

Neighbourhood Planning with Communities

Brian Whiteley - Planning Advisor
Planning Aid England
Localism and Neighbourhood Planning
Ashburton Hall, Winchester
17 February, 2015



Introduction – what will be covered

- Background to Planning Aid & what it does
- Latest research on User Experience of Neighbourhood Planning
- Setting Up: Stages groups go through
- How do you “Support” ?
- Key Challenges Faced by Communities
- Understanding the Need for Evidence / Project Planning / Land Use Planning Policy
- Local Authorities & Facilitating NDPs



We Provide a Valuable Service...



Background to Planning Aid & What it Does

- Part of Royal Town Planning Institute
- Celebrated 40th birthday in 2013
- Helps individuals & communities engage in the planning process
- Provides free, independent, professional advice
- A staff team of 20 people supported by over 700 volunteers



Supporting Communities in Neighbourhood Planning 2013-2015

- DCLG-supported programme launched April 2013.
- Two key forms of support: grants and direct support.
- Also a shared learning element available to any NP group.
- Consortium including Locality, URS, PAE, NPIERS has delivered the programme.
- The programme is now winding down with new proposals coming out this month.



PAE Case Studies can be found at:

<http://www.ourneighbourhoodplanning.org.uk/case-studies>

- **Roseland:** a case study on running your steering group.
- **Higham Ferrers:** a case study about local character and design.
- **Oxford Brookes:** a case study about involving students in neighbourhood planning.
- **Friends of Fishwick and St Matthew's (FOFS):** a case study about dealing with planning and non-planning issues.
- **Leeds:** a case study about a local authority's role in neighbourhood planning.

Home About Groups Forums Resources Case Studies Events News Contact

Are you involved in planning your neighbourhood? Or would you like to be?

This website supports people and communities who are using new powers under the Localism Act 2011 to create neighbourhood plans.

So if you're interested in shaping your local area, and deciding where new homes, shops and other facilities will go and what they will look like, we'd like to invite you to join our [forums](#), set up a local [group](#), and generally use the site's resources to share experience and learn from others.

[Find out more.](#)

Latest news

Thu, 29 Jan 2015 @ 11:03
[Up Front](#)
Sign up for our free, monthly neighbourhood planning e-bulletin
[Read More >](#)

Thu, 29 Jan 2015 @ 11:03
[January 2015 referendum news](#)
Five successful referendums so far in January 2015
[Read More >](#)

View news archive

Latest resources

Mon, 09 Feb 2015 @ 14:53
Caistor Neighbourhood Plan, submitted for examination
West Lindsey District Council has received a Plan Proposal for the Caistor Neighbourhood Plan from Caistor Town Council. This link is to the plan and its supporting documents.
[Visit link >](#)

Mon, 09 Feb 2015 @ 14:51
Hoylake Neighbourhood Plan, submitted for examination
Wirral Council has received a Plan Proposal for the Hoylake Neighbourhood Plan from Hoylake Community Planning Forum (Hoylake Vision). This link is to the plan and its supporting documents
[Visit link >](#)

View resources

Latest photos

View our Flickr feed

Case Studies

Wed, 11 Feb 2015 @ 11:03
[Fortune Green and West Hampstead Neighbourhood Plan: a case study about developing a good working relationship with your LPA](#)
It's important to have a good working relationship with your LPA as you work on your neighbourhood plan. So, how do you develop that relationship? This case study of Fortune Green and West Hampstead...
[Read More >](#)

Tue, 27 Jan 2015 @ 08:55
[Leeds: a case study about involving students in neighbourhood planning](#)
What kind of roles might students play to support communities creating neighbourhood plans? This case study about student involvement in Leeds looks at a variety of ways this is happening and passes on...
[Read More >](#)

View Case Studies

Latest forum posts

Fri, 06 Feb 2015 @ 12:58
[Wintford Eagle - Thorncombe Parish](#)
Thorncombe / 'Bomkian' is a village and civil parish now in the English county of Dorset but historically until 1844 in Devon. It lies in the West Dorset administrative district, five miles (8 km)...
[Read More >](#)

View open forums

Latest events

[Neighbourhood Planning Masterclass](#)
Free, one day masterclass for communities and local authorities at the early stages of neighbourhood planning.
[Read more >](#)

[Neighbourhood Planning Masterclass](#)

NPA Map

View the Neighbourhood Planning Area map

Latest videos

Austrey Village, Warwickshire, UK
[Austrey Neighbourhood Plan group have made this video as part of their neighbourhood planning activity - an introduction to Austrey!](#)

View our videos

Tweets

Follow

West Hampstead NDF @WHampsteadNDF
@PlanningAidEng case study of how our NDF in @WHampstead worked with the LPA @camdentalking #neighbourhoodplanning ourneighbourhoodplanning.org.uk/case-studies/ v...
Retweeted by Planning Aid England
Expand

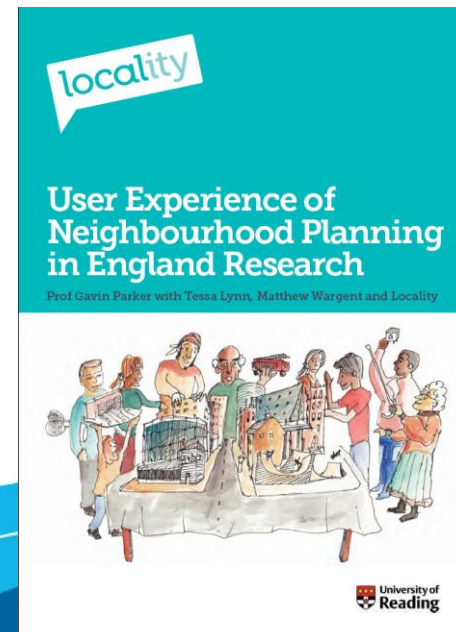
Caroline Aird @devoncaroline
@PlanningAidEng will give a shout out please for Neighbourhood Development Plan Referendum tomorrow! Please RT. pic.twitter.com/yjOCmgWic
Retweeted by Planning Aid England

Tweet to @PlanningAidEng

User Experience of Neighbourhood Planning Research (June 2014)

Drivers and motivations for preparing plans:

- Reinvigorating the local area
- Protecting the desirable characteristics of the area
- Help shape a future vision for the neighbourhood
- Greater say in planning and development in their area
- Statutory weight a neighbourhood plan provides
- Control over the process



User Experience of Neighbourhood Planning Research (June 2014)

Overall experience of neighbourhood planning:

- 55% thought process was what they expected
- Over 90% felt it had gone well or okay
- Majority had overcome difficulties, often with consultant or local authority support
- Overall it was regarded as an initiative with merit and further potential, although not without difficulties and opportunities



User Experience of Neighbourhood Planning Research (June 2014)

What would make it more attractive to communities?

- Half wanted a better explanation of the process
- 44% wanted more face to face advice
- 39% felt faster process would make more attractive
- Evidence strongly suggests that neighbourhood planning can be undertaken by most communities if effectively supported, especially by local authority



Setting Up: Stages groups go through



A guide to keeping your neighbourhood plan
simple, short and straightforward

Keeping it **simple**

By Tony Burton

locality

How do you “Support” ?

Do
Advice

Reflect
Adapt

Plan
Listen

Act
Respect



Key Challenges Faced by Communities

- Setting up Forums
- Engaging hard to reach groups
- Project planning and Process
- Need for evidence
- Understanding what land use planning policies are
- Writing policy
- Resourcing



and Some More Challenges

- SEA
- Engaging constructively
- Separating fact from opinion
- Supporting statements
- Engaging Consultants
- Staying engaged



Understanding.... Project Planning

Process problems:

- Groups have problems with this because they don't understand the process.
- We recommend the PAS spreadsheet.
- A simple key tasks list with indicative dates should be drawn up early in the plan preparation process.

Next Step

Step 1

- Getting Started
- Parish Council Agree to begin Plan
- Steering Group and NP Area agreed

Step 2

- Identify the issues
- **NP Consultation Open Day Today**
- Questionnaires to obtain more local views

WE ARE HERE

Step 3

- Develop a Vision and Objectives
- Work with National Planning Policy Framework
- Work with SBC Draft Local Plan

Step 4

- Generate Options
- Create a Sustainability Framework

Step 5

- Draft our Neighbourhood Plan
- Consult again with residents
- Use Sustainability Framework to appraise NP

Step 6

- Submit Neighbourhood Plan for final Consultation
- Consult with SBC

Step 7

- Send agreed Plan to the Independent Inspector

Step 8

- Final Consultation of Residents with a Referendum
- Adoption if more than 50% of voters support it

Understanding.... the Need for Evidence

- **“Decide where you want new homes and businesses to go”** – Groups have taken this to mean that the only evidence needed for site selection is local opinion.
- Promoting and explaining the LPA evidence available is a key support role for LPAs.
- SHLAAs often misunderstood – seen as an LPA allocation exercise.
- As ‘soundness’ of a neighbourhood plan (NDP) is not considered by the Examiner, some groups under-estimate the need for sufficient evidence to ensure their policies are robust.
- Evidence reviews for groups can be worthwhile as a result.



Understanding.... Land Use Planning Policy

- Provision of affordable homes?
- Retention of trees?
- Community litter patrols?
- Satellite dish restrictions?
- Expanded community bus services?
- Promotion of renewable energy in new homes?
- 20mph speed restrictions?
- Colour of bricks to use?
- Changing a house to a nursery?



Understanding.... Writing Policy

– how to approach this

- Work up a vision and objectives if not already done.
- Issues and options can be teased out of existing evidence – ie state of the parish and local surveys, etc.
- Used “Policy Intent” as a bridge – i.e. what do you want your policy to do?
- Introduce the need for technical evidence as well as local preferences.
- Justification to include reference to evidence in support and policy compliance.



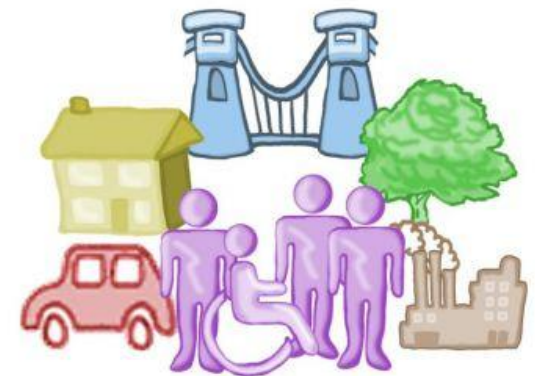
Local Authorities & Facilitating NDPs

- Explain the policy context and its implications;
- Explaining the process, assisting with project planning;
- Provide information and evidence that the NP may (hopefully) want to respond to – ie extent and pattern of growth proposed;
- Providing comments on early ideas for policy/issues etc;
- Enable DM to give comments on emerging policy and assist with policy writing;
- Committing to attend number of forum meetings;
- Providing access to materials from PAE, Locality, PAS etc;
- Providing consistency and clarity throughout the process;
- Keep group in the loop in later stages of the process.



Examples of good LPA engagement - Bristol

- Strategic Planning team supports forums – dedicated link officers.
- Two levels of support – higher in areas of deprivation & regeneration opportunity.
- Memorandum of understanding with groups preparing plans.
- Links to other council departments' resources and technical support (transport, housing).
- Regular attendance at meetings.
- Advice on content and policy wording of plan.
- Links to existing Neighbourhood Partnerships.
- Bristol currently has 5 NP groups.



**Neighbourhood
Planning**

Examples of good LPA engagement

– Mid Sussex DC



Environment and Planning

▲ Home

▲ Environment and Planning

▲ Planning Policy

▶ Neighbourhood Plans

▶ Current Neighbourhood Plan Consultations

▶ Neighbourhood Plan Area Designations

▶ Past Neighbourhood Plan Consultations

▶ Shared Best Practice by Mid Sussex Local Councils

▶ Cuckfield Neighbourhood Plan

<http://www.midsussex.gov.uk/8819.htm>



You are here: [Home](#) > [Environment and Planning](#) > [Planning Policy](#) > [Neighbourhood Plans](#)

Neighbourhood Plans

Neighbourhood Planning is a new way for Town and Parish Councils to decide the future of their areas.

The ability for a Town or Parish Council to produce a Neighbourhood Plan is in the Localism Act 2011. The Government published Regulations about how Neighbourhood Plans will work in April 2012. More details and a guide to Neighbourhood Planning can be found on the Department of Communities and Local Government website at:

<https://www.gov.uk/government/publications/neighbourhood-planning>

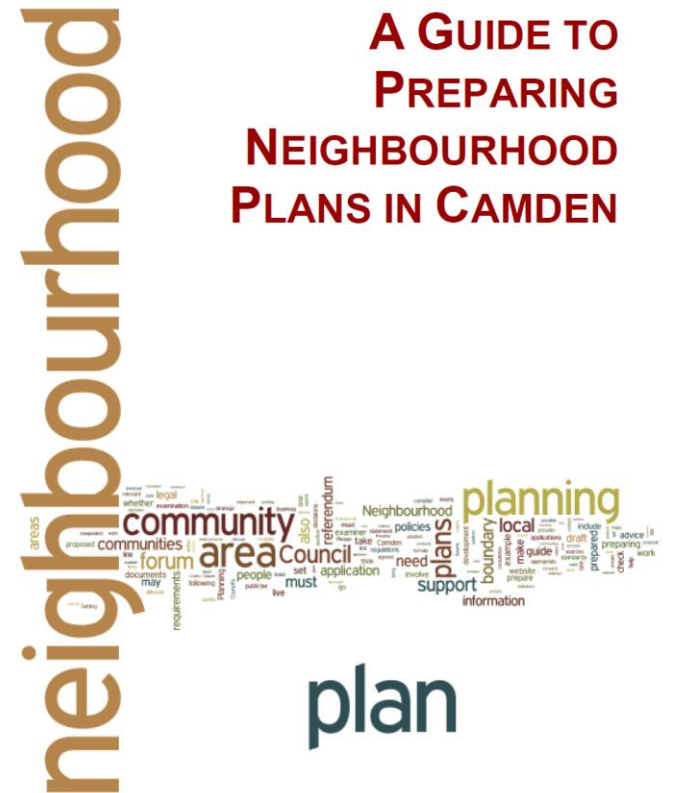
Neighbourhood Plans can include planning policies and allocations of land for different uses. They can be produced by Town or Parish Councils in consultation with their communities, but must be consistent with legislation and national and local planning policies (for instance the National Planning Policy Framework and the Mid Sussex Local Plan). If more than 50% of the community that votes in a referendum says the Plan should be adopted, then decisions on future planning applications must take the Neighbourhood Plan into account.

This webpage has been set up to help Town and Parish Councils prepare Neighbourhood Plans. It includes advice and information provided by the District Council, and links to other sources of information. Linked are pages where Town and Parish Councils share experiences and best practice on Neighbourhood Planning (see the tab on the left).




Examples of good LPA engagement – LB Camden


- Supporting highest number of Forums in London (10) – eg Kentish Town, Highgate, West Hampstead.
- Dedicated officers.
- Cross-boundary plans & complex issues (e.g. HS2).
- Regular attendance at forum meetings; comments on policies by email; evidence advice.



Examples of good LPA engagement – Basingstoke and Deane BC

[Sign in](#) | My account : You are not signed in. | [jump to content](#) | [accessibility](#) | [speakIT toolbar](#) | [languages](#) 

 **Basingstoke
and Deane**


ABCDEFGHIJKLMNOPQRSTUVWXYZ

[Home](#) | [Information on...](#) | [Apply for it](#) | [Pay for it](#) | [Report it](#) | [Have your say](#)

[Browse](#)
[Environment and planning](#)
[Planning](#)
[Emerging Local Plan](#)
[Neighbourhood Planning](#)
[Neighbourhood Plans](#)
[Current Neighbourhood Area Applications](#)
[Designated Neighbourhood Areas A to O](#)
[Designated Neighbourhood Areas P to W](#)

» [Browse](#) » [Environment and planning](#) » [Planning](#) » [Emerging Local Plan](#) » [Neighbourhood Planning](#)

Neighbourhood Planning

On this page:

- [What is Neighbourhood Planning?](#)
- [Producing Neighbourhood Plans](#)
- [Locally produced guidance](#)
- [Assistance with Neighbourhood Plans](#)
- [Application forms](#)
- [Documents](#)

What is Neighbourhood Planning?

Neighbourhood planning was introduced by the Localism Act in November 2011. It is a way for communities to decide the future of the places where they live and work. It enables local communities to have more say in where new houses, businesses, shops and community facilities should go in their local area and can allocate sites for development. They may also include more detailed planning policies, for example to define how new development should look.

Neighbourhood planning is optional, not compulsory. There is no requirement for any community, parish or town council to undertake work on neighbourhood planning if they don't want to.

Contact details

Local Plan team

local.plan@basingstoke.gov.uk

01256 844844

Thank you – & how to get in touch with us at Planning Aid England....

National:

Advice Line Tel.: 0330 123 9244

E-mail: advice@planningaid.rtpi.org.uk

Web: www.rtpi.org.uk/planningaid

London & South East Planning Advisor:

Brian Whiteley

Tel: 0203 206 8980

Email: brian.whiteley@planningaid.rtpi.org.uk

To Volunteer:

<http://www.rtpi.org.uk/planning-aid/volunteering/how-to-apply/>



Neighbourhood Planning against the odds.

**RTPI Meeting Localism and Neighbourhood Planning
Ashburton Hall, 17 February**

Cllr David George

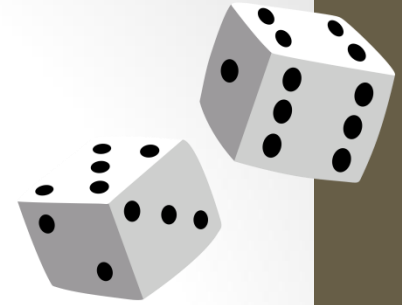
Chair Whitchurch Neighbourhood Plan Steering Committee

Disclaimer

**YOU HAVE
BEEN WARNED.
READ AT YOUR
OWN RISK.**

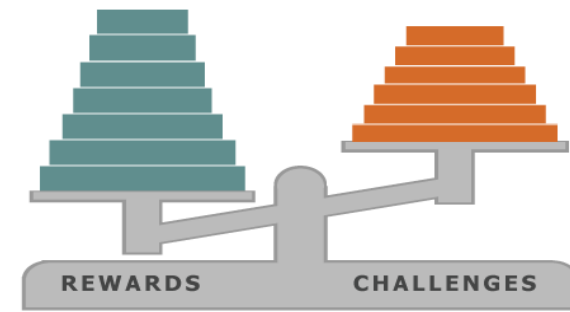
- The opinions in this presentation are personal and do not represent the views of Whitchurch Town Council or the Whitchurch Neighbourhood Plan Steering Committee. The comments are based mainly upon personal experiences and are not necessarily common to all NPs.

Against the Odds?



- Neighbourhood Plan Groups are normally;
 - Manned by community volunteers who give their time freely without financial reward.
 - Staffed by individuals who do not necessarily have the relevant expertise.
 - Work on very limited budgets (particularly small towns/parishes)
 - Despite growing guidance are still cutting new ground in many areas
 - Often have unique challenges .
 - Subject to scrutiny by Town/Parish Councils, Local Authorities, their Community and Landowners /Contractors and the professionals they employ.
- Despite this many are succeeding in getting through the process with the help and support of bodies such as Planning Aid and the Local Authorities.
- They are however vulnerable and can be undermined.

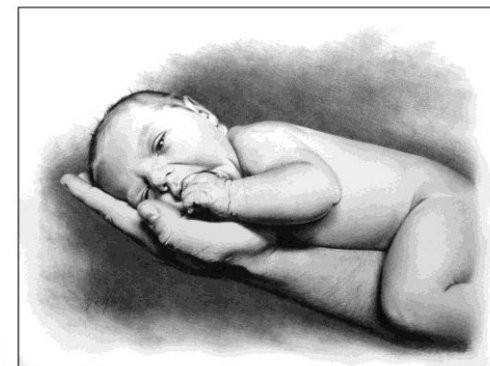
Motivation



- Volunteers will contribute effectively for a number of reasons including;
 - Altruism wanting to achieve something for the community.
 - Have a interest in a specialist topic or area.
 - Politically motivated.
 - Vested interest/ NIMBYism.
 - Single issue groups.
 - Others.....
- Whatever motivates they will usually continue to contribute if;
 - There is good leadership direction and clear objectives
 - They are empowered, engaged, achieving and their efforts are appreciated and not undermined.
 - They have the time to spare.

“Period of Vulnerability”

- Fundamental requirement for community consultation usually means that the time taken to prepare the plan is longer than a “conventional” planning exercise.
- Preparation time typically 18 months to 2 years or more.
- Very limited weight until NP is submitted to the LPA and has gone through consultation.
- Particularly vulnerable towards the the end of the preparation period due to amongst others;
 - Shear fatigue and wain in interest i.e. keeping momentum going.
 - Lack of support for or challenges to the process
 - Unwelcome planning applications.
 - Obstacles to decision making
 - Running out of funds and/or resources.

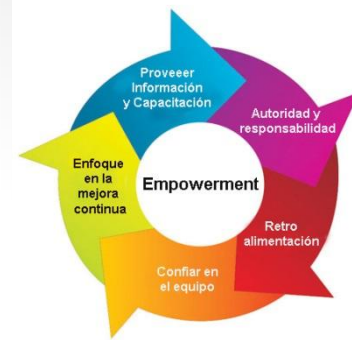


Leadership and Engagement

- Many Councils are supporting Neighbourhood Planning and demonstrating good leadership.
- Excellent Guidance by Government, Councils and Planning Aid in the process of Neighbourhood Planning.
- Excellent training and courses on the key stages of NPs by Councils and Planning Aid.
- Town/Parish Councils vary considerably in the level of support they give to the process and the degree to which they delegate responsibility
- Individual NPs need good direction and management if they are to be successful it is, however, nearly a full time job.



Good Empowerment and Clear Objectives



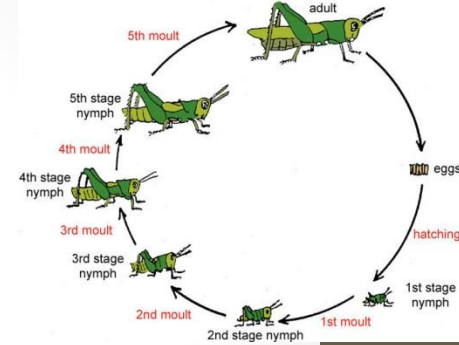
- Basingstoke and Dean Borough Council have voiced their support through policies in their Emerging Local Plan.
 - The council will support parish/town council ...through the Neighbourhood Planning process.
 - In the settlements listed below, it will be necessary to identify sites/opportunities to meet the following levels of development, generally in and around defined Settlement Policy Boundaries:
 - ...Whitchurch – approximately 200 homes...
 - The council will support the relevant parish/town council ...to identify the most appropriate means of meeting this requirement, through Neighbourhood Planning, rural exceptions schemes, or a review of Settlement Policy Boundaries.
 - The delivery of housing will be monitored annually by the council to ensure the housing requirement is met. If no opportunities have been identified by 2017 the council reserves the right to identify opportunities to address any shortfall through the DPD

Hitting a moving target?



- Where the Local Plan is out of date or under review the objectives may not be so clear.
 - Basic condition is that the NP generally complies with the Local Plan.
 - If the Local Plan is under review excellent co-ordination between the Planning Authorities and the NP is required.
 - Planning Authorities need to proactively keep NPs abreast of likely changes to the Development Plan which will affect their area.
 - NPs need to be consulted about changes before they are introduced especially where they are at an advanced stage.
 - NPs need to ensure there is flexibility in their Plan to accommodate likely changes in the Development Pan.

Planning Metamorphosis?



- The Ministerial Statement which prefaces the NPPF states;
 - *This (Planning) should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them.*
 - *Dismantling the unaccountable regional apparatus and introducing neighbourhood planning addresses this.*
 - *In part, people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities.*
- This establishes a tension between the “conventional” and the NP planning process which may not be helpful .
- Neighbourhood Planning teams are a significant resource which can be consulted and utilised by the Local Authorities.
- Local Authorities need to integrate them into their planning processes.
- NPs have no greater consultation rights than Individuals or the Town/Parish Councils?



NPs weight in planning decisions

- The PPG addresses the weight to be applied to emerging Neighbourhood Plans when determining a planning application.
 - PPG advises that a refusal on prematurity grounds will ‘seldom’ be justified before a NP has been submitted to the LPA and undergone the publicity process
 - the advice recognises that exceptions may be justified, and that the PPG does not ‘exclusively’ or exhaustively list all the cases where prematurity may arise.
 - however decision makers are to respect evidence of local support prior to a referendum when assessing the weight to be applied to a Neighbourhood Plan.

Adverse Impacts?



- Arguments that an application is premature are unlikely to be material other than where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits
 - The development would undermine the process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Neighbourhood Planning
 - the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process”.
- A recent Secretary of State appeal decision in October 2014 refused planning permission for residential development in Devizes noting that the Secretary of State finds that, “the desirability of encouraging Neighbourhood Plans” is sufficient to outweigh the need to rectify a shortfall in housing land supply”.

“Unwelcomed” Planning Applications

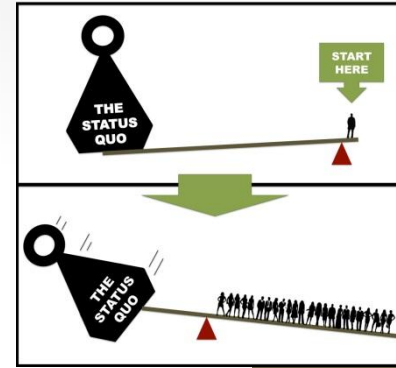


- Neighbourhood Plans can be easily and fundamentally undermined by “unwelcomed” planning applications
- At best they are a distraction and soak up time and resources
- These especially difficult to refuse where there is no current Development Plan and a shortfall in housing land supply.
- The undermining may take the form of making the NP process a waste of time in the eyes of the committee and therefore loose membership, support and stall the process.
- Planning Officers reluctant to refuse applications on the grounds of prematurity unless PPG guidance is strictly met.
- It is easier to give NPs in progress very limited weight NPs rather back them because of the cost/resource involved.
- Planning Control Committees will refuse applications against the advice of the Planning Officers but obviously face the prospects of appeal and associated costs.

Period of Vulnerability Planning Applications

- Government is helping to move the tide towards Neighbourhood Planning but the test of “prematurity” is still submission to the Local Authority.
- During the “vulnerable” period when communities are preparing their plan.
 - The “conventional” planning process has primacy.
 - Planning Authorities are holding pre-application consultations with developers but these conversations are confidential.
 - Integrating the wishes of the community not core to “conventional” planning decision making.
- NPs may even be considered a “challenge” to the status quo.

Changing the Status Quo?



- Government /Local Authorities should find ways of supporting NPs who have;
 - moved ahead diligently in compliance with the (emerging) Local Plan,
 - are not obstructing development and
 - have a “local” land supply which gives them time to complete the Plan.
- Planning Officers to work more closely with NPs when applications which may undermine their process are determined and to make the decisions “stick” on appeal.
- Where Appeal is made against a “prematurity” refusal NPs should be fully involved rather than leaving them to make (uncoordinated) representation to the inspector through request by the Town Council.

Easy meat for developers?



- Developers/landowners usually have the expertise and resources to “run rings” round many NPs
 - Know the “conventional” planning system backwards
 - Engage the NP process and then revert to “conventional” planning process (in the period of vulnerability) if they wish.
 - Use the positive support of the community where it favours them.
 - Challenge the concerns of the community with expert reports and conventional planning where it does not.
 - Challenge decisions or process in court.
 - Leverage the “deliverability” criteria to their advantage.
 - Team effort to restrict choice or make some choices undeliverable.
 - Refuse to engage with the process at all.
- This will continue to be the case until the Neighbourhood Planning is better integrated into the planning system.
- Suggest good publicity on those occasions when landowners have benefitted from working with the NP process.

Decision making obstacles



- The stakes involved in the allocation of land for development are very large.
 - NPs lacking in experience can sometimes be infiltrated and manipulated by those with vested interest.
 - Town Councils/NPs generally do not have the expertise resources to compete with the landowners/developers.
 - Town Councils are by nature are democratic and closed meetings get “decisions being made behind closed doors” criticism.
 - Specific Legal Advice is “at a cost” to the Town Council even sometimes from the Local Authorities.
- Dealing with vested interests/landowners/developers is a key area where a workshop to identify and avoid common pitfalls and avoiding challenges would be useful.

Appreciation, Funding and Resources



- A “typical” neighbourhood plan including all consultation would and review probably cost well north of £100k on the commercial market.
- Current funding is only a small proportion of the total.
- Small Parish and Town Councils struggling to contribute and even having to raise the precept to fund.
- Funding is off-set by excellent support from Planning Aid and Local Authorities.
- Areas which may be considered (if not already) are
 - Establishing of regional “NP focus groups” and mentoring to share best practice on key topics.
 - bulk discounts” for key stages such as SEAs
 - Initiate some NP focused RTPI best practice awards?
 - “Possibly a tax allowance /stipend for NP Chairs or Project Managers

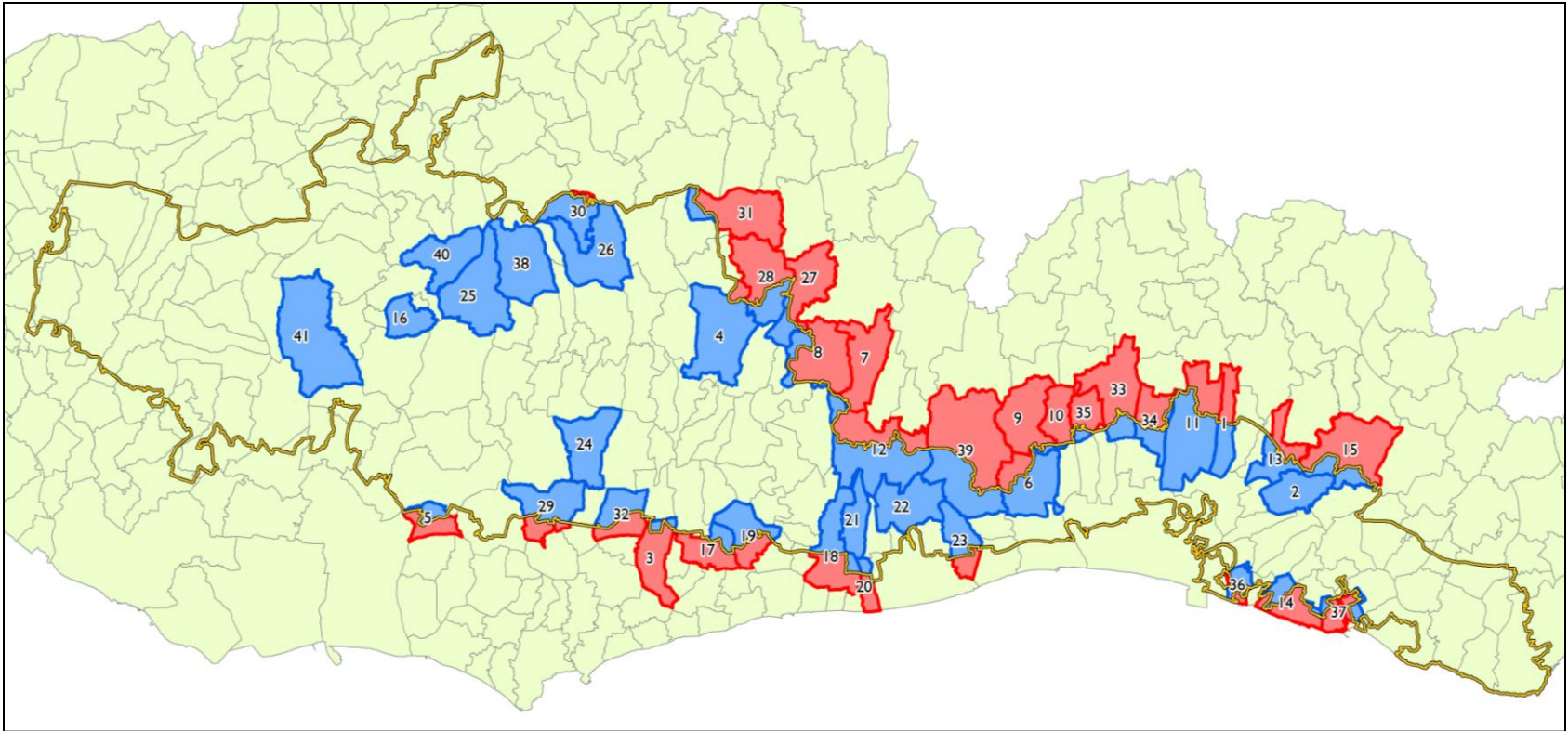
[illegible]

Neighbourhood Planning A Local Planning Authority Perspective

Amy Tyler-Jones – SDNPA Neighbourhood Planning
officer

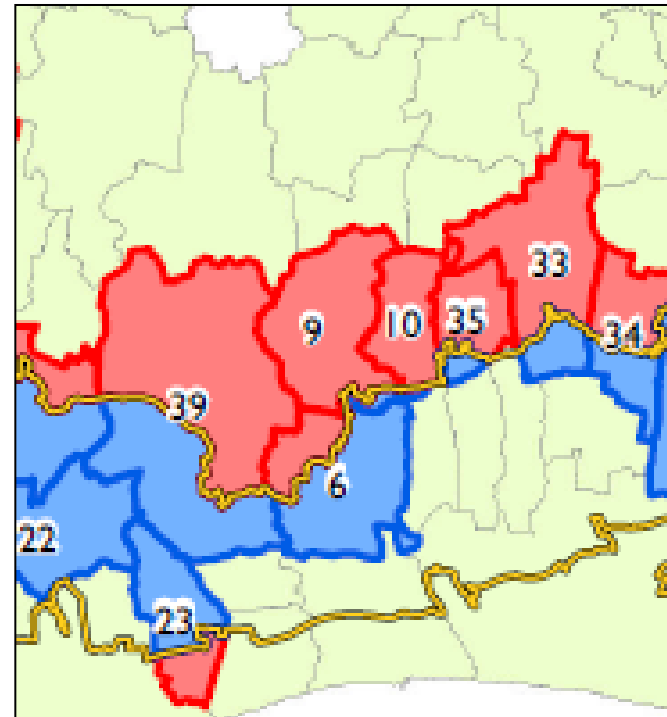


Neighbourhood Planning across the National Park






Cross- boundary neighbourhood plans

- Joint working arrangements with District Councils
- Split responsibility for supporting neighbourhood planning
- Main settlement outside the Park = District Council is the Lead Authority



Neighbourhood Planning progress so far

<p>Almost there</p> 	<p>Petersfield</p>
<p>Underway</p> 	<p>Ditchling, Findon, Lavant, Lewes, Miland, Patching, Petworth, Rogate, Singleton, Upper Beeding</p>
<p>Getting started</p> 	<p>Clapham, East Meon, Liss, Sheet, Twyford, Amberley, Bury</p>



Designation of Neighbourhood Areas

Neighbourhood area application = wholly within or the main settlement within the National Park + boundaries coincide with parish boundaries



6 weeks consultation



No objections or no call-in request



Designated through Scheme of Delegation to Officers



South Downs Local Plan



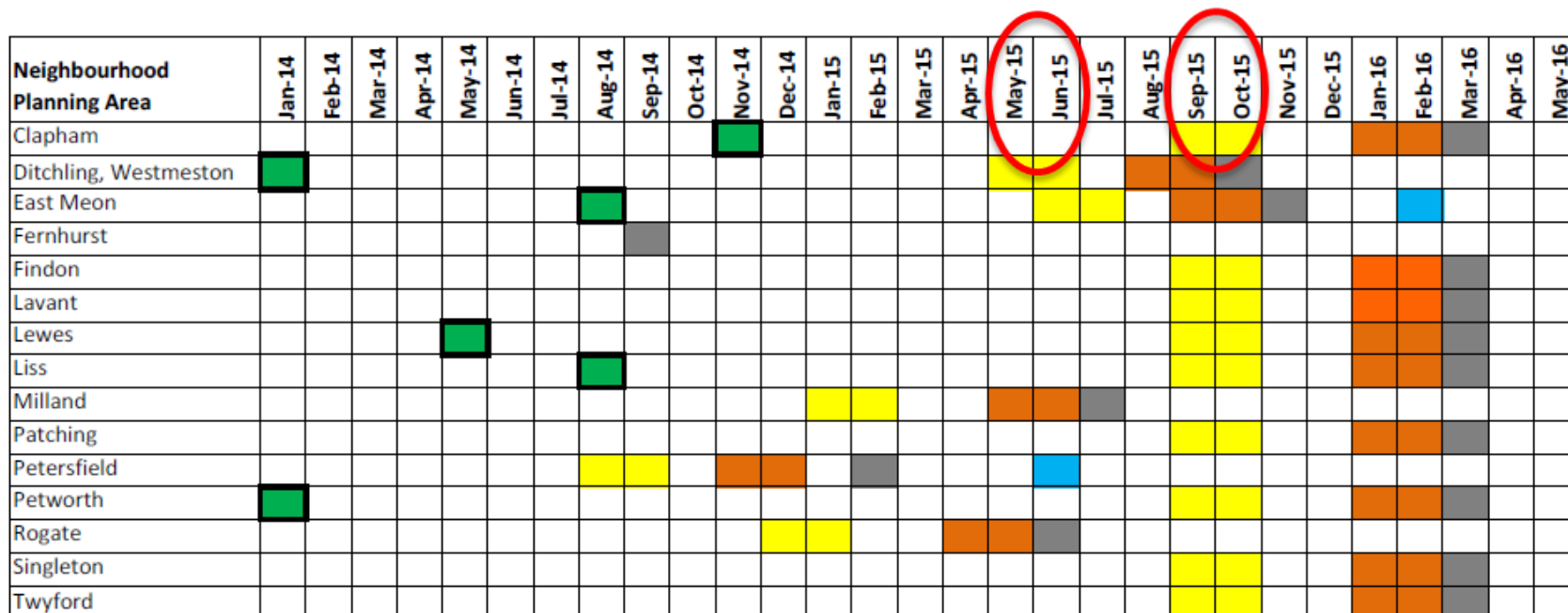
Neighbourhood Plans allocating housing land



Nov 2015



Neighbourhood Planning Gantt chart



Area designated	
Pre-submission	
Submission	
Examination	
Referendum	



SDNPA support for Neighbourhood Planning

- Memorandum of Understanding
- Neighbourhood Planning Toolkit
- Workshop – ‘Localism in a protected landscape’ Feb 2015



Why have a MoU?

- Clarity over roles and responsibilities
- Clear offer of the support available from SDNPA
- Manage expectations
- Responsibilities of qualifying body are agreed from the outset
- Ground rules for working together
- An appropriate balance – SDNP is conserved & enhanced + communities plan for their future



MoU – Roles & responsibilities

Parish / Town Council

- Agree draft plan prior to submission

Working group

- Extensive & inclusive engagement
- Project Plan
- Conformity to Purposes & Duty
- Robust & proportionate evidence base
- Seek SEA opinion. Meet SEA requirements
- Share early draft with SDNPA
- Submit draft to Parish Council for approval
- Neighbourhood Plan webpage

SDNPA

- Timely advice (2 weeks)
- Screening opinion
- Endeavour to attend meetings where useful
- Appoint SDNPA lead officer
- Check draft conformity with strategic policies & emerging Local Plan
- Digitise proposals map
- Handover £5k 'new burdens' grant



MoU – What it doesn't include

- X Attending every neighbourhood plan meeting
- X SDNPA officer on Steering Group
- X Writing project plan & consultant brief
- X Writing policies
- X Preparing supporting documents (e.g. Consultation Statement)
- X Facilitating workshops



Toolkit!

Community-led Planning Toolkit

- Parish Plans
- **Neighbourhood Plans**
- Local Landscape Character Assessments
- Village Design Statements
- Conservation area appraisals
- Listing Local Buildings



Neighbourhood Plan Toolkit – outline contents

- Guidance on neighbourhood planning in a National Park context - Purposes & Duty, PMP, emerging Local Plan
- Stages of the neighbourhood plan process
- List of statutory consultees & contact details
- Mapping support
- Guidance on SEA / HRA
- Signpost to available evidence base (e.g. SHLAA)
- Templates; Project Plan, Structuring a Neighbourhood Plan
- Examples & Best Practice; e.g Steering Group ToR, Policy wording
- Signpost external support



The outputs...

- Detailed locally specific policies
- Local allocations
- Local Green Space Designations

And...

- Local evidence base (e.g. Local Landscape Character Assessments)
- Community Infrastructure projects

PMP Outcome 9: Communities and businesses in the National Park are more sustainable with an appropriate provision of housing to meet local needs and improved access to essential services and facilities.

Policy 34: Support & enable communities to develop and deliver high quality, community-led initiatives that contribute to the understanding, conservation and enhancement of the special qualities of the National Park.



Neighbourhood Plan Examinations: An Examiner's Perspective

Clare B. Wright
17 February 2015



Community**Spirit**Partnership**CIC**

What is an Examiner?

Qualified and experienced professional

Usually, but not exclusively, a built environment professional – as per PINs Inspectors

PLUS – An NPIERS Certified NDP Examiner will :

Be selected by a two day oral and written examination

Undertake regular CPD in Neighbourhood Planning to ensure quality and consistency



who we are



- Established by RICS, RTPI, POS, Locality, ACRE and supported by DCLG
- Offers easy access to a Panel of trained and tested, suitably qualified and experienced independent examiners

NPIERS Contact:

Paul Taylor, NPIERS

ptaylor@rics.org

0207 6951735



www.communityspiritpartnershipcic.org

Appointment of Examiner

Begin sourcing after pre-submission consultation

LPA appointment – but QB consent required

If using NPIERS the LPA/QB should complete the request form together

Highlight key issues and particular areas of expertise required – eg regeneration, rural, heritage

Indicate timing of examination – assists availability

Be realistic about risk/ professional indemnity

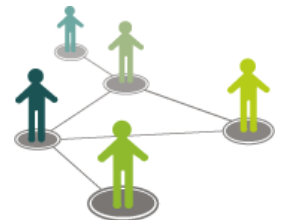


Selection of Examiner

Written applications usually sufficient to appoint – NPIERS provide CV, photo and suitability statement from 3 potential Examiners

If any questions – consider email or phone

If interview essential – LPA and QB should be represented and selected on their ability to deal with process, skills and experience – not the merits of the Plan



Potential Examination timeline

LPA will work from preferred referendum date and must involve electoral services

Examination will typically take up to 6 days

Absence of an up to date Local Plan tends to add 2 or 3 days

If a Hearing is necessary it could add a further 3+ days



The Examiner's role

Does the NP meet the basic conditions?

Has it been prepared by a qualifying body?

Does it cover a designated NP area?

Does it relate to more than one NP area?

Is a time period specified?

Check it does not include 'excluded development'

Do the policies relate to the development and use of land?



3 options

Examiner can make one of three recommendations:

1. Submitted to a referendum
2. Modifications as specified are made and the NP/order as modified is submitted to a referendum
3. Proposal is refused

If recommended to a referendum, the referendum area is then also considered



Hearings

‘Default’ is written representations

A hearing can be held at the Examiner’s discretion when it is considered:

Necessary to ensure adequate examination of the issue or

Person has a fair chance to put a case

Only the QB, LPA and others invited by the Examiner can participate at the hearing, but the hearing will be held in public



Basic conditions

Having regard to national policies and
advice contained in guidance issued by the Secretary of State
Contributes to the achievement of sustainable development
General conformity with the strategic policies in the development
plan for the area of the authority or any part of it



Basic conditions

Does not breach, and is otherwise compatible with, EU obligations:

Strategic Environmental Assessment

Environmental Impact Assessment (Orders)

Habitats Directive

Wild Birds Directive

Water Framework Directive

Waste Framework Directive

Air Quality Directive

European Convention on Human Rights



Two more...

Not likely to have a significant effect on a European site or a European Offshore Marine site

- Defined in Conservation of Habitats and Species Regs and Offshore Marine Conservation Regs

In the case of an order it is appropriate for it to be made where the development is EIA development



Two more for Orders...

Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses...

Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area...

...it is appropriate to make the order



Common pitfalls

Lack of clarity

Lack of explanation

Lack of evidence

Lack of consideration given to viability and deliverability

Aspirations vs. policies

Unrelated to development and land use



Tips for success

Be familiar with the process, legislation and regulations

Keep the basic conditions in mind from start to finish

Pay attention to EU obligations and get screening opinions

Use available evidence and get more if needed

Decide which are the development plan 'strategic' policies

Tell the narrative of the plan, its policies and proposals

Demonstrate what has been done, why and its authors

Be clear and succinct

Relate to the legislation and regs

Consider having a 'health check' of the NP



Examiner's report

Timely manner

Contain the recommendation about proceeding to a referendum (or not)

Be clear on any modifications necessary

Summary

Area for the referendum



Examiner's report

Timely manner

Contain the recommendation about proceeding to a referendum (or not)

Be clear on any modifications necessary

Summary

Area for the referendum



Bear in mind

Steep learning curve for everyone – including Examiners

The Examiner is looking at it with a fresh perspective

The Examiner is not trying to catch anyone out

Don't underestimate time or resources needed to do it properly

Post examination press and publicity

Does not stop at examination stage



Available resources:

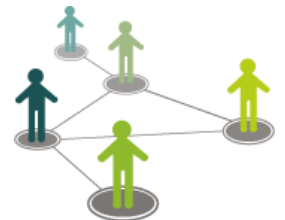
www.ourneighbourhoodplanning.org.uk/resources

Top tips for Local Planning Authorities:

<http://www.pas.gov.uk/documents/332612/1099329/Top+Tips+for+Local+Planning+Authorities/50bcba67-5cb3-4a08-81fa-5eb3d39fd424>

<http://www.pas.gov.uk/neighbourhood-planning>

.....





Department for
Communities and
Local Government

Neighbourhood Planning

**RTPI – South East
Feb 2015**



Localism and Growth

“Planning should be a positive process, where people come together and agree a vision for the future of the place where they live. It should also - crucially - be a system that delivers more growth. Our aim with the Localism Bill is not to prevent new building, but to promote it”

Greg Clark, Pro-localism and pro-development: A speech to the Adam Smith Institute, 2 February 2011

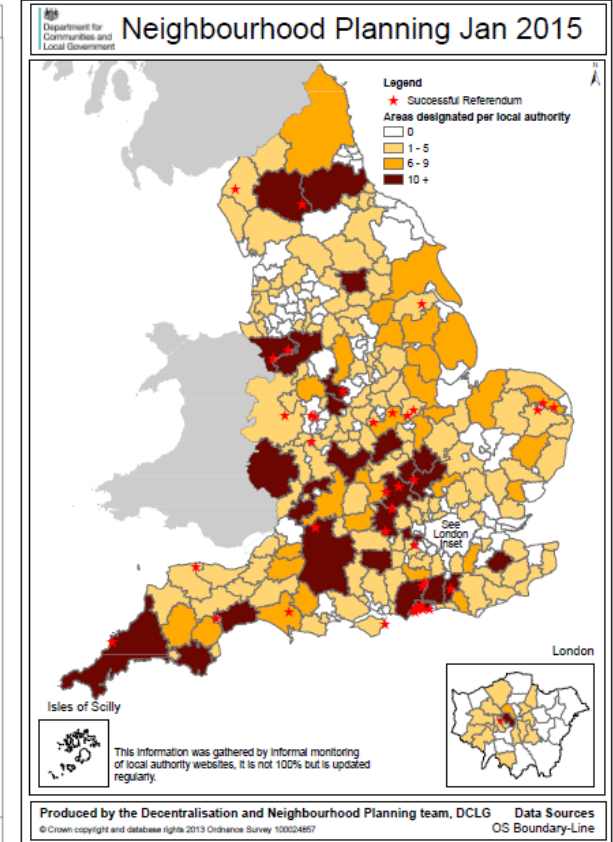
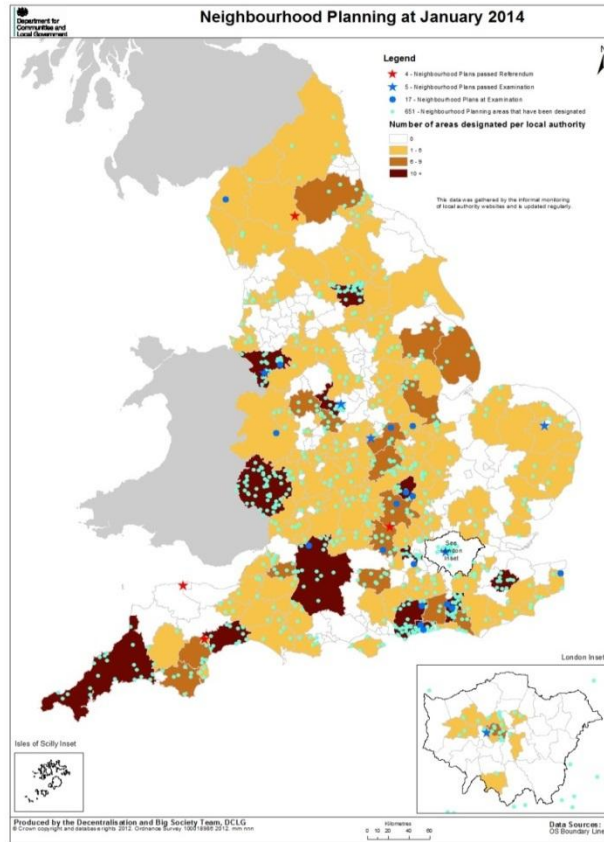
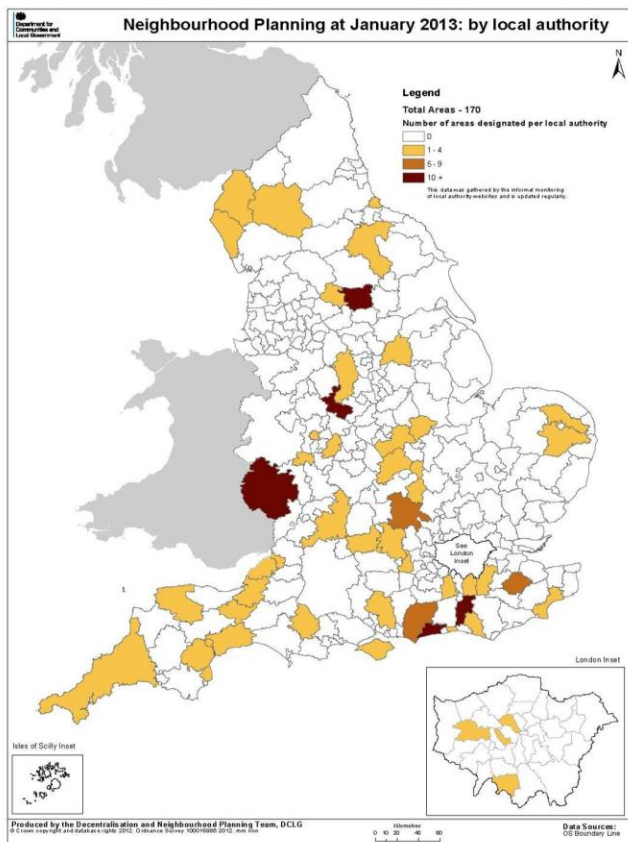
“Neighbourhood plans are the key to unlocking more house-building (...) If you give people power, they will use it responsibly. If you explain to them what their community and their country needs, they will do their bit to make sure it is provided. And if you give them a stake in a future in which beautifully designed homes with easy access to green space are, once again affordable for working people on ordinary wages, they will do what it takes to bring that future about”

Nick Boles, ‘Housing the next generation’ speech to Policy Exchange, 10 January 2013



Department for Communities and Local Government

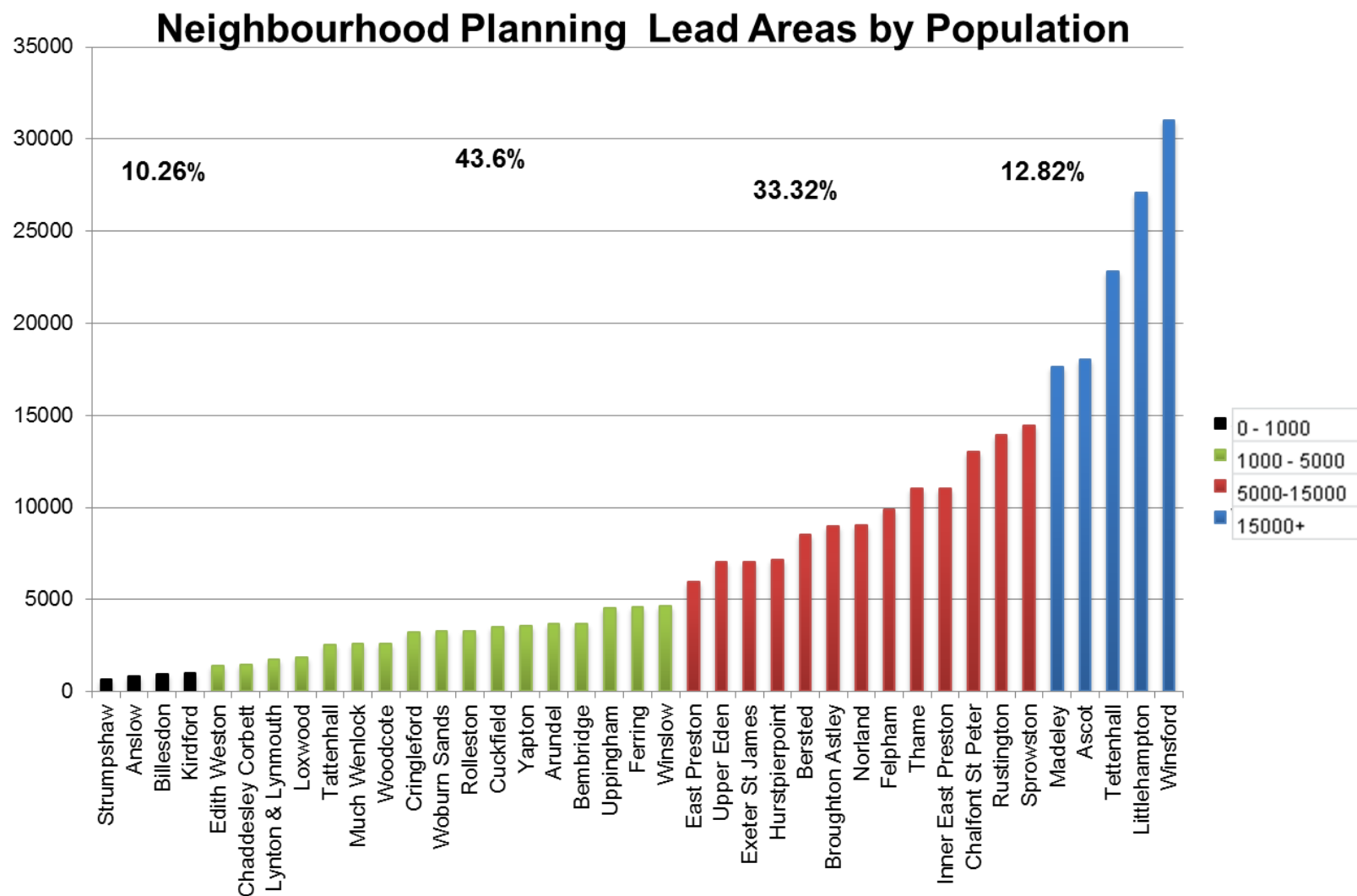
A growing movement



This data was informally gathered from internet monitoring and is being constantly updated



All shapes and sizes





Department for
Communities and
Local Government



Applications **1374**

Designations **1212**

Pre- submission **205**

Examination **117**



Neighbourhood plans

At
Examination

Passed
Examination

Passed
Referendum

MADE

Total:

(110)

(67)

(48)

(34)

Neighbourhood
Planning

From the Ground Up



Local Authorities

*There are 336
local planning authorities
(not including county
councils)*

62%

of Local Authorities contain
designated neighbourhood
planning areas



Department for
Communities and
Local Government

The starting point....

This decision can also be seen as the green light for projects which have been proposed.

The Steering Group has been eager to make a start with Queens Crescent Garden, the top priority project, and plans are being made for the setting up of a Community Interest Company to assume responsibility for the development and future management of this community green space






EXETER ST JAMES
COMMUNITY TRUST LTD.
a shared interest

**LAUNCH OF NEW
COMMUNITY COMPANY**

Join us for the launch of Exeter St James Community Trust Limited, the community benefit society set up by the Forum.

- Open to all. Members and non-members of Exeter St James Forum will be welcomed.
- The Trust's Board and shareholders can look forward to an exciting future, including taking on the responsibility for transforming Queen's Crescent Garden into the community open space we all want.
- What happens next to Exeter St James Forum and its Steering Group? Your views on proposals for the new relationship between the Forum and the Trust are important.

Join in a discussion session at the Launch meeting
For more information, contact
info@exeterstjamesforum.org
www.exeterstjamesforum.org




QUEENS
CRESCENT
GARDEN

ST JAMES
EXETER

PROJECT

FIND OUT MORE



St James
HERITAGE
TRAILS

COMMUNITY

**NOTICE
BOARD**

What's
on in
St James

find out more



Department for
Communities and
Local Government

Neighbourhood planning review

“ We have, I think, now reached the point where there has been enough experience of neighbourhood planning with enough different kinds of communities for us to learn lessons and to ask whether there is not a version of neighbourhood planning that might be more easily accessible and quicker for some communities. We are doing that work, and we are very keen to hear from any hon. Members and communities with their thoughts on how we can achieve that”.

Nick Boles, Minister for Planning, 3 March 2014



Department for
Communities and
Local Government

Primary research

Interviewed 120 groups producing a neighbourhood plan and convened six focus groups

- 50 forums & 70 from urban areas
- 75% per cent definitely or may use plan to allocate sites for housing
- Over 90% reported that the process had gone 'well' or 'OK'
- 59% proportionate to the task of developing a plan that will have statutory status
- 82% able to access the skills and knowledge needed for neighbourhood planning

Suggestions to reduce the burden focused on:

- greater understanding of the effort required, and the scope of neighbourhood planning, at the beginning of the process
- local authorities could be more **proactive** in encouraging neighbourhood planning in their area
- production of toolkits and appropriate guidance

82 % stating that their authority had been 'very' or 'somewhat' supportive

- more **structured partnerships** and agreed demarcation of roles and actions
- dedicated **liaison staff**
- more **clarity about what to expect** from local authorities under the duty to support.





Technical consultation on planning

- statutory time limit within which a local planning authority must make a decision on whether to designate a neighbourhood area
- removing the current statutory requirement for a minimum of six weeks of consultation and publicity by those preparing a neighbourhood plan or Order.
- require those preparing a neighbourhood plan to consult certain landowners.
- introduce a new statutory requirement (basic condition) to test the extent of the consultation undertaken during the preparation of a neighbourhood plan or Order (including a community right to build order).
- clarify the information that should be submitted with a neighbourhood plan in order that its compatibility with obligations under the Strategic Environmental Assessment Directive



Regulatory reform

Prescribe the time period within which a local planning authority must make a decision on an application for a neighbourhood area to be designated.

- 20 weeks in a case where the area to which the application relates falls within the areas of two or more local planning authorities
- 8 weeks in other cases, where the relevant body is a parish council and the area to which the application relates is the whole of the area of the parish council
- 13 weeks in all other cases

In all cases the time period runs from the date immediately following that on which the application is first publicised by the local planning authority

Neighbourhood planning

Government response to consultation

STATUTORY INSTRUMENTS

2015 No. 20

TOWN AND COUNTRY PLANNING, ENGLAND

The Neighbourhood Planning (General) (Amendment) Regulations 2015

Made	- - -	12th January 2015
Laid before Parliament	- - -	14th January 2015
Coming into force	- - -	9th February 2015

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 6(1), 6(1), 6(1) and 33(2A) of, and paragraph 1 of Schedule 4B to, the Town and Country Planning Act 1990(a), and sections 28A and 122 of the Planning and Compulsory Purchase Act 2004(b), makes the following Regulations:

Citation, commencement, application and interpretation

- 1.—(1) These Regulations may be cited as the Neighbourhood Planning (General) (Amendment) Regulations 2015 and come into force on 9th February 2015 (“the commencement date”).
- (2) The amendments made by regulations 2(2) and (3) do not apply in relation to an area application first publicised by the local planning authority under regulation 6 of the Neighbourhood Planning (General) Regulations 2012(c) (“the 2012 Regulations”) before the commencement date.
- (3) The amendments made by regulation 2(4) do not apply in relation to a plan proposal submitted to the local planning authority before the commencement date.
- (4) In this regulation “area application” and “plan proposal” have the same meaning as in regulation 3 of the 2012 Regulations.

Amendment of the 2012 Regulations

- 2.—(1) The 2012 Regulations are amended as follows.
- (2) In regulation 6 for paragraph (c) substitute—
- “(c) the date by which those representations must be received, being—
- (i) in the case of an application to which paragraph (2)(b) of regulation 6A applies, not less than four weeks from the date on which the area application is first publicised;
- (i) in all other cases, not less than six weeks from the date on which the area application is first publicised.”

(a) 1990 c.8. Sections 6(1) to 6(1), 6(1), and 6(1M) and Schedule 4B were inserted by section 116 of, and Schedules 9 and 10 to, the London Act 2011 (c.20). See section 33(1) for definition of “parish”.

(b) 2004 c.2. Section 30A was inserted by section 116 of, and paragraph 7 of Schedule 9 to, the London Act 2011 (c.20).

(c) S.I. 2012/007.



Regulatory reform

One of the following documents must be included with a neighbourhood plan proposal when it is submitted to the local planning authority:

- a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects
- an environmental report in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004

Neighbourhood planning

Government response to consultation

STATUTORY INSTRUMENTS

2015 No. 20

TOWN AND COUNTRY PLANNING, ENGLAND

The Neighbourhood Planning (General) (Amendment) Regulations 2015

Made	- - -	12th January 2015
Laid before Parliament	- - -	14th January 2015
Coming into force	- - -	9th February 2015

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 61(1), 61(1A) and 335(2A) of, and paragraph 1 of Schedule 4B to, the Town and Country Planning Act 1990(a), and sections 28A and 122 of the Planning and Compulsory Purchase Act 2004(b), makes the following Regulations:

Depart

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Neighbourhood Planning (General) (Amendment) Regulations 2015 and come into force on 9th February 2015 (“the commencement date”).

(2) The amendments made by regulations 2(2) and (3) do not apply in relation to an area application first published by the local planning authority under regulation 6 of the Neighbourhood Planning (General) Regulations 2012(c) (“the 2012 Regulations”) before the commencement date.

(3) The amendments made by regulation 2(4) do not apply in relation to a plan proposal submitted to the local planning authority before the commencement date.

(4) In this regulation “area application” and “plan proposal” have the same meaning as in regulation 3 of the 2012 Regulations.

Amendment of the 2012 Regulations

2.—(1) The 2012 Regulations are amended as follows.

(2) In regulation 6 for paragraph (c) substitute—

“(c) the date by which those representations must be received, being—

(i) in the case of an application to which paragraph (2)(b) of regulation 6A applies, not less than four weeks from the date on which the area application is first published;

(ii) in all other cases, not less than six weeks from the date on which the area application is first published.”

(a) 1990 c.8. Sections 61(1) to 61(1A), 61(1M), and Schedule 4B were inserted by section 116 of, and Schedules 9 and 10 to, the London Act 2011 (c.20). See section 286(1) for definition of “parliamentary”.
(b) 2004 c.2. Section 30A was inserted by section 116 of, and paragraph 7 of Schedule 9 to, the London Act 2011 (c.20).
(c) S.I. 2012/007.



Regulatory reform

One of the following documents must be included with a neighbourhood plan proposal when it is submitted to the local planning authority:

- a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects
- an environmental report in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004

Neighbourhood planning

Government response to consultation

STATUTORY INSTRUMENTS

2015 No. 20

TOWN AND COUNTRY PLANNING, ENGLAND

The Neighbourhood Planning (General) (Amendment) Regulations 2015

Made	- - -	12th January 2015
Laid before Parliament	- - -	14th January 2015
Coming into force	- - -	9th February 2015

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 61(1), 61(1A) and 335(2A) of, and paragraph 1 of Schedule 4B to, the Town and Country Planning Act 1990(a), and sections 28A and 122 of the Planning and Compulsory Purchase Act 2004(b), makes the following Regulations:

Depart

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Neighbourhood Planning (General) (Amendment) Regulations 2015 and come into force on 9th February 2015 (“the commencement date”).

(2) The amendments made by regulations 2(2) and (3) do not apply in relation to an area application first published by the local planning authority under regulation 6 of the Neighbourhood Planning (General) Regulations 2012(c) (“the 2012 Regulations”) before the commencement date.

(3) The amendments made by regulation 2(4) do not apply in relation to a plan proposal submitted to the local planning authority before the commencement date.

(4) In this regulation “area application” and “plan proposal” have the same meaning as in regulation 3 of the 2012 Regulations.

Amendment of the 2012 Regulations

2.—(1) The 2012 Regulations are amended as follows.

(2) In regulation 6 for paragraph (c) substitute—

“(c) the date by which those representations must be received, being—

(i) in the case of an application to which paragraph (2)(b) of regulation 6A applies, not less than four weeks from the date on which the area application is first published;

(ii) in all other cases, not less than six weeks from the date on which the area application is first published.”

(a) 1990 c.8. Sections 61(1) to 61(1A), 61(1M), and Schedule 4B were inserted by section 116 of, and Schedules 9 and 10 to, the London Act 2011 (c.20). See section 336(1) for definition of “parliamentary”.
(b) 2004 c.25. Section 30A was inserted by section 116 of, and paragraph 7 of Schedule 9 to, the London Act 2011 (c.20).
(c) S.I. 2012/007.



Resources

31 October Ministers announced:

- Additional £1 million for grants during this financial year
- £100,000 to enable groups to organise workshops on neighbourhood planning in their local area
- £12 million funding for 2015/16 for local authority new burdens
- £22.5 million support package over 2015 to 2018

A new way for communities to have a say in the future of the places where they live and work. If you want the capacity to produce a plan with real legal weight that directs development in your local area, then book your place today!

Neighbourhood Planning Event

Exploring the environmental, social and economic benefits of creating a Neighbourhood Plan

Tuesday 3 March 2016 – 10am to 4.30pm, The Falcon Hotel, Uppingham, Rutland LE16 9PY
To facilitate maximum participation, delegate numbers will be limited to 30. Lunch will be provided.



The parish of Uppingham, a government Pinch Runner with a referendum approved Neighbourhood Plan (www.uppinghamneighbourhoodplan.info), has been invited by DCLG/Localities to host this important event to encourage more communities to create a Neighbourhood Plan for their area.

The event is intended to bring together parishes not yet convinced about the merits of creating a Plan, community groups and principal authorities willing to support their parish in preparing a Plan and developers/landowners and businesses interested in a Plan being prepared for their area.

This event will be participative with the opportunity to hear from a range of contributors currently involved in Neighbourhood Planning. Audio/visual conferencing will be utilized to exchange views and information with leading practitioners around the UK.

- How a hPlan can be done at very little cost
- How to gain the interest of developers
- How hPlans help meet too many developer applications
- How a very small parish can benefit
- What professional help is available for free
- The benefits for local landowners and/or businesses

Nominations to attend this event will be accepted from local government officers and councillors interested in attending in advance of formal approval (where required) being given by their council.

For more information contact:
secretary@uppinghamfirst.co.uk or telephone 01572 466666.

Programme

10.00am	Welcome and introductions Robert Wills - Chair of Uppingham First and a local land owner/developer The Day's Objectives Ron Simpson - Neighbourhood Planning Champion
10.15am	The opportunities localities presents for parished and un-parished communities Jules Atkinson, Chief Officer, Leic and Rutland Association of Local Councils
11.15am	Refreshments
11.30am	The environmental, social and economic benefits of N Planning Clive David Alston (Uppingham Town Mead) and Ron Simpson
12.30pm	The Planning Overview, Challenges and Lessons Learned David Troy, Planning Policy and Housing Manager, Rutland County Council
1.00pm	Lunch and Networking
1.30pm	Involving your community in making a Plan Brian Quinn, Adviser - Design Council
2.15pm	Getting your local land owners and developers involved Ben Holmes, Director of Deals Planning, representing Gloor Homes
2.45pm	Tea
3.00pm	Audio/visual conference links to some successful N Plan groups around UK
4.00pm	Lessons learned, summary and close

UPPINGHAM FIRST Community Partnership

locality

Rutland County Council



Department for
Communities and
Local Government

Neighbourhood planning support contract

£22.5 million support package over 2015 to 2018

- 50 % increase on current support programme
- Grants of up to £8,000
- Priority groups
 - additional grants of up to £6,000
 - access to direct technical support

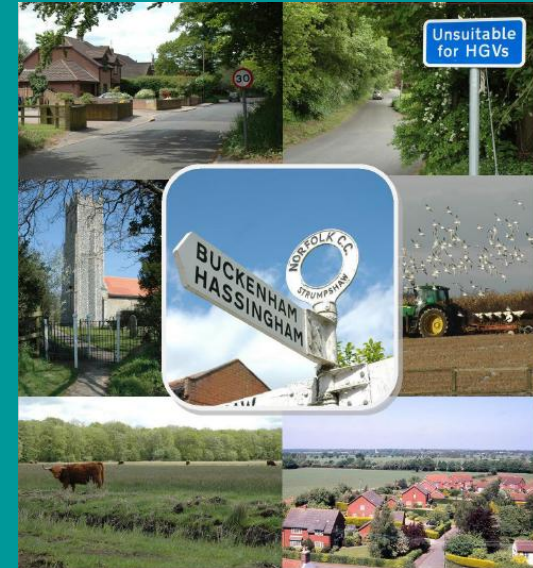




Case studies on cost ...

- In the small coastal village of Lympstone: **£6,389**
- In the large Leicestershire village of Broughton Astley: **£14,312**
- In the Exeter ward of St James: **£10,450**
- In the deprived urban area of Heathfield Park: **£19,500**
- In the coastal towns of Lynton & Lynmouth in Exmoor: **£27,681**
- In the small Norfolk village of Strumpshaw: **£4,220**

Average: £13,758



Sample of spending

£3,455 printing

£280 wood for posters

£263 stationary and ink

£141 miscellaneous costs (CDs, post, refreshments and photocopying)

£44 land registry

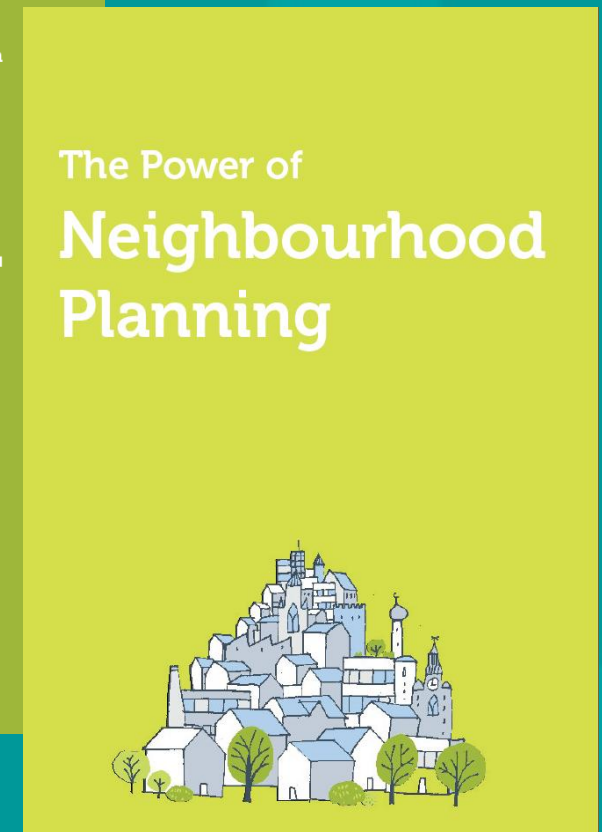
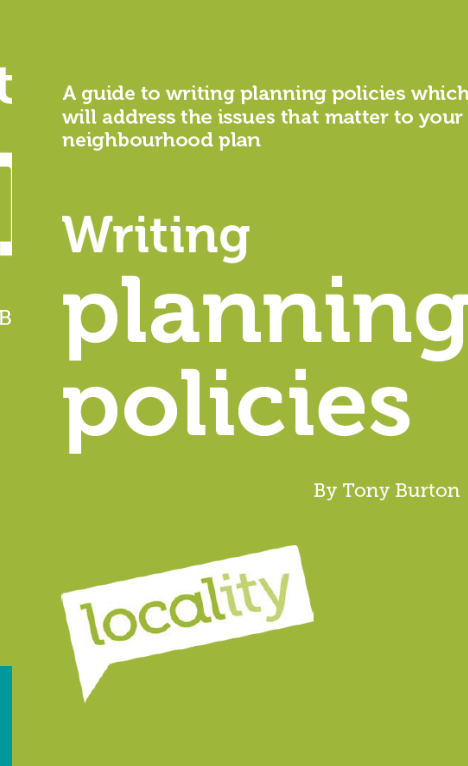
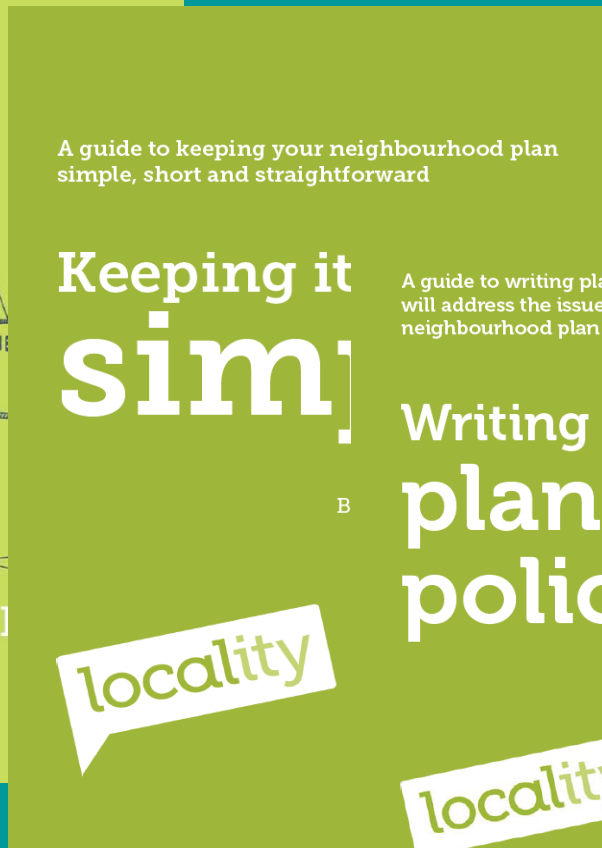
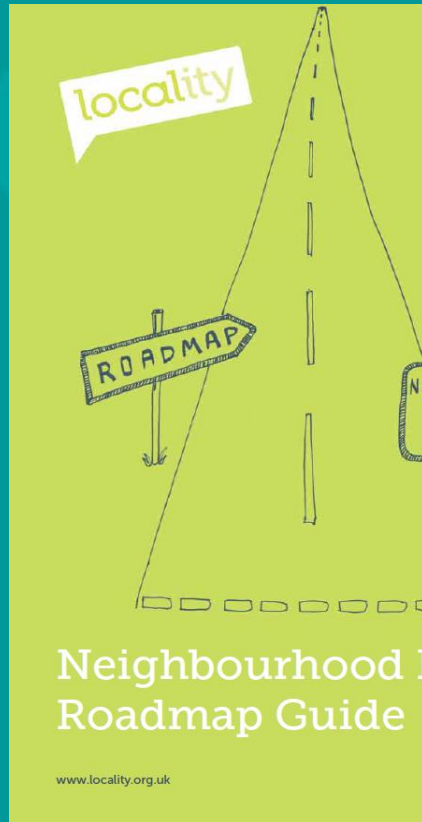
£36 room hire

TOTAL SPEND: £4,220



Department for
Communities and
Local Government

Tools, templates & support





Department for
Communities and
Local Government



#neighbourhoodplanning

Decentralisation@communities.gsi.gov.uk