

## Central Bedfordshire Council

EXECUTIVE

24 January 2015

---

### Neighbourhood Planning

Report of Cllr Nigel Young, Executive Member for Regeneration and Business  
([Nigel.young@centralbedfordshire.gov.uk](mailto:Nigel.young@centralbedfordshire.gov.uk))

Advising Officers: Jason Longhurst, Director of Regeneration and Business  
([Jason.longhurst@centralbedfordshire.gov.uk](mailto:Jason.longhurst@centralbedfordshire.gov.uk))

Sally Chapman, Development Plan Process Manager  
([sally.chapman@centralbedfordshire.gov.uk](mailto:sally.chapman@centralbedfordshire.gov.uk))

**This report relates to a non-Key Decision**

---

#### Purpose of this report

1. To update Members on the latest situation for Neighbourhood Planning in Central Bedfordshire and set out the statutory processes involved.
2. To seek delegated authority to process Neighbourhood Plans through Examination and Referendum and to make them at the end of the process.

#### RECOMMENDATIONS

**The Executive is asked to delegate authority to the Director of Regeneration and Business, in consultation with the Executive Member for Regeneration, for:**

1. publishing submitted Neighbourhood Plans and Neighbourhood Development Orders for comment;
2. appointing an Examiner in conjunction with the relevant body;
3. submitting the documentation for Examination;
4. following Successful Examination, proceeding to carry out a referendum; and
5. to 'Make' the Plan or Order, subject to the statutory stages as set out in paragraph 7 and the outcome of the referendum.

## **Overview and Scrutiny Comments/Recommendations**

3. The Chairman of the Sustainable Communities Overview and Scrutiny Committee had been consulted and agrees that the proposals do not require review by the Committee.

## **Issues**

4. Neighbourhood Planning was introduced by the Localism Act in 2011. A Neighbourhood Plan is a document which will set out local policies and allocations, and a Neighbourhood Development Order deals with a specific planning proposal on a specific site, or grants planning permission for a type of development such as change of use. Orders have been rarely used nation-wide and it is not envisaged that any will be forthcoming in Central Bedfordshire.
5. Neighbourhood Plans can establish a vision for an area along with general planning policies relating to the development and use of land in a neighbourhood. They should be about local issues and should focus on guiding development rather than stopping it. If 'made' a Neighbourhood Plan will become a statutory plan and be used in making decisions on planning applications.
6. Town and Parish Councils are the 'qualifying bodies' who can produce the Neighbourhood Plan. The plans can cover the whole town or parish, or even just part of it, and two or more parishes can work together to produce a joint plan if they wish to do so. A Neighbourhood Area has to be designated by the Council to allow Neighbourhood Plans to be drawn up by the Town or Parish Council.
7. The statutory processes for advancement of Neighbourhood Plans are set out in the Neighbourhood Planning (General) Regulations 2012. The statutory stages are as follows:
  - a. A Neighbourhood Area is formally designated.
  - b. The Draft Plan is publicised by the Qualifying Body who then take into account any comments received and change the Plan accordingly.
  - c. The Plan and accompanying documents are submitted to the Council for checking against the development plan, National Planning Policy and European Directive requirements.
  - d. The Plan is publicised for a 6 week period to enable any comments to be made for the Examiner to consider.
  - e. An independent Examiner is appointed and examination carried out.
  - f. If the Examiner recommends so, the Neighbourhood Plan is subject to Referendum within the Neighbourhood Area.
  - g. The Neighbourhood Plan is 'made' by the Council.

8. Seventeen Neighbourhood Areas have been designated so far and at least six parishes are well advanced in the initial stages. It is anticipated that at least 2 draft plans will be published by Parish Councils in the next few months. Ward Members will generally be involved in the process by the Parish and Town Councils and also have two opportunities to comment formally on the content of Neighbourhood Plans.

### **Reason for Decision**

9. Once a Plan has been supported by a majority of those voting following a referendum, the Council has no other option than to 'make' the Plan under section 38A (A)(4) of the Planning and Compulsory Purchase Act 2004. The Council is not subject to this duty if (and only if) the making of the plan would breach, or otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). However, it is extremely unlikely that a non-compliant plan would have progressed to this stage. There are therefore no options open to the Council other than to 'make' the plan so that it will form part of the Development Plan.

### **Council Priorities**

10. The relevant Priority is "Enhancing Your local Community - creating jobs, managing growth, protecting our countryside and enabling businesses to grow". Neighbourhood Plans will be able to allocate land for particular land uses and address locally specific planning issues.

### **Corporate Implications**

11. The Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 place new duties on local planning authorities in relation to Neighbourhood Planning. These new duties have considerable implications for staff resources and include taking decisions at key stages in the process; being proactive in providing advice to communities about neighbourhood planning; providing advice or assistance to a parish or town council, neighbourhood forum or community organisation that is undertaking neighbourhood planning.
12. The Council is also required to resource the Examination and Referendum both in terms of personnel and finance
13. The 'making of' the plan will not require any significant staffing implications in addition to those already employed by the Council. Officers in Development Management will be required to use the plan in decision making for planning proposals, but this will not add any significant resource pressures.
14. The risks are the Council failing to discharge its statutory responsibilities and failing to deliver the Council's priorities.

## **Legal Implications**

15. Once the Neighbourhood Plan is adopted, it will become part of the Development Plan and will constitute a material planning consideration to be taken into account when determining applications made in respect of the Neighbourhood Area.

## **Financial Implications**

16. In recognition of the additional burdens that these duties place on local planning authorities, DCLG has made available grants to local planning authorities up to £30,000 for each neighbourhood plan. The payment of the Extra Burdens Grant is phased so that £5,000 is available when the neighbourhood area is designated; a further £5,000 when the plan is submitted and publicised; and the final £20,000 following successful examination. The grant income is not confined to each specific plan therefore income can be spread across several plans. However, the grant can only be claimed after designation, examination and referendum.
17. The costs to the Council of taking a Neighbourhood Plan through the statutory processes of examination and referendum will depend upon the complexity and scale of the plan.
18. Grant income already received through the designation of neighbourhood areas will contribute towards the first neighbourhood plan that is put through examination and referendum. Once the first plan goes through the process, the financial implications will be reviewed. It is expected that the grant income will cover all costs of the Neighbourhood Plan process.

## **Equalities Implications**

19. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
20. Neighbourhood Plans are required to conform to the requirements of the Human Rights Act 1998. This includes protection from discrimination. Information can be provided to Town and Parish Councils setting out the equality issues that need to be considered as part of the planning process.

## **Sustainability**

21. Neighbourhood Plans are required to support sustainable development as set out in the National Planning Policy Framework. Plans including major developments or in very sensitive areas will be assessed under the European Strategic Environmental Assessment requirements. Neighbourhood plans present local communities with the opportunity to shape and steer sustainable development that benefits their area.

## **Conclusion and next Steps**

22. It is likely that a number of Neighbourhood Plans will be formally submitted in 2015/16 and that the number will rise over time. In order to expedite the putting in place of these plans, delegation of the stages will enable to officers to bring these plans into place as soon as possible.

## **Appendices**

None

## **Background Papers**

None