



CAI.02 13/14

Committee: Challenge & Improvement

Date: 11 June 2013

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**Subject: Neighbourhood Plans**

Report by:

Director of Regeneration and Planning

Contact Officer:

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Purpose / Summary:

To understand the latest position with regard to Neighbourhood Plans in West Lindsey.

**RECOMMENDATION(S): To understand the latest position with regard to Neighbourhood Plans in West Lindsey.**

## IMPLICATIONS

**Legal: This work is a duty under the Localism Act 2011**

**Financial : Additional financial contributions are available from DCLG to support Neighbourhood Planning**

**See Section 5 for detailed information**

**Staffing : Priority for supporting parishes undertaking neighbourhood planning will be given to the Lincoln fringe settlements and the market towns – see Section 6 for more information.**

**Equality and Diversity including Human Rights :**

**Risk Assessment : n/a**

**Climate Related Risks and Opportunities : n/a**

**Title and Location of any Background Papers used in the preparation of this report:**

<http://www.west-lindsey.gov.uk/residents/planning-and-building/planning-policy/neighbourhood-planning/-applications-to-designate-neighbourhood-areas/113662.article>

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**X**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**X**

**No**

## **Neighbourhood Planning**

### **1 Introduction to Neighbourhood Planning**

- 1.1 What is Neighbourhood Planning?  
The Localism Act 2011 introduced a new tier to the planning system; that of Neighbourhood Plans.  
The Neighbourhood Planning Regulations 2012 set out the detailed legislative framework for undertaking neighbourhood plans.
- 1.2 Neighbourhood Planning provides local communities the opportunity to manage future development in their areas through Neighbourhood Development Plans – which set out policies on the development and use of land in a neighbourhood or area, which will be used when determining planning applications if they receive support from the local community through a referendum.

### **2 Who can carry out Neighbourhood Planning?**

Where a Town or Parish Council exists, only those Councils can lead on preparing a Neighbourhood Development Plan.

- 2.1 What is the role of the Local Authority?  
The local authority has a statutory duty to support and advise those undertaking Neighbourhood Planning. There is a need for this authority to consider employing a dedicated Officer in order to meet the obligation to provide support.

### **3 What is a Neighbourhood Plan Area?**

It is for the Town or Parish Council to choose which area to designate as a neighbourhood area plan. This can be all or part of that Council's area.

- 3.1 The first formal step in Neighbourhood Planning is the submission of The proposed Neighbourhood Area to the local planning authority. The application must include:

A map identifying the proposed Neighbourhood Area.

A statement explaining why the Area is appropriate to the designated a Neighbourhood Area.

A statement explaining that the Parish or Town Council making the application is capable of being a qualifying body.

### **4 How much does Neighbourhood Planning cost and who pays?**

Estimates vary widely due to the complexity and size of the communities proceeding with a plan. Those undertaking Neighbourhood Planning will be responsible for funding consultation

events, printing materials, producing complex planning documents and in most cases, hiring planning consultants.

## **5 Further statutory stages in Neighbourhood Plan Making**

### **5.1 The Independent Examination**

It is the responsibility of the local authority (in West Lindsey's case, the District Council) to organise and cover the costs of the independent examination and referendum. The independent examiner will be appointed by the District Council with the consent of the qualifying body.

5.2 The independent examination will consider the submitted documents and any comments made during consultation period on the submitted Plan proposal. The independent examiner will examine whether the Plan meets the 'Basic Conditions' and other relevant legal requirements (eg consultation).

5.3 The independent examiner may recommend that the plan proceed to the referendum stage (ie it meets all the legal requirements) or may suggest that modifications are needed to the plan before it can proceed to the referendum. Or they may recommend that it does not proceed to the referendum, if it does not meet the relevant legal requirements.

### **Modifications**

5.4 The District Council must make modifications to the plan if, with those modifications, the plan could comply with the Basic Conditions. The local community may withdraw the plan if it is unhappy with modifications being made.

### **Referendum**

5.5 If the plan is found to be satisfactory (ie complies with the key legal requirements) with modifications if necessary, then the District Council must arrange for the referendum to take place. It must give at least 28 working days' notice of the referendum before the date of the referendum. The qualifying body may campaign before the referendum, subject to rules over expenses. If more than 50% of those voting in the referendum vote 'yes', then the Council will bring the plan into legal force.

## **6 What is the relationship between Neighbourhood Plans and the Core Strategy?**

6.1 Neighbourhood Development Plans must accord with the strategic Policies which include the housing delivery targets for settlements and strategic site allocations (allocated sites for the development of over 100 homes). These policies are currently being developed and consulted on by the Central Lincolnshire Joint Strategic Partnership through the Joint Planning Unit.

- 6.2 Can communities reduce housing numbers if they are unhappy with their target?  
Neighbourhood Development Plans cannot plan for less development than the housing delivery target but can plan for more than the target.

## **7 Financial Implications for West Lindsey District Council**

The Authority is able to claim financial assistance from DCLG to help with the production of plans. This funding could be used to employ a Neighbourhood Plans Officer. £5k is available for each designated plan area.

## **8 West Lindsey Neighbourhood Plan designation applications**

- 8.1 Table 1 outlines progress to-date on designated areas
- 8.2 Table 2 outlines those communities who have expressed an initial interest in producing a Neighbourhood Plan.

TABLE 1

Designated N Plan Areas	Formal Designation	Current Stage	Issues / Resources.	Resource Implication	Time scales
Caistor	8 Jan 2012	First draft  Request for a redesignation to encompass part of Cabourne	Lack of evidence base  6 weeks website ending on 29 July 2013	JPU info  WL input – planning not localism	early 2014  Examination in public
Saxilby	8 Jan 2012	Not really started (requested £20k.)	No momentum, further engagement from community awaited.	Evidence base Lack of JPU policy (core strat)	No indication yet
Nettleham	8 Jan 2012	2 round of community consultation on issues.	Informed and Engaged . Making good progress to date.	As above	No indication yet
Cherry Willingham	4 Jun 2013	2020 plan (parish plan) upto date local evidence base.	JPU input	As above	As above
Welton	Expected July committee 2013	Consultation stages and designation consultation.	Requirement to take to Committee	As above	As above

TABLE 2

Expressions of interest for a Neighbourhood Plan

Place	Action	Resource implication	Risk
Normanby / Owmbly	P council visited- (2011) probably not coming forward		Small places - danger of not providing same level of officer support
Upton	P council visited (2013) decision awaited.	Designation process and support visits	2 tier system As above
Sudbrooke	P council visit (2013) date awaited	As above growth designation & allocation likely through core strategy	Weight of Neighbourhood plan over allocations in core strategy. Not clear what inspector will do at this stage