
REPORT TO:	Environmental & Development Services Committee	AGENDA ITEM: 7
DATE OF MEETING:	3 rd October 2013	CATEGORY: RECOMMENDED
REPORT FROM:	Director of Community & Planning Stuart Batchelor	OPEN
MEMBERS' CONTACT POINT:	Stuart Batchelor stuart.batchelor@south-derbys.gov.uk	DOC:
SUBJECT:	Neighbourhood Planning Support	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: EDS02

1.0 Recommendations

- 1.1 Members approve the proposal for supporting the community in the development of Neighbourhood and associated plans.

2.0 Purpose of Report

- 2.1 To inform the Committee about the proposal for providing local communities with support in the development of Neighbourhood Plans and Parish Plans.

3.0 Executive Summary

- 3.1 The report provides an introduction to the Neighbourhood Plan process along with information on how work with the community has been undertaken previously by the Council. A proposal is outlined for how the Council will provide coordinated support in the future to those neighbourhoods who wish to develop their own Neighbourhood or Parish Plan.

4.0 Detail

What is Neighbourhood Planning?

- 4.1 The Localism Act (2011) introduced new rights and powers to allow local communities to shape new development by coming together to prepare neighbourhood plans, bring forward Neighbourhood Development Orders and through a Community Right to Build. Neighbourhood planning can be taken forward by two types of body - town and parish councils or 'neighbourhood forums'. Neighbourhood forums are community groups that are designated to take forward neighbourhood planning in areas without parishes.
- 4.2 Neighbourhood forums and parish councils can use new neighbourhood planning powers to establish general planning policies for the development and use of land in

a neighbourhood. These are described legally as 'neighbourhood development plans.'

4.3 Neighbourhood Plans can:

- Decide where and what type of development should happen in the neighbourhood
- Promote more development than set out in the Local Plan
- Include policies for a range of issues including design, community facilities and local green space

4.4 Neighbourhood plans have to meet a number of conditions before they can be put to a community referendum and legally come into force. These conditions set out below are to ensure plans are legally compliant and take account of wider policy considerations (e.g. national policy). Neighbourhood Plans cannot be used simply to prevent development in a particular locality.

4.5 Neighbourhood Plans must:

- have regard to national planning policy
- be in general conformity with strategic policies in the development plan for the local area (i.e. such as in the new Local Plan)
- be compatible with EU obligations and human rights requirements.

4.6 An independent planning qualified person will then check that a neighbourhood development plan appropriately meets the conditions before it can be voted on in a local referendum. This is to make sure that referendums only take place when proposals are workable and of a decent quality.

4.7 Proposed neighbourhood development plans or orders need to gain the approval of a majority of voters of the neighbourhood to come into force. If proposals pass the referendum, the local planning authority is under a legal duty to bring them into force.

4.8 A Neighbourhood Development Order enables communities to grant planning permission for specific types of development they want to see go ahead in a particular area within the parish or 'neighbourhood area'. This could be either a specific development proposal or a particular class of development (for example retail or housing).

4.9 The Community Right to Build is a sub-category of Neighbourhood Development Orders. This right enables local organisations to bring forward small scale, site specific, community-led developments, without the need to apply for planning permission.

4.10 Development proposals would need to meet minimum criteria and have the agreement of more than 50 per cent of local people who vote through a community referendum.

4.11 A significant advantage for a community having a Neighbourhood Plan is that the amount of Community Infrastructure Levy which is retained locally increases from 15% to 25%. Consequently for those areas where development will be undertaken

the Neighbourhood Plan could help deliver local infrastructure funded by developer contributions.

Neighbourhood Planning in South Derbyshire

4.12 South Derbyshire District Council in partnership with Rural Action Derbyshire has been very proactive over recent years in working with local communities to produce Parish Plans. Whilst not legally binding these documents have increased community empowerment and engagement and encouraged a greater degree of understanding and trust between the District Council, Parish Councils and local communities.

4.13 The areas that have produced Parish Plans are:

Etwall, Melbourne, Walton, Hilton, Hatton, Barrow upon Trent, Aston on Trent

4.14 The proposal in South Derbyshire is to build on that successful work and encourage communities to further develop Parish Plans, (where appropriate) develop 'Concept Statements' for new neighbourhood developments and if required in some areas produce full Neighbourhood Plans.

Parish Plans

4.15 These are a broad based community consultation taking place in a defined area, often, but not exclusively, parishes. The consultation is lead by the community to identify the needs of the community itself. These often include sections such as sport, recreation and community infrastructure, but can include anything identified from within the community. The aim is to develop local priorities and action plans to address the identified needs. The documents provide important evidence for local authorities and funders and act as an influencing document to help lever in support.

Concept Statements

4.16 When specific/identified areas have the potential for housing development there will be the opportunity for the local community to be consulted upon how that development may be shaped. A combination of site visits and tabletop exercises will identify constraints and opportunities that present themselves on the land and would be put together into a 'Concept Statement'. This statement would then be used by the Council's Development Management (Control) Officers to work with the Developer in the planning of that development prior to planning approval being granted.

4.17 Whilst a community may not want any development to be undertaken at all this process will allow the most complementary and sustainable design to be achieved and serve to be a more proactive process than would otherwise occur.

Neighbourhood Plans

4.18 At present there has been no formal interest shown by a community for a Neighbourhood Plan to be embarked upon. This will be in part due to the fact that the Local Plan has not yet been published and Parishes are aware that any Neighbourhood Plan must be compatible with the Local Plan and indeed the National Planning Policy Framework. Consequently it would be 2014 at the earliest

for Neighbourhood Plans to be developed and probably in areas where growth has been identified.

- 4.19 The District Council's approach to supporting Neighbourhood Plans, or indeed further Parish Plans or Concept Statements will be positive and supportive where they follow the policies set out in the adopted Local Plan.

Resource Implications

- 4.20 The Community Partnership Officer will be the lead officer for the Council and his role will be to provide support and coordination to the community group. Whilst there is some funding available from the Government for the production of Neighbourhood Plans there is no funding locally to provide support.
- 4.21 The Government funding that is available is based on a Local Planning Authority being able to claim up to £30,000 per completed neighbourhood plan. This is made up as an initial £5,000 on the designation of a Plan, a further £5,000 when it publishes the neighbourhood plan before its examination and £20,000 once the examination has been completed successfully.
- 4.22 Also recently launched is the Neighbourhood Planning Fund. This allows parish/town councils and forums to apply direct for up to £7,000 to help prepare their plan.
- 4.23 Further Council support will be provided in the form of a 'virtual team' who can respond to queries, provide advice and undertake site and community meetings where appropriate. This team would be a named officer covering the areas of :
- Planning Policy (housing, transport, sustainability, employment)
 - Development Management (Control)
 - Community Safety (design issues)
 - Public Health
 - Open Space and Recreation
 - Affordable Housing
- 4.24 The Community Partnership Officer would coordinate this support and ensure that a balance was maintained on the amount of Council resources needed and provided. Officer time will be dependent upon work capacity and Groups will be advised as to the limitations at that time.
- 4.25 External Consultancy support for planning advice or community engagement work would be available from a list of preferred partners previously procured by either the District Council or Rural Action Derbyshire.
- 4.26 The next step to supporting the Neighbourhood Planning process would be to jointly promote with Rural Action Derbyshire a meeting for Parish Councils to learn more about the process. Rural Action Derbyshire can provide an update as to the experiences in other parts of the County and Councils can discuss the issues that have concerns for themselves in taking a Plan forward.

5.0 Financial Implications

- 5.1 There are no direct financial implications arising from this report. Officer time will be monitored and support to Parishes/Forums will be based around capacity and availability at the time.

6.0 Corporate Implications

- 6.1 The Council's support for communities engaging in local planning fits within the priority areas of Sustainable Growth & Opportunity and Safe & Secure, with the Council encouraging and supporting community involvement in neighbourhood development.

7.0 Community Implications

- 7.1 This proposal builds on the proactive and successful work that was started in the Parish Plan process a number of years ago. The Council is keen to encourage and support local communities in taking a lead in the spatial and community development of their areas.

8.0 Conclusions

- 8.1 It is anticipated that the package of support that will be available to local groups will meet the demand that comes forward. There will be opportunities for Parishes to further develop new or existing Parish Plans and where required support Neighbourhood Plan development.

9.0 Background Papers

- 9.1 Neighbourhood Plans Roadmap Guide