



Planning Policy Committee – 15 April 2013

Neighbourhood Planning Protocol

Purpose of report

This report seeks Members' approval of a Neighbourhood Planning Protocol. The Protocol sets out the general service that the Council proposes to offer to Town/Parish Councils and Neighbourhood Forums progressing Neighbourhood Plans within the district.

Attachment(s)

Appendix 1 Neighbourhood Planning Protocol

1.0 Background

- 1.1 With the Localism Act (2011) came new powers for Town/Parish Councils or Neighbourhood Forums to produce Neighbourhood Plans. Neighbourhood planning is a key part of the Government's decentralisation, localism and Big Society agenda.
- 1.2 Neighbourhood Plans are essentially community-led plans, written about the use and development of land. They can allocate land for different uses and can deal with a range of social, economic and environmental issues, they must however fit within the planning policy framework for the area set out in the adopted Core Spatial Strategy, and Local Development Plan Documents
- 1.3 To date within the District, there has been a fairly significant amount of interest to either consider or pursue the preparation of a Neighbourhood Plan; including the two front runners projects at Oundle and Raunds, Higham Ferrers town, other interest is also known from Rushden and interest from a number of other smaller communities.

2.0 Need for a Neighbourhood Planning Protocol

- 2.1 Neighbourhood Plans are prepared by the community; however the Local Planning Authority has a statutory requirement (Localism Act 2011) to provide advice and assistance to qualifying bodies wishing to undertake them. Beyond this requirement it is down to the Local Planning Authority to decide what services are offered locally.
- 2.2 To assist the community, a draft Protocol has therefore now been prepared for consideration by this Committee, which sets out the main areas of support that it is proposed to offer. These services are in addition to other existing services provided by the Council, such as design, printing, mapping and so forth.

3.0 What the Protocol covers

- 3.1 The Protocol sets out the general support available to Parish/Town Councils or neighbourhood forums, including providing technical advice on how to draw up an order or plan and facilitating consultations with the public on proposals.

3.2 The Protocol sets out support available at each stage in the neighbourhood planning process including at designating the boundary stage, making the plan, independent examination stage, at the referendum and adoption stages.

3.3 It should be highlighted that the Protocol is provided to act as a general guide for the community. Requests for advice and/or assistance will obviously vary given the breadth of issues that Neighbourhood Plans may potentially cover and the Protocol is therefore anticipated to evolve as work on the Plans progresses.

4.0 How the Protocol will be used

4.1 The Protocol will be published on the Council's website on the Neighbourhood Planning pages.

4.2 The Protocol will also be sign posted during contact with those Parish/Town Councils or Neighbourhood Forums considering producing a Neighbourhood Plan.

5.0 Conclusion

5.1 The Council has a statutory duty to support the production of Neighbourhood Plans coming forward in the area. The proposed Protocol therefore aims to set clear guidance about the general level of support that the Council will offer.

6.0 Equality and Diversity Implications

6.1 There are no equality and diversity implications.

7.0 Legal Implications

7.1 The Local Planning Authority has a statutory requirement under Paragraph 3 of Schedule 4B of the Localism Act to provide advice and assistance to qualifying bodies in developing proposals for plans or orders.

8.0 Risk Management

8.1 By setting out exactly what services the Council can offer this reduces the potential for confusion and incorrect expectations from those producing neighbourhood plans.

9.0 Financial Implications

9.1 Neighbourhood Planning will require additional officers time and Council resources to support and help implement the plans, there is however no requirement to provide direct financial support to the Town or Parish Council producing the plan. DCLG are making funding and support directly available to the Town or Parish Council separately from the monies that it allows East Northamptonshire Council to draw down at two key stages. (These are £5,000 following designation of a neighbourhood area, which recognises the officer time supporting and advising the community in taking forward a neighbourhood plan. The second payment of £25,000 is made on successful completion of the neighbourhood planning examination and is intended to cover the costs for that examination and any other further steps that may be needed for the neighbourhood plan to come into legal force, including referendum).

9.2 The potential Nene Valley News demise could cause additional financial implications, as it is the Council's duty to publish the statutory consultations

10.0 Corporate Outcomes

10.1 The relevant corporate outcomes are:

- Regeneration and Economic Development
- Sustainable Development
- Strong strategic partnerships
- A proactive and listening Council

11.0 Recommendations

11.1 This report seeks Members' approval for the proposed Neighbourhood Planning Protocol set out in Appendix 1 of this report.

(Reason – to fulfil the statutory requirement to support neighbourhood planning and to clarify what services the Council can provide).

Legal	Power: Localism Act 2011				
	Other considerations: None				
Background Papers: N/A					
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Date: 05 April 2013					
CFO		MO		CX	

(Committee Report Normal Rev. 22)

Neighbourhood Planning Protocol for East Northamptonshire Council

Purpose of this Protocol

With the introduction of the Localism Act in 2011 came new powers for Town/Parish Councils or Neighbourhood Forums to produce Neighbourhood Plans or Neighbourhood Development Order for their local areas.

Neighbourhood Plans are normally led and financed by the Parish/Town Council or Neighbourhood Forum in the local area. However, they can also be funded in other ways, for example by a developer wishing to promote land through a Neighbourhood Plan.

Under the Localism Act, the Local Planning Authority has a statutory duty to provide advice and assistance to those communities choosing to undertake a Neighbourhood Plan.

This protocol outlines the service that East Northamptonshire Council can offer in order to fulfil the statutory duty and support and guide Neighbourhood Plans coming forward.

General Support

East Northamptonshire Council will, at no cost:

- Maintain a Neighbourhood Planning webpage that provides information about the powers available under neighbourhood planning and the key development stages.
- Provide advice and information about the Neighbourhood Planning process and any funding, resources and skills available to support the process, including attending meetings if requested, subject to resources permitting.
- Offer advice on other options available to communities, such as Community Planning, Design Statements etc, to help communities decide which approach is right for their area and issues. (Our approach is to recommend that a Community Plan is carried out first to ascertain what are the communities overall priorities and to help decide how these might be best met).
- Provide consultation advice, including questionnaire templates/ design and how to maximise responses from all groups in the community, loan of display boards, and where resources permit, attend consultation events/meetings, if requested.
- Provide mapping services for use at consultation events and workshops. (Parish/Town Councils will need to sign an Ordnance Survey agreement with the Council prior to this work).

East Northamptonshire Council can provide a range of paid for services including a design and print service and the use of our FREEPOST reply service. For more details please see the Neighbourhood Plan pages on our website.

Designating Neighbourhood Areas/Business Areas and Forums

East Northamptonshire Council will:

- Meet local communities who contact us expressing an interest in neighbourhood planning, in order to provide initial advice and information and discuss options.
- Map neighbourhood area boundaries required for the designation of the Neighbourhood Plan Area or Business Area.
- Carry out the statutory consultation and approve the boundary of the area to be covered by the Neighbourhood Area or Business Area at Planning Policy Committee. Where the boundary is not considered 'coherent, consistent and appropriate in planning terms' East Northamptonshire Council will work with the Town/Parish Council to come to a suitable resolution.
- Publicise the application for a Neighbourhood Area or Business Area in such a manner that is considered likely to bring the application to the attention of people who work or carry on business in the area to which the application relates. This includes through East Northamptonshire Council and Town/Parish Council's web pages, local and/ or parish newspapers, local notice boards and libraries.
- All adopted Neighbourhood Plans, Business Areas or Neighbourhood Forums will be published on East Northamptonshire Council's website and in local and/ or parish newspapers as soon as practical after formal designation.

Supporting Neighbourhood Plan Making

East Northamptonshire Council will:

- Provide advice on which issues would be considered as relevant planning matters and would be suitable for Neighbourhood Planning.
- Provide advice on any relevant European and National legislation and policies, and adopted and emerging Local Plan policies which the Neighbourhood Plan will need to be in general conformity with.
- Share existing information and evidence base work held by the Local Planning Authority, as appropriate and subject to any data protection or confidentiality issues.
- Help communities communicate with local partners and/or organisations where this is required.
- Provide constructive comments on the emerging plan and other supporting documents (e.g. basic condition statement) prior to formal submission.
- Carry out screening/ scoping to identify any need for a Strategic Environmental Assessment, Sustainability Appraisal or Habitat

Regulation Assessment (note: where consultants have been employed to prepare the Neighbourhood Plan they will be expected to undertake these)

East Northamptonshire Council will not:

- Distribute consultation questionnaires
- Provide project management services for the production of the Neighbourhood Plan although we can supply templates for project planning and appointment of consultants
- Draft the Neighbourhood Plan or any policies, although we can advise where similar plans or policies might have been prepared
- Advise on education or highways matters (you will need to contact Northamptonshire County Council)
- Undertake the Strategic Environmental Assessment, Sustainability Appraisal or Habitat Regulation Assessment, if these are required following screening/scoping

Independent Examination

East Northamptonshire Council will:

- Validate a Neighbourhood Plan on receipt checking that all of the necessary supporting documents have been produced.
- Appoint and fund the Independent Examiner, who will check it meets the material considerations (who will need to be agreed on by the Town/Parish Council /Neighbourhood Forum).
- Provide an Examination venue, if a venue is required, and if no other suitable town/village venue can be provided.

Referendum

East Northamptonshire Council will:

- Make available dates of existing Council elections.
- Fund and organise the public Referendum (it must be noted that two referendums will be required for Business Areas – one for residents and one for businesses).

Adoption

If the Neighbourhood Plan receives support from more than 50% of those that vote in the public Referendum then East Northamptonshire Council will formally adopt the Neighbourhood Plan.

Once adopted the Plan will form part of East Northamptonshire Council's Local Plan and will be a material consideration in determining planning applications within the Neighbourhood or Business Area.