

## **Background Information on Neighbourhood Planning**

*“Centralised decision-making has pitched developers against communities, councils against residents. Elected members, much like planning officers, have been caught in the crossfire, hemmed in on the one side by regional strategies and top down housing targets, and, on the other, by local communities who feel put upon and alienated from the process.”* – The Rt. Hon. Greg Clark MP

The planning system is at the very heart of the delivering sustainable communities which can thrive, prosper and improve the quality of life for everyone who lives and works there.

At the present time, however, communities have far too little say and control over local developments which are imposed from the top down. This in turn has led to resistance to development by local communities despite the potential benefits that could be brought.

Planning is far more effective, therefore, when local residents are instrumental in the development of their own communities and can play a part in shaping their own surroundings. When this happens, they are more likely to respond positively to planning developments that are proposed.

This is the fundamental principle behind the Neighbourhood Planning Scheme in the Localism Bill which is aimed at helping communities to support developments rather than blocking plans and suggestions that are put forward. Consensus is the key.

Neighbourhood Planning is contained within the Government’s Localism Bill and it is important to note that it will only be after the Bill is enacted that neighbourhood development plans can be examined, put to a referendum and adopted. This is expected to be around the end of 2011.

### ***How will this work?***

It is absolutely essential that all parts of the community have a chance to be involved. One group will represent each neighbourhood area and be charged with making sure that as many people as possible are involved and are consulted upon. This will usually be by a town or parish council but in the absence of these authorities, a group of people can apply to the council for this responsibility and this will be known as a ‘neighbourhood forum’.

Councillors will also play a crucial role in neighbourhood planning and it provides an excellent opportunity for them to demonstrate real leadership in their localities:

*“This is an opportunity for councillors to get out of the crossfire and approach planning in a much more positive way: to work closely with local communities, helping them articulate their ambitions for the place where they live, and making sure that the powers-that-be deliver the result that they want. This is, after all, what the job is all about.”* – The Rt. Hon. Greg Clark MP

One of the critical aspects is to ensure that the Neighbourhood Plan takes place within the context of the council's 'Core Strategy'; which is the Council's vision and plan for how places in the authority should develop. In other words, they should not contain anything contrary to the delivery of the broader objectives. If the Neighbourhood Plan is in direct conflict with the core strategy, then it simply will not go ahead.

### ***Stages in the Process***

#### **1) Defining Neighbourhood Areas**

- Neighbourhoods must be clearly defined prior to any development of a plan.
- These will usually be based along existing town or parish council or ward boundaries however this is by no means set in stone and can be defined differently should the council deem it necessary.
- The town or parish council should apply to the local council for an area to become a neighbourhood area for planning purposes. The local council should approve these requests unless there is a valid reason for not doing so. For the purposes of this document, the term "local council" refers to Cornwall Council.
- The Department for Communities and Local Government (DCLG) is currently considering the possibility of certain areas such as business parks or town centres being defined as 'business neighbourhoods' if there is a clear commercial presence.

#### **2) Preparation and the Role of Cornwall Council**

- At this stage, the plan itself can be researched and drafted. The local community should be consulted upon the proposals and impact assessments etc. should also be carried out.
- Cornwall Council will have a legally binding duty to support neighbourhood plans being produced. The level and extent of this support will, however, be determined by the local council itself - based upon skills, resources and the needs of the community.
- Financial assistance is not expressly included in this duty to support, but neither is it prohibited.
- Neighbourhood plans must meet certain conditions before they are put to a community referendum or are put into force. These basic conditions will ensure that plans are legally compliant and also take into account other policy considerations such as:
  - a) Having regard for national policy.
  - b) Having regard for the protection and preservation of listed buildings and conservation areas.
  - c) Conform generally to the strategic policies of the development plan for the local area.
  - d) Comply with EU obligations and human rights legislation.

### **3) Independent Check**

- Once a Neighbourhood Plan has been prepared, Cornwall Council will ensure that it meets with certain procedural requirements.
- Providing these requirements have been met, the Council will then submit the draft plan to be independently examined by a qualified person. This person can be nominated by the town or parish council or neighbourhood forum but the actual appointment can only be made by Cornwall Council but with the agreement of the parish council/town council/neighbourhood forum.
- Cornwall Council will organise the independent examination itself.
- The responsibility of the examiner will be to make sure that the proposals meet with the conditions outlined above. This will be mainly carried out through reading written correspondence but could be done through a public hearing if they deemed it to be necessary.
- The examiner will then publish a report which details how well the plan has performed against the outlined conditions and make suggestions for any alternations that may be necessary.

### **4) Community Referendum**

- It is the community that must have the final say on whether or not the Neighbourhood Plan comes into force.
- Provided that the Plan has reached this stage with all of the above conditions being met, Cornwall Council must organise a referendum for the Plan. The Council will have responsibility for the vote and for which areas are included in the referendum. For instance, although a housing development may be in one area, the traffic in another may be significantly affected and both should therefore be included.
- If more than 50 percent of the people voting in the referendum are in favour of the Neighbourhood Plan, then it must be brought into force by Cornwall Council.
- Everyone on the local government electors' register in the neighbourhood will be entitled to vote (though the usual certain exclusions apply).

### **5) Legal Force and Amendments**

- Once the Neighbourhood Plan comes into effect, they cannot be changed regularly. Any revision to plans would necessitate a complete replacement plan and the process would have to be repeated (though the scale of the modifications would be reflected in the speed and complexity of the repeated process).
- Any Neighbourhood Plan could only be revoked by the Secretary of State for Communities and Local Government or by Cornwall Council with the Secretary of State's consent.
- Neighbourhood Plans must also state how long they are to be valid for.

### ***The Frontrunners***

On the 31<sup>st</sup> August 2011, the Planning Minister at DCLG announced that 36 more communities had been approved for the 'Frontrunner' scheme. The 36 areas were announced as the fourth wave of frontrunners, bringing the total number of approved communities to 126.

These frontrunners will be among the first communities to make use of new powers being introduced through the Localism Bill with regards to neighbourhood planning.

The idea is that each frontrunner's council will receive £20,000 in order to assist in the development of the neighbourhood plan and in addition, free expert advice will be provided.

Cornwall's Truro and Kenwyn plan was successful and is among the list of 36 communities.

### ***Helpful Documents:***

- **Draft National Planning Policy Framework: Consultation**  
<http://www.communities.gov.uk/publications/planningandbuilding/draftframeworkconsultation>
- **The Natural Environment White Paper, 'The Natural Choice' can be found at:**  
[www.defra.gov.uk/environment/natural/whitepaper/](http://www.defra.gov.uk/environment/natural/whitepaper/)
- **'More communities chosen to try out new planning powers' – DCLG Press Release, 31<sup>st</sup> August 2011:** [www.communities.gov.uk/news/corporate/1975278](http://www.communities.gov.uk/news/corporate/1975278)
- **The Prince's Foundation for the Built Environment: Supporting communities and neighbourhoods in planning**  
[www.princes-foundation.org/our-work/supporting-communities-and-neighbourhoods-planning](http://www.princes-foundation.org/our-work/supporting-communities-and-neighbourhoods-planning)
- **Locality**  
[www.buildingcommunity.org.uk](http://www.buildingcommunity.org.uk)
- **Campaign to Protect Rural England: Planning Help**  
[www.planninghelp.org.uk](http://www.planninghelp.org.uk)
- **Royal Town Planning Institute: Planning Aid**  
<http://www.rtpi.org.uk/planningaid/> (external links)
- **An Introduction to Neighbourhood Planning – DCLG Leaflet, 13<sup>th</sup> October 2011**  
<http://www.communities.gov.uk/publications/planningandbuilding/introductionneighbourplanning>

### ***Sources of Information:***

A Guide to Neighbourhood Planning, DCLG Bill Team

Neighbourhood Planning is an Opportunity for Councillors, Greg Clark MP, The Municipal Journal, 9th June 2011

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

Conversations with DCLG, House of Commons Library, local authorities

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