

PLYMOUTH CITY COUNCIL

Subject: Neighbourhood Planning: Neighbourhood
Forums and Areas

Committee:City Council

Date: 22 July 2013

Cabinet Member: Councillor Vincent

CMT Member: Anthony Payne, Director for Place

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Ref: AW/NP/I

Key Decision: No

Part: I

Purpose of the report:

The Localism Act 2011 and associated Neighbourhood Planning Regulations 2012 give new statutory responsibilities to the City Council as Local Planning Authority (LPA) in relation to neighbourhood planning. These measures were established to give members of the community a more hands on role in the planning of their neighbourhood. The intention is that neighbourhood plans will be led by local communities (through a Neighbourhood Forum), supported by LPAs and, once found sound through an independent public examination and given public support through a local referendum, formally adopted by the Council as part of the statutory development plan.

This report is concerned with the first duty of neighbourhood planning, namely the receipt and determination of applications from the community to set up Neighbourhood Forums and Areas. Other elements of the neighbourhood planning process are still under consideration and will be incorporated into a Neighbourhood Planning Protocol in consultation with Members over the coming months. Specifically, the report is about putting in place decision making authority so that such applications can be processed and determined.

It should be noted that a wider review of community engagement is currently underway, and this report is separate to that review given that its focus is on a specific area of responsibility vested with the LPA. However, the development of the Neighbourhood Planning Protocol will be aligned with this work with the aim of investing in our communities by putting citizens at the heart of decision making.

Corporate Plan 2012 - 2015:

Each Neighbourhood Plan brought forward under the new legislative provisions will be different as they will be developed in response to local issues and needs of a particular area. However, each plan is required to be consistent with the Council's local plan and thus to support the wider strategic objectives of the city, including the Corporate Plan objectives of a growing and caring Plymouth, and will align with the outcome of any review of community engagement to meet the objectives of the new corporate plan.

The specific provisions of the Localism Act and its associated Regulations do not in themselves provide safeguards to ensure full compliance of neighbourhood planning with co-operative values. Particular attention will therefore need to be given in the implementation of neighbourhood planning in Plymouth to the Corporate Plan's four Co-operative values: Democratic; Fair; Responsible; and Partners. A Civil Society Policy will be developed in the coming months and this will provide an opportunity to ensure that Plymouth promotes a neighbourhood planning process which meets these values.

Implications for Medium Term Financial Plan and Resource Implications:

Including finance, human, IT and land

The resource implications of the first stages of neighbourhood planning process, as covered in this report, are relatively limited. They are primarily staffing and consultation related, and can be managed largely within the existing revenue budget of the Planning Department. However, the costs of supporting a neighbourhood plan through the entire process to adoption could cost in the order of £50,000 to £60,000 per plan.

Local authorities are able to seek financial support from central government in relation to their new neighbourhood planning responsibilities, up to a maximum of £30,000 for the entire process. In relation to the first stages of the process (determining applications for Neighbourhood Areas and Neighbourhood Forums) a total of £5,000 may be sought per application received. Officers will ensure that the maximum level of central government contribution is sought in each case. However, this funding is unlikely to be sufficient and this could limit the Council's ability to actively support more than one neighbourhood plan at any one time.

The resource implications of the entire neighbourhood planning process will be considered in a separate report as part of the development of a Neighbourhood Planning Protocol for the city.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

Through working in partnership with the City Council and other agencies, it will be essential that neighbourhood plans support community safety, address child poverty and local health and safety by, for example, providing for housing, child care and health care in local communities.

Equality and Diversity

Has an Equality Impact Assessment been undertaken? Not specifically in respect of this report. However each neighbourhood forum is required by legislation to consider drawing people from different places in the neighbourhood concerned and from different sections of the community, and an equality impact assessment will be required for each neighbourhood plan.

Recommendations & Reasons for recommended action:

It is recommended that Full Council:

- I. Grant delegated authority for the Assistant Director for Planning, in consultation with the Portfolio Holder for Environment and the Portfolio Holder for Co-operatives and Community Development, to publicise applications for Neighbourhood Forums and Areas, to consider representations, and to determine the applications.

Reason: To ensure that local communities are able to apply for forum and area designation and to receive decisions in a timely manner in order for them to commence work on their neighbourhood plans promptly.

Alternative options considered and reasons for recommended action:

Given that the neighbourhood planning process is a statutory one, whose responsibility is vested with the local planning authority (lpa), there is a legal requirement for decision making processes to be put in place on behalf of the lpa. It is recommended that this decision making is undertaken by the Assistant Director for Planning, in consultation with the Portfolio Holder for the Environment, so as to ensure that there is an expeditious but clear line of delegation in place. However, alternative options include the decisions being made by directly by Full Council or delegated to Planning Committee.

Published Work / Information:

- National Planning Policy Framework, March 2012 – see https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf
- The Neighbourhood Planning (General) Regulations 2012 – see <http://www.legislation.gov.uk/ukxi/2012/637/contents/made>
- Neighbourhood Planning Guidance – see <https://www.gov.uk/neighbourhood-planning>
- The Neighbourhood Planning (Referendums) (Amendment) Regulations 2013 - see http://www.legislation.gov.uk/ukdsi/2013/9780111534984/contentshttp://www.legislation.gov.uk/ukxi/2011/987/pdfs/ukxi_20110987_en.pdf
- Neighbourhood Planning Local Authority Funding – see https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/44127/Neighbourhood_Planning_Local_Authority_Funding_18_December_20122.pdf

Background papers:

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
N/A										

Sign off:

Fin	PC/PlaceF PC131 4 001.02. 07.13	Leg	1787 7/2/7/ 13/A C	Mon Off	TH 119	HR	n/a	Assets	n/a	IT	n/a	Strat Proc	n/a
Originating SMT Member: Paul Barnard, Assistant Director for Planning, Directorate of Place													
Has the Cabinet Member(s) agreed the contents of the report? Yes													

1.0 NEIGHBOURHOOD PLANNING AND THE CO-OPERATIVE COUNCIL

- 1.1 At its meeting of 18 June 2013 the Cabinet agreed a Co-operative Council Corporate Plan for the City Council which, subject to formal adoption at this Full Council meeting, will set a clear strategic direction and focus for delivering the Council's co-operative agenda.
- 1.2 Clearly there are many strands to the delivery of a 'Brilliant Co-operative Council' and one element of this relates to how local communities are engaged and empowered to influence and effect change in their own neighbourhoods.
- 1.3 This report is specifically concerned with one element of this topic – namely the initiation of the process by which local communities are able to prepare neighbourhood plans for their areas as part of the statutory development plan for the city. Neighbourhood plans are one element of a wider neighbourhood planning process which will be developed in Plymouth over the coming months as part of the Civil Society Policy, to ensure that the approach supports the overall co-operative agenda of the Council.

2.0 THE LEGAL FRAMEWORK FOR NEIGHBOURHOOD PLANS

- 2.1 The Localism Act received Royal Assent on 15 November 2011 and is now law. The Act included measures relating to the introduction of neighbourhood planning, established to give members of the community a more hands on role in the planning of their neighbourhood. The measures that the Act introduced for neighbourhood planning, together with the accompanying Neighbourhood Planning Regulations, came into force on 6 April 2012.
- 2.2 The new legislation provides for the following statutory duties for local planning authorities (LPAs) in neighbourhood planning:
 - Receive applications from the community to set up Neighbourhood Forums and define the boundary for the Forum's plan area (the Neighbourhood Area).
 - Publicise and consult on received applications for Neighbourhood Forums and Neighbourhood Areas.
 - Decide on whether to designate said Neighbourhood Forums and Neighbourhood Areas and publicise such decisions. There is an assumption that LPAs must approve the neighbourhood area unless there are clear planning reasons for refusing or modifying the area. With regards to Forums the decision making process is purely down to meeting the requirements which are:
 - Having a minimum of 21 people each of whom either live in the neighbourhood area, works there (including carrying out a business there) or is a ward councillor; and include at least one person from each of these groups (or describing efforts made if this wasn't achieved)
 - A statement explaining how the forum has drawn members from different places in the neighbourhood area concerned and from different sections of the community in that area
 - The submission of a constitution

- The map of the proposed area
- Support the designated Neighbourhood Forum with the production of the neighbourhood plan under a 'Duty to Support', however this Duty to Support does not extend to financial aid.
- Consult on the final plan produced by the community.
- Appoint an independent examiner to consider whether the plan meet the basic conditions set out by law.
- Run a referendum if the plan meets the basic conditions.

3.0 THE NATIONAL PLANNING POLICY FRAMEWORK FOR NEIGHBOURHOOD PLANNING

- 3.1 The National Planning Policy Framework (NPPF) came into force on 28 March 2012 and set out new guidance for the operation of the planning system. In relation to Neighbourhood Planning the NPPF re-iterates that 'the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area'. Neighbourhoods should:
- Develop plans that support the strategic development needs set out in Local Plans.
 - Plan positively to support local development.
 - Identify opportunities to use Neighbourhood Development Orders to enable development that is consistent with the Neighbourhood plan to proceed.
- 3.2 The NPPF provides no specific guidance on what the local authority's role should be in neighbourhood planning, nor on what form the 'duty to support' referred to in the Act should take.

4.0 NEIGHBOURHOOD PLANNING IN PLYMOUTH

- 4.1 There are many strands to neighbourhood planning. The concept does not just include neighbourhood forums, neighbourhood areas and neighbourhood plans. It also covers initiatives such as neighbourhood development orders and community right to build. These need to be considered and planned for in an integrated way, to be consistent with the co-operative values of the City Council. To this end, a Neighbourhood Planning Protocol will be developed in consultation with Members and partners to provide a clear framework for the neighbourhood planning process in Plymouth, as part of a Civil Society Policy, which is now being developed to come forward later in the year.
- 4.2 However, given that applications can be made at any time from a local community to form a Neighbourhood Forum and Area it is essential that provisions are put in place at the earliest opportunity to determine such applications. That is the primary purpose of this report, and it does not consider the wider implications of our community engagement framework which is currently under review.

- 4.3 There is currently interest in neighbourhood planning amongst the local community in Barne Barton. A local group has been working on ideas and proposals, and is currently finalising its membership in readiness to submit an application for Forum and Area designation very soon. The local group has already worked on the initial parts of a neighbourhood plan with the help of planning consultants, and much consultation work and visioning has been undertaken. The group has already secured further funding from 'Locality' (a leading nationwide network of development trusts, community enterprises, settlements and social action centres) to help them with their neighbourhood planning activities. The funding is time constrained and therefore they must be able to apply for forum status and have their area designated as soon as possible. The Neighbourhood Planning Team of the Council's Planning Department have been supporting the work of the group on this plan together with the Neighbourhood Regeneration team, and the experience gained will prove valuable to the development of the Neighbourhood Planning Protocol, and wider community engagement.

5.0 DELEGATED DECISION MAKING

- 5.1 Given the legal framework summarised in para. 2.2 above, which sets out the basis on which applications for Neighbourhood Forums and Areas must be considered, together with the need to process such applications expeditiously, this report proposes that delegated authority to publicise, consider and determine applications for Neighbourhood Forums and Areas is provided to the Assistant Director for Planning in consultation with the Portfolio Holders for the Environment and for Co-operatives and Community Development.
- 5.2 A wider issue relates to decision making in respect of other elements of neighbourhood planning, and future reports will be brought to Members as the Neighbourhood Planning Protocol is developed over the coming months.