

Neighbourhood Planning

Draft Guidance Note
December 2012



► What is neighbourhood planning?

Neighbourhood planning is part of a new flexible approach to local planning. District wide local plans will still be produced, but there is scope for neighbourhood plans to be developed also. The aim is that planning takes place at the appropriate level to help achieve local needs and ambitions. Communities will be able to establish general planning policies for the development and use of land in a neighbourhood.

The neighbourhood plan will set a vision for the future. It can be detailed, or general, depending on what local people want. Communities can use neighbourhood planning to influence the type, design, location and mix of new development, within the bounds of existing district level planning policies. Neighbourhood plans will become part of the planning policy against which planning applications will be assessed, alongside district wide plans.

Neighbourhood plans are:

- concerned only with land use and development issues;
- not compulsory – you don't have to do it and it won't always make sense for your area;
- about shaping new development – **not stopping it**.

There are many things to consider in deciding whether developing a neighbourhood plan is the right choice for the community, including:

- Costs – these can be in the region of £10k to £100K for a neighbourhood plan (although some funding may be available).
- Capacity -- skills needed to draw up a plan (use of consultants?). Do we have the time to devote to this?
- Control-- do we want to be in control? Do we think an NP will give us the control we hope for?
- Is a neighbourhood plan the best tool to deliver what the community is looking for? A neighbourhood development order (see glossary in Appendix 3) or working with the local authority on its planning documents may also be able to deliver the same results. A Community Plan (see glossary in Appendix 3) can and should cover everything including land use development, rather than being restricted, as a neighbourhood plan is, to being only about land use issues that are covered by planning legislation.

► How to produce a neighbourhood plan

► How to define an appropriate area for a neighbourhood plan

A neighbourhood area must be decided at an early stage. Even within parishes the plan can be for part or the whole of the parish area. Approval will be based on submitted documentation, which should include:

- a map identifying the area; and
- a statement explaining the area.

The planning authority will check that the suggested boundaries for different neighbourhoods make sense and fit together. The local planning authority will say “no” if, for example, two proposed neighbourhood areas overlap.

The City Council as planning authority is required to publicise area applications it receives as soon as possible with a copy of the area application and details of how to comment. A statement must also be published that says that if a designation is made, no other designations can be made for that area unless the designation is withdrawn or expires (after 5 years). At least a 6 week period for comments must be given. Then, once a neighbourhood area is designated, the City Council is required to publish the name of the area with a map and the name of the group who applied for the designation. Alternatively, if the City Council decide to refuse to designate, the reasons must be set out in a decision document.

Appendix 4 contains further guidance on the procedure for applying to designate a neighbourhood area.

► Who prepares the neighbourhood plan?

Where the neighbourhood area includes the whole or part of a parish council area, the parish council is the only organisation that can formally progress the neighbourhood plan or a neighbourhood development order. If there is no parish council, local people will need to decide which organisation should lead on coordinating the local debate. In some places, existing community groups may want to put themselves forward. In other places, local people might want to form a new group. Any group must be established for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned. In both cases, the group must meet some basic standards in order that they can be designated as a neighbourhood forum.

The City Council as the local planning authority will check that groups who want to take the lead on neighbourhood planning meet these standards. The planning authority will say “no” if, for example, the organisation is too small or not representative enough of the local community. If the community group meets the right standards (see the list of Localism Act requirements below), the group will be able to call itself a neighbourhood forum. (This is simply the technical term for groups that have been granted the legal power to do neighbourhood planning.)

To be accepted as a neighbourhood forum a group must meet the criteria in the Localism Act and the Regulations. It must:

- have at least 21 members, all of whom either live or work in the neighbourhood, or are elected members of any council whose area falls within the neighbourhood area concerned (it is advisable and expected that ward councillors will be involved);
- be open to all those who live or work in the area or are elected members for the area; and
- have a written constitution.

When seeking approval from the local planning authority, a neighbourhood forum must supply:

- a copy of the proposed forum's written constitution;
- a name for the neighbourhood area (and forum) and a map of that area;
- contact details of at least one member of the forum (to be made public); and
- a statement of how they will meet the conditions for designation as a neighbourhood forum set out in the Localism Act.

As with neighbourhood area applications, the City Council as planning authority is required to publicise neighbourhood forum applications. A neighbourhood forum application can only be made once the neighbourhood area is approved.

Appendix 4 contains further guidance on the procedure for applying to designate a neighbourhood forum.

► **Preparing the plan**

Next, local people will begin collecting their ideas together and drawing up their plans.

Getting started

It is suggested that the parish or neighbourhood forum draws up a project plan to cover the process of putting the plan together, including a programme and consultation strategy.

Next a process of information gathering will need to take place. Relevant information may include an area profile, population data, a review of relevant parts of the City Council's planning documents and background studies, new evidence in the form of local surveys or possibly identification of studies that need to be procured etc.

This is likely to include:

- A review of the evidence base (it is worth keeping in mind that the City Council has available a wide range of evidence, data and information used to help inform its own planning policies. This can be viewed at:
<http://www.oxford.gov.uk/PageRender/decP/BartonAAPandSitesandHousingDPDCoreDocuments.htm>;
- Collecting new evidence as required;
- Consultation within the neighbourhood on issues, information and evidence.

Developing a vision, identifying issues and potential options

Once the evidence is gathered and reviewed, a vision and key issues and potential options can begin to be established. To do this, the parish council or neighbourhood forum may:

- Identify the area's strengths and weaknesses;
- Draft the vision, issues and options;
- Check these for conformity with strategic policies in the City Council's development plan.

The draft vision, objectives, issues and options and should be consulted on with the community.

Formulation of policies and proposals.

Using the information gathered and results of the consultation exercise on the issues and options, policies can be developed and included in a draft neighbourhood plan, which must then be consulted on.

Consultation

The parish council or neighbourhood forum is required to consult for 6 weeks on details of the proposals for a neighbourhood plan (likely to be in the form of a draft plan). The responses to the consultation then need to be considered and the plan amended where appropriate. The proposals for a neighbourhood plan, including a draft plan, can then be submitted to the City Council who must publicise it for another 6 weeks and invite comments.

It is for the parish council or neighbourhood forum to decide who to consult given the scope and nature of the proposals they are developing. The local planning authority could help advise on this under its duty to support. Consultation should include those living or working in the neighbourhood area and those who may have an interest in or are likely to be affected by the proposals. Active engagement with and participation by the business sector will be important if businesses are likely to be affected by the plans.

In practice an ongoing process of dialogue and collaboration with all members of the local community is to be encouraged. Getting engagement from all sectors of the community from the earliest stages will help deliver a better plan and secure the necessary widespread support.

Conformity

Neighbourhood planning should happen alongside and not replace district level local planning. The City Council will still produce plans with strategic policies that set out the priorities and development needs for an area. If these plans say an area needs to grow, then communities cannot use neighbourhood planning to block the building of new homes and businesses. Neighbourhood plans must follow some ground rules:

- They must be in general conformity with strategic policies of adopted local plans. This means that aspects such as housing numbers, perhaps even sites, will most often be set by the Local Plan and the neighbourhood plan must work within those parameters (it can suggest more development but not less);

- They must be in general conformity with national planning policies (see the National Planning Policy Framework: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>);
- They must be in line with other laws and EU directives/legislation and Human Rights obligations.

The City Council already has a number of planning documents containing policies to guide development in the city. A review of these is a useful starting point to ensure policy is not duplicated needlessly and to assess any gaps in policy that it might be useful for a neighbourhood plan to cover. Further information is available on the planning policy website: http://www.oxford.gov.uk/PageRender/decP/Planning_Policy_occw.htm . Existing planning documents include:

- The Core Strategy, which is the overarching strategy for the development of Oxford until 2026. The Core Strategy is designed to manage growth and regeneration;
- Barton and West End Area Action Plans, which contain policies to guide development in these specific areas;
- The City Council is aiming to adopt its Sites and Housing Plan in early 2013. This plan contains policies to guide new housing and student development and also allocates sites for development. Neighbourhood plans cannot prevent development happening on these allocated sites. However, the Sites and Housing Plan only deals with sites over 0.25 hectares, so there may be scope for communities to identify smaller sites in their area for development or protection;
- The Oxford Local Plan 2001-2016 contains some saved policies;
- The City Council has also produced supplementary planning guidance relating to resource efficiency (Natural Resource Impact Assessment SPD); Balance of Dwellings SPD; Parking Standards SPD; Planning Obligations SPD; Affordable Housing SPD.

To be in compliance with EU directives, a Strategic Environmental Assessment may be required. Existing guidance is contained in “A practical guide to the Strategic Environmental Assessment Directive”, which can be found on the Department for Communities and Local Government website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/practicalguidesea.pdf>

There are other EU Directives that may be triggered by neighbourhood plans, particularly the Habitats Directive, and additional procedures and assessment may also be needed depending on the scale and impact of the plan proposals. An Appropriate Assessment is required of plans that could have a significant effect on Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites (jointly called ‘European sites’). This is particularly relevant in Oxford because of the Oxford Meadows SAC, which is partly within the city boundary. A Habitat Regulations Assessment (HRA) was carried out by the City Council to inform the Core Strategy, and updated for other plans. This is likely to form a useful basis for any HRA that needs to be carried out for a neighbourhood plan.

Role of the Local Planning Authority at the plan-making stage

The Localism Act places a legal duty on local planning authorities to support and advise parish councils and neighbourhood forums as they develop neighbourhood plans. The

nature of this help is not defined. The City Council as planning authority will take account of specific circumstances when deciding how best to meet its 'duty to support'. It is expected that the support different neighbourhood groups need or want will vary depending on the experience of the group and the complexity of the plan being produced. However, it is likely that all groups could be helped by the City Council sharing evidence and information on planning issues and providing advice on national and local planning policies to help to ensure neighbourhood plans are in conformity. This will help neighbourhood plans have a smoother run through the examination process. The City Council may also be able to help with consultation events, provide advice on assessments and evidence, advise as to whether policies will be legally enforceable and help neighbourhood groups communicate with external bodies and partners where this is required.

Therefore in addition to its legal requirements and subject to available resources the City Council will endeavour to support communities in the neighbourhood plan process through:

- Provision of a simple Ordnance Survey map base;
- Provision of core base statistical data for the area – likely to cover one ward or a series of wards;
- Generic neighbourhood planning advice and guidance (eg the process, how to get started, what others are doing locally);
- Advising and supporting on whether particular matters can be legitimately included in the plan;
- Advising on some of the technical, planning-related aspects of producing the plan and signposting to sources of evidence (eg drafting policies, undertaking a sustainability appraisal, negotiations with developers);
- Signposting to relevant contacts within the Council or within other stakeholder organisations (eg Oxfordshire County Council, Thames Valley Police, the Environment Agency, English Heritage etc.);
- Potentially helping with facilitation or advice on consultation, including giving advice on proposed surveys or questionnaires.

► Adoption

► Independent check

Once a neighbourhood plan or order has been prepared, an independent examiner will check that it meets the right basic standards. Before the examination, the local planning authority has to check that the submitted plan/order is legally compliant, i.e. the procedural steps have been followed. The City Council must appoint the independent examiner and organise the examination. If the plan or order doesn't meet the right basic standards, the examiner will recommend changes. The planning authority will then need to consider the examiner's views and decide whether to make those changes. The examiner's report is not legally binding, but the authority must have clear reasons for departing from any of the examiner's recommendations. If the examiner recommends significant changes, then the parish, town council or neighbourhood forum may decide to consult the local community again before proceeding.

► Community referendum

It is the responsibility of the City Council as planning authority to organise a referendum on any plan or order that meets the basic standards. This ensures that the community has the final say on whether a neighbourhood plan or order comes into force. All those living in the neighbourhood who are registered to vote in local elections will be entitled to vote in the referendum. As long as a simple majority of people voting in the referendum support the plan or order, then the City Council must formally adopt it.

► Legal force

After a successful referendum, before the neighbourhood plan is adopted, the local planning authority should check the document is still compliant with EU and European Convention of Human Rights law. Once adopted it will form part of the development plan for the local area. It will then carry real legal weight. Decision-makers will be obliged, by law, to take what it says into account when they consider proposals for development in the neighbourhood.

Appendix 1: Other sources of information

Please note that the information contained in this note is informal guidance. The Localism Act 2011 (http://www.legislation.gov.uk/ukpga/2011/20/pdfs/ukpga_20110020_en.pdf) and The Neighbourhood Planning (General) Regulations 2012 (<http://www.legislation.gov.uk/uksi/2012/637/made/data.pdf>) should be referred to for full accurate details.

Further guidance on neighbourhood planning can be found from the following sources, amongst others:

Quick Guide to Neighbourhood Planning

http://www.uvns.org/sites/default/files/UVNS_Guide_to_Neighbourhood_Planning.pdf

Planning and Localism – Choices and Choosing”, a guide –

http://www.localismnetwork.org.uk/Localismnetwork.org.uk/Localism_Network_files/CPRE%201hyperlinked.pdf

“An introduction to neighbourhood planning”, by the DCLG

www.communities.gov.uk/planningandbuilding

“A Plain English Guide to the Localism Act”, by the DCLG

<http://www.communities.gov.uk/documents/localgovernment/pdf/1896534.pdf>

“Neighbourhood Planning – Frequently asked Questions”, by the DCLG

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2099152.pdf>

Locality <http://www.locality.org.uk/>

Planning Advisory Service <http://www.pas.gov.uk/>

Planning Portal <http://www.planningportal.gov.uk/>

Royal Town Planning Institute <http://www.rtpi.org.uk/>

Town and Country Planning Association <http://www.tcpa.org.uk/>

Planning aid (free independent planning advice) <http://www.rtpi.org.uk/planning-aid/>

Princes foundation

<http://www.princes-foundation.org/what-we-do/projects/engage/clg-planning-scheme/supporting-communities-and-neighbourhoods-planning>

DIY SA: Sustainability Appraisal of Neighbourhood Plans <http://www.levett-therivel.co.uk/DIYSA.pdf>

Appendix 2: what Oxford City Council is expected to do under the Localism Bill

This list is a guide to what the City Council will do. This is not a definitive list and does not necessarily include only mandatory requirements. The City Council will:

- Publish neighbourhood area and forum applications;
- Designate neighbourhood areas and forums;
- Provide ‘technical advice and support’ to communities as they prepare neighbourhood plans.
- Check the plan or development order against the legislation and regulations.
- publish submitted plan proposals for consultation,
- Appoint an examiner in agreement with the neighbourhood forum or parish Council.
- Arrange an independent examination
- Arrange and carry out a referendum on the plan after examination
- Adopt the plan or order if it passes at referendum

Appendix 3: Glossary

Neighbourhood Area	Local Planning Authorities (City Council) to designate a neighbourhood area where a relevant body has applied.	Regulations specify procedures, form, content and requirements for the LPA in discharging this power.
Neighbourhood Forum	Local Planning Authorities (City Council) to designate a body as a neighbourhood forum within.	Regulations provide centrally specified conditions. Designation last 5 years and may not be withdrawn once given
Neighbourhood Plan	Town Councils or designated neighbourhood forum initiate the neighbourhood plan process. N P can set out a policy (ies) on development and use of land in the neighbourhood.	Plan should be in general conformity with the strategic policies of the local plan and National planning policy framework
Neighbourhood Development Orders	Orders grant planning permission for a specified development and use class in line with the neighbourhood plan.	Follow same process as for neighbourhood plans, prepared by Parish Councils or neighbourhood forums but to be designated by the LPA
Community Plans	A means of a community coming together to decide on what they want to improve or achieve in their local area- either currently or in the future. Usually results in an action plan that sets out how the group intends to make these improvements.	

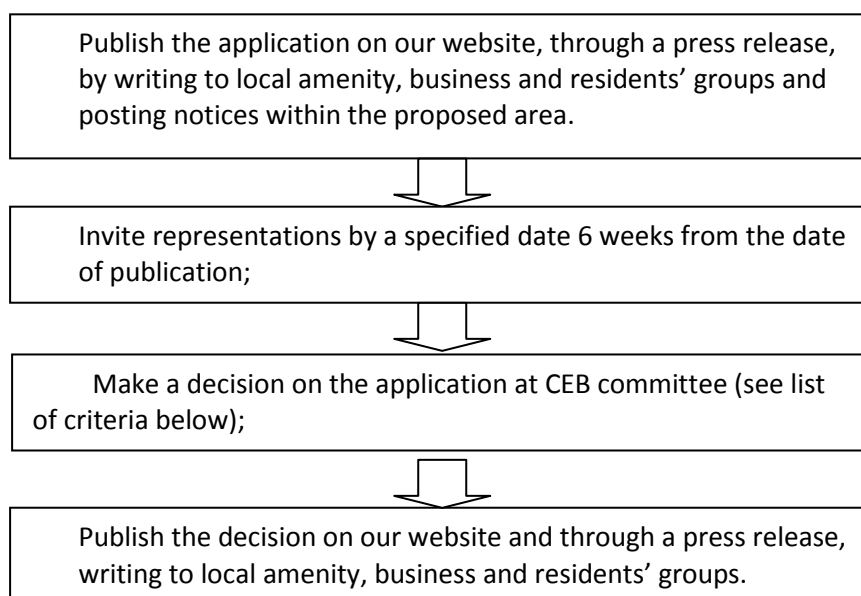
Appendix 4 Procedures for designation of Neighbourhood Areas and Forums

This appendix is designed as a guide to show the information that the city council expects to see. Please note that not all of this information is mandatory.

The following information should be included with any application for designation of a **neighbourhood area**:

Name of the Applicant
Name of the Relevant Body
Address of the Relevant body
A map which identifies the area to which the area application applies
A statement explaining why the area is considered appropriate to be designated as a neighbourhood area
A statement that the organisation or body making the application is a relevant body for the purposes of the T&CP 1990 Act (Section 61G)

On receipt of an application to designation a **Neighbourhood Area**, the City Council will:



CEB will use a number of criteria when considering an application to designate an area:

1. Size of the area: it should be at least the size of one Council ward, and only smaller on exception if it is justified.
2. An area is expected to be contiguous with ward or existing electoral boundaries.
3. Support from Ward Councillors is expected
4. Whether there is support from a cross section of local groups not just one organisation.
5. Whether the statement explaining why the area is considered appropriate is acceptable

Neighbourhood Forums

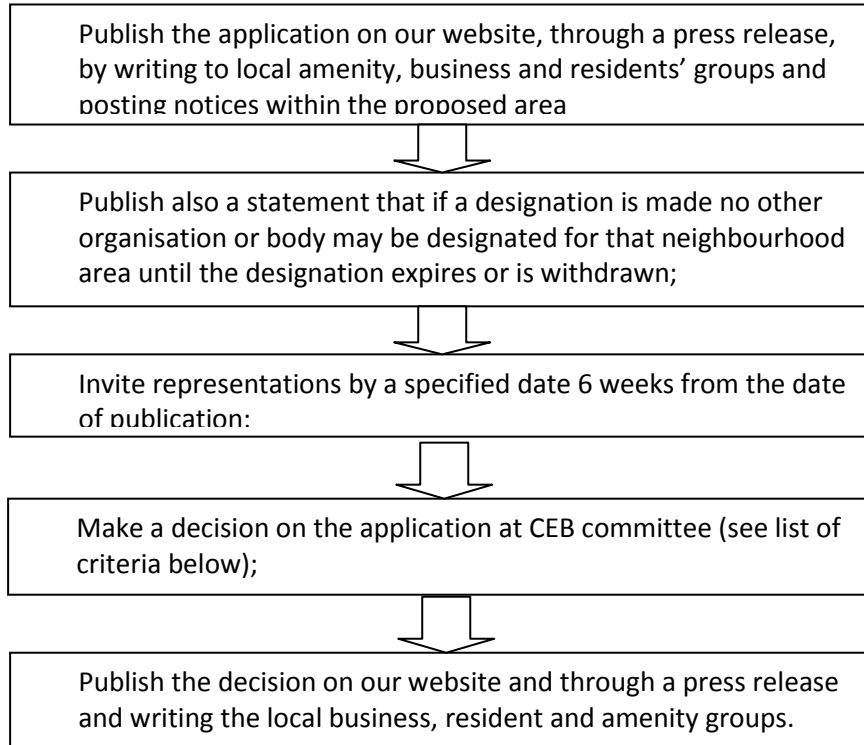
The following information must be included with any application for designation of a **Neighbourhood Forum** :

Name of the proposed Neighbourhood Forum
Names of other Key Members of the Neighbourhood Forum
Copy of the written constitution of the proposed Neighbourhood Forum
Name of the Neighbourhood area to which the application relates and a

map which identifies the area

A statement explaining how the proposed Neighbourhood Forum meets the conditions contained in the T&CP 1990 Act (Section 61F(5))

On receipt of an application to designation a **Neighbourhood Forum**, the City Council will:



CEB will use a number of criteria when considering an application to designate **Neighbourhood Forum**:

1. Whether a Neighbourhood Area is already designated;
2. Whether the application is by a Qualifying Body, as defined by national regulation;
3. Whether the proposed forum has at least 21 named individuals;
4. One City Councillor to be on the Body
5. That the make-up of the Body responds to the diversity of the area
6. That Make-up of the Body involves residents, employers and businesses in the area and that support is demonstrated from a cross section of these local groups.
7. That no other Neighbourhood Forum is already designated for the area in whole or part.