

## Neighbourhood Planning

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

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### 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 and Business to:**

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.

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

3. This item has not been considered by Overview and Scrutiny as it does not refer to proposals or policies.

## **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. If the referendum is successful the Neighbourhood Plan is 'made' by the Council.
- 8. Twenty one Neighbourhood Areas have been designated so far and at least six parishes are well advanced in the initial stages. Three draft plans have been published by Parish Councils in the last few months and two have been submitted formally for the Council to take through examination and referendum (Arlesey and Fairfield). 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 of £20,000 for each neighbourhood plan.
17. Grant income of £5,000 previously received through the designation of neighbourhood areas will contribute towards the first neighbourhood plans that are put through examination and referendum. The grant income is not confined to each specific plan therefore expenditure can be spread across several plans. The balance of the grant income currently stands at £65,000.
18. Neighbourhood Plans will vary in cost from a simple plan from £6,000 to £20,000 for a more complex plan covering a larger area. The formal costs include Examination and Referendum costs. These formal costs exclude staff time, support for technical work and mapping, training for groups and publicity/printing costs. There is no pay back requirement if the formal costs are under £20,000, but there is no opportunity to claim additional grants for formal costs exceeding £20,000.

### **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 an increasing number of Neighbourhood Plans will be formally submitted in 2016/17 and that the number will steeply rise over time. Giving delegated powers to the Director of Regeneration and Business in consultation with the Executive Member for Regeneration and Business to sign off the formal stages without having to take a report to Executive for each Plan at each stage will enable officers to bring these plans into place as soon as possible therefore saving time and resources.

### **Appendices**

None

### **Background Papers**

None