

# Coming soon to a Parish near you: Neighbourhood Plans

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# Introduction

## HOW?

- Localism Act 2011 – Schedule 9
- Neighbourhood Planning (General) Regulations 2012
- Neighbourhood Planning (Referendum) Regulations 2012

## WHAT?

- Neighbourhood Plans will have the status of **Development Plan Documents** = part of the Local Plan
- When considering planning applications, planners will be under a duty to have **strong regard** to the Neighbourhood Plan
- Must be in **general conformity** with the strategic policies within the Core Strategy
- **Take precedence** over existing policies in the Local Plan for that neighbourhood where they are in conflict

# Introduction (contd)

## **WHO?**

Neighbourhood plans can be created by:

- Parish Councils
- Neighbourhood Forums (in areas which are not within a Parish)
  - Group of 21 people – unrelated, live or work in the area and are representative of that area
  - New group/existing but must have a formal constitution
- Local Business Organisations

# Why produce a Neighbourhood Plan?

- To add value to the Local Policy Framework
- Allow a community to set a vision for their area and establish planning policies for development and use of land e.g. setting out where new homes should be located, green spaces to be protected, local design standards etc.
- Community has control over the issues and areas to cover and the level of detail to be involved. Should be locally distinctive – content depends on the nature of the area and issues to be addressed
- Cannot be used to block development considered necessary to meet the needs of the local area

# Neighbourhood Plans - the process

**Neighbourhood Forum created (where area is not Parished). Designate Neighbourhood Area.**



**Plan prepared following community engagement, Local Authority provides support and advice**



**Independent examination organised by Local Authority to test that the plan complies with the Local Plan, National Policy, EU Legislation, and does not deal with 'excluded development'**



**Referendum – straightforward majority required in order for the Plan to be adopted**



**Neighbourhood Plan adopted as a Development Plan Document by Local Authority**

# Relationship with the Local Authority

- The Parish/Neighbourhood Forum need awareness of:
  - The Local Authority's **strategic priorities** for the area
  - How their Parish fits into the settlement hierarchy
  - Land availability and constraints on sites if the plan proposes to allocate land for development

# Preparing a Neighbourhood Plan

- **Project planning** - identify key stages, actions, indicative timetable and available resources and costs, allocate responsibilities for different aspects of the plan
- **Research: utilise existing information** – don't start from scratch
  - Parish Plans and Village Design Statements
  - Results of previous consultation exercises
  - Local Plan Policies
- **Consultation exercises**
  - Planning, running events and analysing responses
- **Creating robust policies**
  - To allow developers to submit acceptable application
  - To allow Development Control officers to apply them when assessing applications
- **Deliverability** - need to demonstrate that the Neighbourhood Plan policies and proposals are deliverable

# Resources & Financial Considerations

- A successful Neighbourhood Plan will require:
  - Extensive consultation and publicity to ensure it has the support of the community and will be voted for at referendum
  - Costs to be borne by the Neighbourhood Plan Group
  - Costs covered by the Local Authority
    - Examination by an independent Inspector
    - Referendum to vote to adopt the Plan.

# Sources of funding and support

- 2 year support programme was launched in April 2013 for Neighbourhood Plan Groups
  - **Grant payments** - up to £7,000 - must have a plan for how to spend it.
  - **Direct support** – professional planning support tailored to the needs of the group in question, which can be delivered in a range of ways, such as training, remote advice and face to face advice.
- **Local Authority Funding** – to enable Officers to provide advice and assistance; to hold the examination; and make arrangements for the referendum. £25,000 paid at different milestones of the process.

# Community Infrastructure Levy

Parish Council   
 Neighbourhood Plan   
 25% uncapped paid to the Parish Council

Parish Council   
 Neighbourhood Plan   
 15% capped at £100/dwelling paid to the Parish Council

Parish Council   
 Neighbourhood Plan   
 25% uncapped, Local Authority consults with the community

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# Alternatives

- Important to ascertain what the Group wants to achieve from the outset – decide best form for document to take
  - Area Action Plan
  - Local Development Order
  - Community/Parish Plan/Village Design Statement
- Possible to begin one document and then convert it to a Neighbourhood Plan and vice versa

# Statistics

**401 Designated Neighbourhood Areas**

**32 draft plans submitted for  
pre-submission consultation**

**9 plans submitted for examination**

**5 plans passed examination**

**3 plans passed referendum**

# Upper Eden Neighbourhood Plan

- **Upper Eden** – covers several parishes in Cumbria
  - 90 per cent of voters said yes, turnout was 34%.
- Allows growth to take place in smaller rural settlements, not necessarily in line with the Local Plan settlement hierarchy

“The draft policy stretches the bounds of general conformity but in my view not beyond what is reasonable”...(Independent Examiner, Upper Eden Neighbourhood Plan).

# Thame Neighbourhood Plan

- **Thame** in Oxfordshire
  - 92% of voters said yes, turnout was 21%

First plan to include housing allocations.

- Emerging Local Plan identified one large housing site for Thame
- Neighbourhood Plan consultation identified that the community wanted to spread development more evenly
- Thame Plan demonstrated logical and transparent decision making

# Lynton and Lynmouth 'LynPlan'

'Primary residence housing' policy requires that any new open market home must be used as the primary place of residence for the person buying it.

If housing ceases to be used as a primary residence – plan requires it to be offered for sale or rent as affordable housing.

Considered to be lawful BUT question really is how this will be policed and enforced in practice.

# Case Law

## **Fox Strategic Land and Property – Land off Nantwich Road, Tarporley, Cheshire 11/04261/OUT**

- Application for outline planning permission for up to 100 dwellings, site access, highway, landscaping, open space and associated works.
- Appeal lodged on basis on non-determination by the Council, recovered for SoS determination because it involved proposals giving rise to substantial regional or national controversy and which raise important or novel issues of development control and/or legal difficulties.
- Inspector recommended that the appeal be dismissed and planning permission refused, the SoS disagreed with the Inspector
- SoS concluded that *in the absence of a Neighbourhood Plan for Tarporley in either final or draft form, he is unable to give weight to the early stages of the Neighbourhood Planning process in Tarporley.*

# Conclusion

**If Neighbourhood Plans are done well, they will give communities confidence that their views have real influence whilst working to assist the Local Authority to deliver the strategic priorities for the area.**

Any Questions?