



PRCC.49 14/15

Prosperous Communities  
Committee

3 February 2015

**E**

**Subject: Establishing governance procedures for Neighbourhood Planning**

Report by:

Chief Operating Officer

Contact Officer:

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Purpose / Summary:

To set down governance procedures for dealing with Neighbourhood Planning.

**RECOMMENDATION(S):**

**That committee:**

- (i) Approves the Neighbourhood Planning Guidance Note attached at Appendix 1, and agree to place the Note on the Council website and notify every Parish Council.**
- (ii) Approves the governance arrangements set out in Appendix 2 for dealing with neighbourhood planning.**

## IMPLICATIONS

**Legal:** The council has a duty under the Localism Act 2011 to support communities preparing Neighbourhood Plans and to facilitate the statutory stages which take the plans through to adoption.

**Financial : FIN/128/15**

The Government has provided financial support to councils to facilitate the adoption of Neighbourhood Plans. These payments are staged and the council receives payments as each Neighbourhood Plan goes through its statutory stages towards adoption.

There are no new additional costs as a result of this report.

**Staffing :** From within the existing staffing establishment together with a “call off” support arrangement from Peterborough City Council where particular policy expertise is required

**Equality and Diversity including Human Rights : n/a**

**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:**

The assistance of Peterborough City Council in preparing this report is gratefully acknowledged.

**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

## **1 Neighbourhood planning**

- 1.1 A Neighbourhood Plan is a statutory community-led framework for guiding the future development and growth of an area. It may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or allocation of key sites for specific kinds of development.
- 1.2 Neighbourhood plans relate to the use and development of land and associated social, economic and environmental issues. It may deal with a wide range of issues (like housing, employment, heritage and transport) or it may focus on one or two issues that are of particular importance in a local area.
- 1.3 Neighbourhood Plans will be subject to full public engagement, examination and referendum and they will then form part of the Local Development Plan for the district. This statutory status gives Neighbourhood Plans the same weight in the planning process as the Local Plan and far more weight than some other local planning documents, such as parish plans, community plans and village design statements.
- 1.4 The local planning authority has a duty under the Act to advise and support parishes with the production of their plans. There are currently 7 plans at various stages of preparation and 1 other at area designation stage. This paper sets out the support that will be offered to parishes from West Lindsey in this increasingly growing area, and in addition highlight who is responsible for what. It builds on a previous report which was approved by Prosperous Communities Committee.
- 1.5 Appendix 1 sets out the stages of a neighbourhood plan and the support that West Lindsey might give. In this it has to strike a balance in that there are not unlimited resources available to undertake this work. All parish councils will be notified of this Guidance Note.
- 1.6 Appendix 2 looks at the internal procedures that West Lindsey must undertake as part of their duties under the Act. This will help members remain aware of the progress of neighbourhood plans, but also informs them of who is making the decision at various stages of the process.

## Appendix 1:

### Proposed guidance note for Neighbourhood Planning in West Lindsey

# Neighbourhood Planning in West Lindsey

## 1. Introduction

- 1.1 Neighbourhood Planning was introduced through the Localism Act in 2011. It enables parish councils to develop a planning strategy for their local area to be used in making decisions on relevant planning applications.
- 1.2 A neighbourhood plan can include policies on the development and use of land. Whilst they can promote growth, they cannot be used to propose a lower level of housing growth than that proposed within local authority planning policies.
- 1.3 Importantly neighbourhood plans are required to meet a number of 'basic conditions', which are that the plan must:
  - Have appropriate regard to national policy and advice contained in guidance issued by the Secretary of State;
  - Contribute to the achievement of sustainable development;
  - Be in general conformity with the (emerging) strategic policies contained in the Central Lincolnshire Local Plan; and
  - Not breach, and be otherwise compatible with, EU and Human Rights obligations.
- 1.4 This guide has been produced to set out the key stages in undertaking a neighbourhood plan and to clarify what can be expected from the Council at each stage. For a detailed national guide on Neighbourhood Planning please visit <http://locality.org.uk/wp-content/uploads/Roadmap-worksheets-map-May-13.pdf>.

## 2. Before you get started

- 2.1 Before deciding to pursue a neighbourhood plan it is recommended that you consider what it is you would like to achieve through your plan. This is because a neighbourhood plan is one of a number of tools that can be used to benefit your community. Other options can include, but are not limited to, parish plans, community action plans, or a simple vision statement to set out what the priorities for the community are. You may also want to undertake some initial consultation in your local community to identify what the main issues are.
- 2.2 A neighbourhood plan may deal with a range of issues or can be based around one or two policies but should deal with issues relating to the use or development of land.

- 2.3 If you are considering whether or not to embark on a neighbourhood plan, we would recommend that you contact the Planning Team to discuss the options. This is useful to ensure that a neighbourhood plan is the correct approach.

#### What you should do

Carefully consider what it is you are seeking to achieve with your plan, potentially undertaking some consultation to confirm this is supported by the community, and write to the Planning Team setting out your proposals and why you think a neighbourhood plan is right for you.

#### What you can expect from the District Council

A response within 10 working days advising whether a neighbourhood plan may be suitable or possible alternatives to consider, where appropriate. A meeting may be appropriate to discuss the options, subject to resources.

### 3. Formal stages of neighbourhood planning

- 3.1 If you decide that a neighbourhood plan is the right route for your community there are a number of formal stages that are required by legislation. These stages are set out below and indicate what you should do and what you can expect from the Council at each stage.

#### Stage 1: Neighbourhood Area Designation

- 3.2 In order to produce a neighbourhood plan, your 'neighbourhood area' must be formally designated. A neighbourhood area is the geographic area that your plan will cover.
- 3.3 In areas covered by parish or town councils (such as West Lindsey) only the parish or town council can apply to undertake a neighbourhood plan, but this will be in partnership with the wider community. A neighbourhood area can also cover more than one parish area, but it must be supported by all parish councils. If more than one parish council is proposing a joint plan we would suggest making a joint application with one parish taking the lead as the 'qualifying body'.
- 3.4 An application for designation will need to confirm that the organisation making the application is the parish or town council, stating why the proposed area is appropriate, and must be accompanied by a map clearly showing the area being applied for. A letter of application on parish headed paper will suffice and we can also help provide you with a map, if needed.
- 3.5 When submitted, the Council will validate the application by checking that all of the necessary information is provided. If the application is not valid you will be contacted by a planning officer to discuss the reasons and to advise on the next steps.
- 3.6 Once validated, the Council will publicise the application for no less than six weeks, including details of how to make representations on the proposal and the date by which representations must be received.
- 3.7 Representations will be considered by the Council and a decision will be made on whether to approve the area.

### What you should do

Submit your request for designation confirming that you are the parish or town council and why the area being applied for is appropriate, clearly showing the proposed neighbourhood area.

### What you can expect from the District Council in Stage 1

Validate your application or notify you of any problems within 10 working days

Publish your application on the District Council's website and advertise as necessary (e.g. a notice on a parish noticeboard and the issuing of a press release) for the 6 week consultation period with details of how long the consultation will run and how to make representations

Make a decision on whether the area should be designated:-

- Within 2 weeks of the close of the consultation where the area matches the parish boundary and no relevant objections are received;

Publicise the decision and notify the applicable parish council.

### Stage 2: Produce your plan

- 3.8 There is no 'one size fits all' approach to producing a neighbourhood plan. Each plan will be produced according to the intended content and the nature of the area. It is important to be realistic about the amount of resources and time you can put into the plan.
- 3.9 Most neighbourhood plans undertake an extensive level of consultation to ensure that it will deliver on the desires of the community. This is particularly important as it is the community who will decide on whether the plan is used in the referendum (see Stage 6).
- 3.10 The District Council has a 'duty to support' neighbourhood plans, which could include:
- Advising on potential topics for your plan;
  - Making data available or advising where to find useful data to provide evidence for your plan;
  - Providing advice on the legal requirements for your plan;
  - Advising on organisations that may be able to help with the production of your plan;
  - Advising on ways to engage your community; or
  - Reviewing a draft of your plan and feeding back comments.

This list is not exhaustive, however assistance will be limited to resources available at a

given time, and so it is recommended that you should develop a clear project plan to plan for when you anticipate needing assistance from the Council. It is important to note that the District Council's duty to support does not extend to financial assistance i.e. the Council does not have any funds available to pass to the parish council in order for the parish council to do any of the work.

3.11 Your plan should be based on evidence, which can consist of data that is already available (such as the Census), evidence that is produced by the District Council or other body, findings from consultation exercises, and surveys or other investigation work that your group may produce.

3.12 When you are reasonably certain about the policies your plan will contain, the District Council will help you screen your plan for any environmental impacts. If your plan changes significantly between the screening and the formal submission, it may need to be screened again.

#### What you should do

Gather a team of people to produce the plan, not underestimating the amount of work needed, or overestimating the amount of time that each member of the team can offer.

Be realistic about what your plan can achieve with the resources you have.

Produce a project plan to provide a clear idea of how your plan will be produced, including key milestones you will seek to achieve.

Gather evidence that already exists and identify any areas that you think needs further review. The Planning Team will be able to help identify existing evidence.

Engage with the community as much as possible, consider using a range of consultation techniques to ensure that your plan will be supported and will deliver community benefits.

Keep the Planning Team up to date with your progress and make sure that your project plan will allow sufficient time for any assistance required.

Screen your plan for any environmental effects (the District Council will help you understand what the requirements are for this, and help provide information).

Fund the production of the plan. For information of national grants or assistance that may be available please contact the Planning Team.

#### What you can expect from the District Council in Stage 2

Advice on matters relating to the neighbourhood plan will be given upon request by the Planning Team. Timescales for a response will vary depending on the nature of the request, but every effort will be made to respond at the earliest opportunity.

Assistance with screening the plan for environmental effects will be offered when appropriate and upon request.

Provide an informal view of whether the plan is likely to meet the basic conditions within 20 working days of receiving a request. This will require a mature draft of the plan being

provided prior to the pre-submission consultation.

### Stage 3: Pre-submission Consultation

3.13 Regulations require that your proposed plan undergoes a 6 week consultation prior to submitting it (see stage 4) to the District Council. This requirement includes:

- Publicising the plan so that it is brought to the attention of people who live, work, or own a business in the neighbourhood area;
- Notifying a number of bodies such as the Highways Agency, Natural England, English Heritage and the Environment Agency;
- Notifying service providers that operate in the area such as utility providers, a Primary Care Trust, and Network Rail;
- Notifying local organisations that represent racial, religious, national, business, and disability groups;
- Notifying voluntary bodies that operate in your neighbourhood area;
- Notifying parish councils within the neighbourhood area; and
- Sending your plan to the District Council.

Prior to publicising your plan, it is recommended that you contact the Planning team who will advise on who you should be notifying and can advise on how to publicise your plan in your neighbourhood area.

3.14 You will need to plan the consultation and make sure that your plan can be viewed by the community and other organisations, both in electronic format and in hard copy. You will also need to consider how you will bring the proposed plan to the attention of the community using means such as mail drops, posters, press adverts, etc.

3.15 Once the 6 week consultation period is complete you will need to review the comments and collate them into a consultation statement, including a response to the key issues being raised. This will demonstrate what changes, if any, will be made to the plan. You will then need to amend the plan to be ready to submit to the Council.

#### What you should do

Approach the Planning Team in advance of your consultation for assistance in identifying the necessary organisations that you will need to contact.

Publish the plan electronically and provide hard copies of your plan so that it is available to the residents and businesses in your neighbourhood area.

Publicise the plan as necessary to ensure that the community is aware of the proposed plan and the consultation.

Pay for the consultation.



### What you can expect from the District Council in Stage 3

Assist with identifying the organisations that should be contacted as part of the pre-submission consultation and advise on how to publicise the proposed plan to the community. This will be provided within 10 working days of a request in the run up to the consultation.

Publish notice of your plan on the District Council website and place copies of the proposed plan at the Council office and other relevant locations in your area for the public to view for the consultation period.

Provide a response to the proposed neighbourhood plan, including a view on whether it is considered to meet the basic conditions.

### Stage 4: Submission and Publication of the Plan

- 3.16 When you have taken account of the comments made to the pre-submission consultation you will need to formally submit your plan to the District Council. At this point you cannot make any further changes to the plan and you hand over control of the plan to the District Council.
- 3.17 Your plan must be accompanied by a number of other documents, specifically:
- A map or statement clearly identifying the area to which the plan relates;
  - A consultation statement which clearly documents the pre-submission consultation, including who was consulted on the plan and how they were consulted, a summary of the main issues raised, and information on how the representations have informed the content of the plan. The consultation statement may also demonstrate what previous consultation has been undertaken throughout the production of the plan.
  - A basic conditions statement to demonstrate how the plan meets the basic conditions and how the plan has been produced in line with legislative requirements.
- 3.18 When your plan is submitted, the Planning Team will check your submission to ensure that it contains all of the necessary information to be published and will notify you of whether or not it is valid.
- 3.19 If the submission is valid, your plan and the accompanying documents will be published as soon as possible for 6 weeks (i.e. this is a second 6 week consultation, in addition to the 6 week consultation at Stage 3) on the District Council's website and in hard copy at appropriate Council locations. The District Council will also publicise the consultation as necessary, including information about where to view the plan, how to make comments on it and when comments will be received until.
- 3.20 Following the consultation, the Council will gather the representations made on the plan and send them, along with the neighbourhood plan and accompanying documents, for examination.

### What you should do

Consider the responses received at the pre-submission stage and make any necessary amendments to the plan.

Produce the consultation statement and basic conditions statement to accompany your plan.

Submit your plan and accompanying documents and evidence to the Planning Team in electronic format that is appropriate to put on the website and can be printed.

### What you can expect from the District Council in Stage 4

Confirmation of whether your submitted plan is valid within 10 working days of submission.

Publication of the plan on the District Council's website, hard copies placed at appropriate District and Parish Council locations, publicity of the consultation as necessary and notification of the consultation to bodies as required, including those who submitted comments at pre-submission stage. Commence consultation within one month of the application being validated.

Provide an updated formal response to the proposed plan, including a view on whether it is considered to meet the basic conditions

Pay for the publication of the plan.

### Stage 5: Independent Examination

3.21 During the publication stage the District Council will appoint a suitably qualified individual to undertake the independent examination. This appointment will be made in conjunction with the Parish Council submitting the plan.

3.22 After the publication, the neighbourhood plan, accompanying documents and representations made on the published plan will be sent to the examiner. Examinations are normally conducted by written representations, but the examiner may decide to hold a public hearing to discuss any points as needed. The examiner will only consider whether the plan meets the basic conditions.

3.23 Following the examination, the examiner will provide a report that sets out a recommendation on the plan. The possible recommendations are:

- The plan meets the basic conditions and should proceed to referendum;
- Modifications are needed for the plan to meet the basic conditions before the plan should proceed to referendum; or
- The plan does not meet the basic conditions and no modifications can be made so that it will and it should therefore not proceed;

The examiner can also make recommendations as to any changes to the referendum area.

3.24 The District Council will make a decision on the plan based on the examiner's report and publish the Council's decision statement and the examiner's report.

### What you should do

Liaise with the Planning Team to discuss the appointment of the examiner.

Be prepared to answer questions, possibly in a public hearing, if requested by the examiner.

### What you can expect from the District Council in Stage 5

Appoint the examiner in consultation with the submitting Parish Council.

Manage and fund the process of the examination and act as key contact for the examiner.

Publish the examiner's report and the Council's decision on whether the plan will proceed to referendum.

### Stage 6: Referendum and Adoption

- 3.25 Upon receiving the examiner's report approving the plan to proceed to referendum and the District Council's formal decision to proceed, the Council will arrange for a referendum to take place in the neighbourhood area.
- 3.26 The referendum will allow for the residents of the neighbourhood area to decide on whether or not the plan should be used in making planning decisions in the neighbourhood area with a simple 'yes' or 'no' vote. The District Council will arrange and pay for the referendum to be held.
- 3.27 If the plan gains more than 50% of votes for 'yes' then the Council will adopt the plan at the earliest possible opportunity, making the neighbourhood plan part of the development plan for the area. It will then be used in conjunction with the Local Plan in making decisions on planning applications.

### What you should do

Make sure you are registered to vote and head to the polling station on the day of the referendum.

### What you can expect from the District Council in Stage 6

Arrange and pay for the referendum. If a local or national election is coming up within three months after the Council makes a decision to proceed to a referendum, then the referendum will likely take place on the same day (this is to increase likely number of voters and save on polling day costs)

Publish the results of the referendum.

Adopt the plan at the next suitable Council committee meeting

Use the plan in making decisions on relevant planning applications in the neighbourhood area.

## Appendix 2 – Governance arrangements for Neighbourhood Planning

The following note sets out the recommended approach for dealing with all the statutory duties which fall upon the District Council in respect of neighbourhood planning. This is likely to be entirely exclusively for neighbourhood plans, but is equally applicable to, and should be read to mean, neighbourhood orders should a parish council embark on a neighbourhood order.

Unless otherwise described, the full title of the Regulations referred to below is The Neighbourhood Planning (General) Regulations 2012. These regulations should also be read alongside, in particular, Schedule 9 (part 2) and 10 of the Localism Act 2011, which themselves introduce schedules into the Town and Country Planning Act 1990.

For any duty not listed below, the matter is delegated to the Neighbourhood Planning Officer (for minor, administrative matters) or the Director in consultation with, but only if necessary and the matter is of significance, the Chair of Prosperous Communities Committee.

	<b>Summary Description of Duty</b>	<b>Dealt with by:</b>
1.	<p>Regulation 6 and 7 - Neighbourhood Area Designation:</p> <ul style="list-style-type: none"> <li>(a) Receive and validate application</li> <li>(b) Advertise application for six weeks</li> <li>(c) Consider representations and make a recommendation</li> <li>(d) Determine application</li> <li>(e) Publish decision</li> </ul>	<ul style="list-style-type: none"> <li>(a) Neighbourhood Planning Officer</li> <li>(b) Neighbourhood Planning Officer in liaison with Communications Team. Application advertised in local area (e.g. village noticeboard), on our website and via a press release. Relevant ward member.</li> <li>(c) Neighbourhood Planning Officer</li> <li>(d) Director and Chair of committee to approve</li> <li>(e) Neighbourhood Planning Officer</li> </ul>
2.	<p>Section 3, Schedule 4B of the Localism Act 2011. – Advice and assistance to Parish Council</p> <ul style="list-style-type: none"> <li>(a) Advice and assistance to the Parish Council (note: this excludes any financial assistance)</li> </ul>	<ul style="list-style-type: none"> <li>(a) Neighbourhood Planning Officer (in line with published service standards)</li> </ul>

<p>3.</p>	<p>Regulation 14 – Initial Pre-submission six week consultation</p> <ul style="list-style-type: none"> <li>(a) Supporting the parish council with their six week consultation on their draft Neighbourhood Plan</li> <li>(b) Making any formal representations on the draft Neighbourhood Plan during that six week window</li> </ul>	<ul style="list-style-type: none"> <li>(a) Neighbourhood Planning Officer in liaison with Communications Team. Plan advertised in local area (e.g. village noticeboard), on our website and via a press release. Relevant ward member.</li> <li>(b) Neighbourhood Planning Officer to coordinate the Council's response to the draft Neighbourhood Plan. Director and Chair of Prosperous Communities Committee ordinarily agrees the final submission.</li> </ul>
<p>4.</p>	<p>Regulation 16 - Submission of Neighbourhood Plan to the Council, and its publication for a further six week consultation</p> <ul style="list-style-type: none"> <li>(a) Validate the submission documents</li> <li>(b) Publication and arranging of six week consultation</li> <li>(c) Making WLDC representations on the Neighbourhood Plan</li> <li>(d) Collating and summarising the responses received and send to examiner</li> </ul>	<ul style="list-style-type: none"> <li>(a) Neighbourhood Planning Officer</li> <li>(b) Neighbourhood Planning Officer in liaison with Communications Team. Plan advertised in local area (e.g. village noticeboard), on our website and via a press release. Relevant ward member informed.</li> <li>(c) Neighbourhood Planning Officer to coordinate the Council's response to the Submission Neighbourhood Plan. The final representation ordinarily sits with the Director and the Chair of Prosperous Communities Committee.</li> <li>(d) Neighbourhood Planning Officer</li> </ul>

<p>5.</p>	<p>Regulation 17 to 19 - examination</p> <ul style="list-style-type: none"> <li>(a) Appointing an Inspector</li> <li>(b) Arranging examination / hearing</li> <li>(c) Appearing at hearing</li> <li>(d) Consider the examiner's report</li> <li>(e) Deciding whether the neighbourhood plan should proceed to a referendum, having taken account of the examiners recommendations</li> <li>(f) Publicising the examiner's report and the decision.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Neighbourhood Planning Officer (in consultation and agreement with the applicable Parish Council)</li> <li>(b) Neighbourhood Planning Officer</li> <li>(c) Neighbourhood Planning Officer</li> <li>(d) Neighbourhood Planning Officer</li> <li>(e) (i) Director, if the examiners recommendations are accepted in full; or (ii) Prosperous Communities Committee, if (other than minor non-consequential matters) the examiners recommendations are not accepted in full or if the Council is proposing further modifications (in addition to any modifications recommended by the examiner)</li> </ul>
<p>6.</p>	<p>Neighbourhood Planning (Referendum) Regulations 2012 – referendum</p> <ul style="list-style-type: none"> <li>(a) Arranging, advertising and all other aspects of managing the referendum process</li> <li>(b) Publicise the results of the referendum</li> </ul>	<ul style="list-style-type: none"> <li>(a) Electoral Services</li> <li>(b) Communications Team</li> </ul>
<p>7.</p>	<p>Regulation 20 – adopting a neighbourhood plan</p> <ul style="list-style-type: none"> <li>(a) Decision as to whether to adopt the neighbourhood plan</li> <li>(b) Publicise decision</li> </ul>	<ul style="list-style-type: none"> <li>(a) Prosperous Communities Committee</li> <li>(b) Communications Team</li> </ul>