
Meeting: Executive
Date: 2 October 2012
Subject: Adoption of Neighbourhood Plans
Report of: Cllr Nigel Young, Executive Member for Sustainable Communities – Strategic Planning and Economic Development

Summary: The report sets out the process by which Central Bedfordshire Council adopts Neighbourhood Plans to be part of the Development Plan for Central Bedfordshire and recommends that the decision to approve neighbourhood plan area boundaries be delegated to the Director of Sustainable Communities in conjunction with the Executive Member for Sustainable Communities – Strategic Planning and Economic Development.

Advising Officer: Gary Alderson, Director, Sustainable Communities
Contact Officer: Sally Chapman, Development Planning Process Team Leader
Public/Exempt: Public
Wards Affected: All
Function of: Executive
Key Decision Yes
**Reason for urgency/
exemption from call-in
(if appropriate)** N/A

CORPORATE IMPLICATIONS

Council Priorities:

The adoption of Neighbourhood Plans will support Central Bedfordshire Council's priority of managing growth effectively. The relevant Medium Term Plan 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.

Financial:

1. The process by which Neighbourhood Plans will be adopted has financial implications. The costs of support in terms of advice and technical support, examination and referendum must be met by Central Bedfordshire Council. Central Bedfordshire Council has successfully bid twice for the Central Government's "Neighbourhood Plan Front Runners Scheme" resulting in grant income of £40,000. The current uptake of the opportunity to produce a neighbourhood plan is low, with only two or three plans anticipated. The costs involved in the preparation of the Neighbourhood Plan itself are borne by the town or parish council undertaking the plan.
2. The Department of Communities and Local Government have recently announced additional funding available to Local Authorities (i.e. Central Bedfordshire Council) to support communities in producing Neighbourhood Plans in 2012/13. There will be an unringfenced payment of up to £30,000 per scheme. The first payment of £5,000 will be paid following the designation of a neighbourhood area and the second payment of £25,000 will be made following the examination of the Neighbourhood Plan. This funding is in addition to the "Neighbourhood Plan Front Runners Scheme".

Legal:

3. 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 town or parish.

Risk Management:

4. None identified.

Staffing (including Trades Unions):

5. Not Applicable.

Equalities/Human Rights:

6. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and to foster good relations in respect of nine protected characteristics; age disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
7. Neighbourhood Plans and Orders will be required to conform to the Development Strategy. The Strategy has been subject to a detailed Equalities Impact Assessment and officers will check that proposals comply with the agreed strategic policies. Depending on the nature of the Neighbourhood Plan or Order, some will also be subject to their own Sustainability Appraisals and thus their impact on the social aspects of the plan in terms of housing mix, employment / skills, healthier lifestyles, infrastructure and transport will be further assessed.

Public Health:

8. Central Bedfordshire Council will need to ensure that it complies with its duties to promote access to green space, encourage sustainable transport and ensure that the built environment maximises opportunities for physical activity. This in turn will help the council to improve outcomes for health and wellbeing.

Community Safety:

9. Central Bedfordshire Council will need to ensure that it complies with its statutory duties under Section 17 of the Crime and Disorder Act and that all plans fulfil the criteria set down for community safety within the adopted Central Bedfordshire Design Guide.

Sustainability:

10. Neighbourhood Plans will be assessed under the Sustainability Appraisal/Strategic Environmental Assessment requirements as set out in the National Planning Policy Framework.
11. Neighbourhood Plans will need to be prepared to comply with strategic policies in the emerging Development Strategy. Emerging policies within this document require new development to meet the Code for Sustainable Homes and BREEAM requirements to ensure increased sustainability.

Procurement:

12. Not applicable.

Overview and Scrutiny:

13. This matter has not been considered by Overview and Scrutiny.

RECOMMENDATIONS:**The Executive is asked to:**

1. **endorse the process where Neighbourhood Plans are adopted as part of the Development Plan; and**
2. **delegate the designation of the Neighbourhood Area to the Director of Sustainable Communities in consultation with the Executive Member for Sustainable Communities – Strategic Planning and Economic Development.**

Reason for Recommendation: *To ensure that Neighbourhood Plans can be adopted as part of the Development Plan in accordance with the Localism Act 2012.*

Executive Summary

14. The Localism Act 2012 introduced reforms to the planning system and introduced a new plan called a Neighbourhood Plan.

15. Neighbourhood Plans are led and produced by town or parish councils. However, it is the responsibility of the Central Bedfordshire Council to organise and pay for the examination and referendum of the Neighbourhood Plan.
16. Should the Neighbourhood Plan be found sound through Examination and receive a majority vote through the referendum, the Neighbourhood Plan must be adopted by Central Bedfordshire Council.
17. Once adopted, the Neighbourhood Plan will become part of the statutory Development Plan for Central Bedfordshire and constitute a material planning consideration for planning decision within the neighbourhood plan area.

Introduction

18. The Localism Act 2012 introduced major reforms to the planning system giving local communities new rights to shape and plan their neighbourhood. The Act introduced a new initiative, Neighbourhood Planning which includes Neighbourhood Plans and Neighbourhood Development Orders. These plans set out policies on the development and use of land and buildings in the parish or neighbourhood area. 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.
19. Neighbourhood Plans, initiated and led by town and parish councils, need to be in general conformity with the Development Strategy in that they can promote more development than is set out in the Development Strategy and can include policies, provided that these do not conflict with the strategic policies in the Development Strategy. Neighbourhood Plans cannot be used to prevent development.
20. The benefits of neighbourhood planning is that it can help communities play a greater role in shaping the future of their area and can help locally specific planning issues to be addressed, giving greater detail compared to those within the Development Strategy.
21. A Community Right to Build Order is a specific type of Neighbourhood Development Order allowing a local community group to bring forward a small development. This new development could include proposals for new homes, business premises and community facilities, but it must be small scale in comparison to the size of the settlement. The process for preparing and adopting a Community Right to Build Order is broadly the same as that for a Neighbourhood Development Order.
22. Once adopted, a Neighbourhood Plan will become part of the Development Plan for Central Bedfordshire, meaning that it will constitute a material planning consideration within the planning system. A Neighbourhood Development Order effectively grants planning permission for the specific development or type of development.

23. Currently, Caddington and Slip End (jointly), Toddington and Barton Le Clay have all begun work on a Neighbourhood Plan. Several other parishes have decided not to produce a Neighbourhood Plan.

Neighbourhood Plan Process

24. The Neighbourhood Planning (General) Regulations 2012 provide the framework against which the Neighbourhood Plans need to be prepared and outline the statutory stages involved in their preparation. Appendix A of this report sets out the stages of the preparation of a Neighbourhood Plan from initiation to adoption and who is responsible for a particular stage.
25. The preparation of the Neighbourhood Plan is the responsibility of the town or parish council. With the exception of the statutory stages outlined in the Regulations, there is no set process for producing the plan itself in terms of content, issues to be addressed and consultation methods.
26. Central Bedfordshire Council is required by the Localism Act to assist communities in preparation of Neighbourhood Plans, publicise the final version, organise the examination and referendum and adoption process. In Central Bedfordshire, take-up is anticipated to be low over the next few years, partly because the Site Allocations document (which covers the former Mid Bedfordshire area) already allocates development in smaller settlements and partly because town and parish councils no longer have a direct source of funding from the government. Should the situation arise in the future that a large number of Neighbourhood Plans were proposed, they could be managed by officers through careful planning of the processes in terms of timescales and consideration of the appropriate level of input at early stages.
27. A number of organisations have been awarded funding from the government to support communities in their preparation of Neighbourhood Plans. These include Planning Aid who have run two one-day training courses for groups in Central Bedfordshire and the Princes Foundation who have carried out a series of public workshops and meetings in Caddington and Slip End. Officers will continue to liaise with the relevant organisations to ensure that opportunities for additional help and advice are taken up.

Designation of a Neighbourhood Area

28. Neighbourhood Plans or Orders must be initiated by the town or parish councils who decide on the proposed boundary known as the Neighbourhood Area. An application is then submitted to Central Bedfordshire Council who are required by the Regulations to publicise the application formally for a six-week period and invite representations. Should there be no objection to the designation the Neighbourhood Area can be formally designated.
29. Officers are anticipating applications for the designations of three Neighbourhood Areas; Caddington and Slip End (joint application), Toddington and Barton-le-Clay. The boundaries for these Neighbourhood Plans will be the Parish boundary and in the case of Caddington and Slip End it will include both Parish boundary areas.

30. The report seeks to delegate the decision to approve or refuse the application of Neighbourhood Area designations for future applications to the Director of Sustainable Communities in consultation with the Executive Member of Sustainable Communities – Strategic Planning and Economic Development.

Plan Preparation

31. Plan preparation would need to include the views and input of the local community, the means of which are decided by the town or parish council. Consultation from an early stage of the plan preparation process is encouraged as involvement by the community throughout the process will help strengthen the community support for the plan and make implementation easier.
32. Unlike the Development Strategy, which is prepared by officers at Central Bedfordshire Council with ongoing Member involvement, the Neighbourhood Plan or Order is prepared by the town or parish council led by the views of the local community. As such, Member involvement should be at a local level with local ward members and adjoining ward members involved as invited by the town or parish council during the plan preparation stages.
33. Before the draft Plan or Order can be submitted to Central Bedfordshire Council for examination, the town or parish council must undertake a six-week consultation. Representations will be invited from the local community and statutory and local stakeholders. These representations must be addressed in the plan before it is submitted. Alongside the preparation of the plan, a sustainability appraisal must be undertaken.

Examination, Referendum and Adoption

34. Until this stage, the involvement of Central Bedfordshire Council is limited to officers providing advice, guidance and information of particular matters to the parish and town councils to ensure that the preparation is sound. Central Bedfordshire Council will not be able to produce a Neighbourhood Plan on behalf of the local community as it remains the responsibility of the town and parish council to prepare the plan.
35. Once submitted to Central Bedfordshire Council, officers will check that the document has been prepared correctly, complies with the strategic policies in the Development Strategy and is suitable to proceed. This will be followed by a formal consultation period to which the representations from local and statutory stakeholders will be invited.
36. It is the responsibility of Central Bedfordshire Council to appoint an Examiner and arrange the examination of the Neighbourhood Plan or Order. Should the Examiner find the Neighbourhood Plan or Order acceptable, it will be subject to a local referendum. The costs incurred by the examination and referendum have to be met by Central Bedfordshire Council.
37. The referendum will be undertaken following the statutory regulations set out in The Neighbourhood Planning (Referendums) Regulations, which came into effect on 2 August 2012. This sets out how the referendum is to be conducted and the questions to be asked.

38. Should over 50% of the voters in the referendum support the Neighbourhood Plan or Order, Central Bedfordshire Council is required to adopt it as part of the Development Plan by Full Council.

Conclusion

39. Once adopted the Neighbourhood Plan becomes a statutory planning document against which planning applications will be decided. In the case of an Order, development can begin without a further planning application. They will therefore be a tool in ensuring that development is located in the most sustainable and appropriate location accepted by the local community.

Appendices:

Appendix A – Neighbourhood Planning Process Table