

NOTES ON THE NEIGHBOURHOOD PLANNING WORKSHOP ON 10TH MARCH '14

Workshop led by: Joe Dugdale

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The workshop comprised a presentation from Joe Dugdale, followed by a discussion. Joe's slides are shown below alongside notes from his accompanying talk. Please note these are © Joe Dugdale, not for reproduction or use outside of Buxton Town Team.

Localism and Community Rights

BTT
10 March 2014
Joe Dugdale

Neighbourhood Planning.....

There is a theory which states that if anyone discovers exactly what the universe is for and why it is here, it will instantly disappear and be replaced by something even more bizarrely inexplicable.

There is another theory which states....
....this has already happened.

Douglas Adams, author, The Hitchhikers Guide to the Galaxy (1952-2001)

There are over 1,000 Neighbourhood Planning under development. The government is looking at issuing new guidelines to make the process shorter and simpler. Joe is involved in developing community plans across Derbyshire.

The Localism Act 2012

- The Localism Act sets out the various ways that local people and institutions can make decisions about the future of their locality.
- It aims to place more emphasis on *localism* generally.

New Rights

New rights and powers for communities

- Until now many people have found that their good ideas have been overlooked and they have little opportunity to get on and tackle problems in the way they want.
- The Act passes significant new rights to communities and individuals, making it easier for them to get things done and achieve their ambitions for the place where they live.

This was a counter to changes in planning law, giving people new powers to influence and challenge local authorities, but they cannot simply oppose the Local Plan.

Community Rights 1

- **Community right to challenge**
Where a community group or parish council feels they could run a council service more effectively than the council is doing, they have a **right to challenge**
- The Localism Act gives these groups, parish councils and local authority employees the right to express an interest in taking over the running of a local authority service.
- The local authority must consider and respond to this challenge; and where it accepts it, run a procurement exercise for the service in which the challenging organisation can bid.

Community Asset transfer

The Localism Act requires local authorities to maintain a *Register of assets of community value* which have been nominated by the local community..

When listed assets come up for sale or change of ownership, the Act then gives community groups the time to develop a bid and raise the money.
(6 months- but there is no requirement for the seller to choose the community option)

Communities have the right to bid - to take over services or buy community assets - but there is no guarantee they will win the tender.

Reforming the planning system

- Abolition of regional strategies
- Duty to cooperate (*local authorities*)
- **Right to produce a Neighbourhood Development Plan**
- Community Right to Build
- Requirement to consult communities (*before submitting certain planning applications*)
- Reforming the community infrastructure levy
- Reforming the way local plans are made
- Abolition of Home Information Packs
- All guided by the [National Planning Policy Framework](#)



Neighbourhood Planning

Joe Dugdale
RAD

The presumption in favour of sustainable development

11. Planning law requires that applications for planning permission must be determined in accordance with the **development plan** unless material considerations indicate otherwise.
12. This [National Planning Policy Framework](#) does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and **proposed development that conflicts should be refused** unless other material considerations indicate otherwise. **It is highly desirable that local planning authorities should have an up-to-date plan in place.**

What a neighbourhood plan can do

- Shape development in the neighbourhood
- Allocate sites for different kinds of development
- Define areas of highly valued open spaces
- Set out development goals for the community
- Provide detailed local intelligence
- Provide guidance on design for developers

The neighbourhood must be to develop, not prevent development. It must fit in with the Local Plan, it can add to it and propose different (reasonable) ways of doing things. It can propose additional development.

NPPF - Neighbourhood plans

- *Parishes and neighbourhood forums can use neighbourhood planning to:*
- *set planning policies through neighbourhood plans to determine decisions on planning applications; and*
- *grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order*

What a Neighbourhood Plan can't do

- Block any development with existing planning consent
- Work against the aims set out in the Local Strategic Plan (Local Plan)- *unless there are strong material considerations - see NPPF*
- Plan to keep everything as it is.

Neighbourhood Development Orders and Community Right to Build Orders grant planning permission in advance, eg for self-build.

Balance of powers

- NPPF _
- 185. Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. **Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict.**
- Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation.

What a Neighbourhood Plan must do 2 tests:

- **Pass an Inspection** – *be fit for purpose as a planning document*
- **Pass a Referendum**- *gain more than 50% of those voting from the registered electorate in the neighbourhood*
- *+ Follow statutory periods of consultation*

Once a Neighbourhood Plan is in place, and has demonstrated that it fits in with the Local Plan, it then takes precedence if there is a conflict between the two.

Qualifying Bodies

- Where there is a **town or parish council**, then that is the qualifying body for leading a **Neighbourhood Plan** in a designated neighbourhood area that includes all or part of the council's area.
- Where there is no parish or town council, a **neighbourhood forum** of at least 21 people must be formed for the neighbourhood area.

neighbourhood forums

- This should reflect the "inclusivity, diversity and character of the area" and efforts must be made to include at least one person living in the area, one person working in the area and one councillor.
- The forum will lead the development of the **Neighbourhood Plan**.
- An application by the prospective neighbourhood forum to be designated as the "neighbourhood forum" for a particular neighbourhood area has to be submitted to the local planning authority

If there is no parish council, the first thing is to define the neighbourhood. Normally these are quite small.

Building the Evidence Base

- Such as:
- **Economic:** business surveys, viability, vacancy/floorspace survey, available sites survey, land values, employment need survey, etc.
- **Social/Community:** housing condition survey, housing needs survey, audit of community facilities, 'Building for Life' assessment of housing, etc.
- **Environmental:** heritage audit, conservation area appraisals, review of local lists, urban design analysis, open space survey & analysis, etc.
- **Infrastructure:** transport linkages, schools capacity, transport capacity analysis, traffic/pedestrian flow surveys, etc.

Producing a Neighbourhood Plan

- **STEP 1: define the area, and submit a proposal to the local planning authority, with:**
- a **map** identifying the proposed neighbourhood area
- a **statement** explaining **why the area is appropriate**
- a **statement about the qualifying body** making the application

RAD can help provide background data for the evidence base.

Vision and Aims.

- The **Neighbourhood Plan** can set out the community's overall vision for the area
- Should include overall aims for its future development and growth. These can relate to a wide range of planning and regeneration matters – social, economic and environmental.
- The vision and aims of the plan can then be translated into detailed policies, guidance and proposals.

Planning Policies.

- A **Neighbourhood Plan**, once made, will form part of the statutory **local (strategic) plan** for the area and its policies will be used to determine development proposals in the neighbourhood. Planning applications will be determined in accordance with the **Neighbourhood Plan's** policies unless material considerations indicate otherwise.
- The policies in the plan could be supplemented if necessary by explanatory text or illustrations to help with their interpretation

The Neighbourhood Plan can be just about one aspect of the Local Plan, it does not have to cover everything that is included in the Local Plan.

Site Allocations

- The **Neighbourhood Plan** may identify key sites for specific kinds of development, such as housing, retail, employment or mixed use.

Community Proposals

- Regeneration or enhancement proposals relating to the use and development of land could be included in the plan.
- Eg; it could include policies around improving key public spaces and pedestrian links or allocate sites for new community facilities, such as a community centre.

Appendices

- To keep the Neighbourhood Plan concise, focused and clear on what are the proposed “policies”, a background document could be created, listing the sources of evidence, summarising any new evidence and describing the outcomes of the community engagement programme at different stages in the plan process

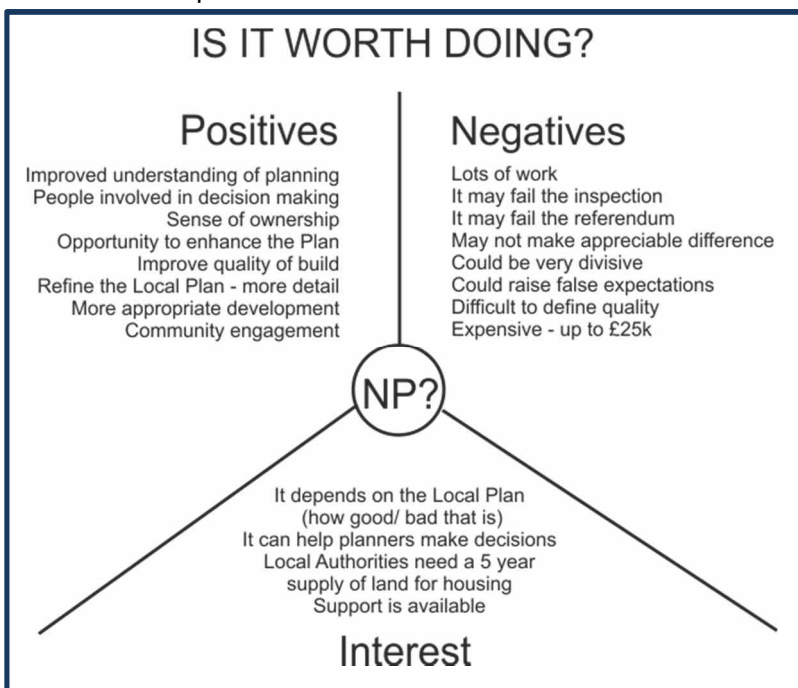
Key points

- A NDP when ‘made’ becomes part of the Local Plan
- It is necessary as well as desirable to engage the community, both to pass the inspection, and probably to get through a referendum.
- Work with the local planning authority, they have a duty to support you.
- The process takes over a year, and uses lots of volunteer time.

Once ‘made’, the Local Plan is adopted by the Local Authority and incorporated as part of the Local plan.

DISCUSSION

Recorded on flip chart:



It is a punitive regime - until there is a 5 year land bank the Local Authority cannot refuse. If they refuse too many appeals, they can lose the right to determine applications. How useful a Neighbourhood Plan might be, will depend on the level of detail in the Local Plan.

HPBC's Local Plan covers about 75 development sites - the level of detail is not great.

Funding up to £7k is available towards costs of a Neighbourhood Plan.

The Neighbourhood Plan can demand higher quality build, so long as the development is still viable (ie higher cost delivers higher saleable value).

The Local Authority have to incorporate the Neighbourhood Plan(s) - in theory this could be overturned at the next review but this is unlikely to happen.

Timing is key - Chapel submitted a Neighbourhood Plan very early, which should have prevented an unpopular development taking place - they lost on appeal because the 5 year land bank was not in place.

In Tatton a Neighbourhood Plan has pre-empted the Local Plan and the Local Authority are challenging it - the outcome of this is not yet known.

If the Neighbourhood Plan follows the Local Plan, then anything which the Neighbourhood Plan is happy to simply accept, does not have to be done again - but there are not many places yet where this has happened. Ideally you would submit a Neighbourhood Plan immediately after the Local Plan is agreed, rather than before.

CONCLUSION

There was no decision as to whether we would want to develop a Neighbourhood Plan for Buxton. The only conclusion reached was that any such plan would need to be for a small part of the town, even a particular development site, rather than for the town as a whole.

Further discussion is needed in due course.