what the Localism Bill means in practice. Without this there could be a clear unintended consequence that communities feel less empowered.