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**Neighbourhood Planning Arrangements**

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**SYNOPSIS**

**To propose arrangements for dealing with Neighbourhood Planning**

**1.0 Background**

- 1.1 The Localism Act and National Planning Policy Framework support and encourage communities to develop plans for their local areas and influence or take on the delivery of services. Neighbourhood Planning encompasses a new range of powers granted to communities by the Localism Act 2011 that allow them to develop strategies and policies that will form part of the statutory development plan for the area.
- 1.2 Corby Borough Council expects to receive two applications pursuant to the Localism Act 2011 (as amended) and Paragraph 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended), within the next few weeks from Cottingham Parish Council and the Corby Town Centre Neighbourhood Association.
- 1.3 In being the first, this has triggered the requirement to establish clear arrangements for the Council to meet its neighbourhood planning obligations.

**2.0 Report**

- 2.1 The Neighbourhood Planning regulations place the following specific responsibilities on Corby Borough Council as the local planning authority:
  - Determination of requests to designate neighbourhood areas and neighbourhood forums
  - Organisation of publicity for and consultation on the plan at specific stages
  - Consultee on the draft plan
  - Organisation and cost of the independent examination
  - Organisation and cost of the referendum
  - Adoption of the Neighbourhood Plan
- 2.2 The table in Appendix 1 sets out the process in more detail, including actions to be taken by the Council.

Neighbourhood Area

- 2.3 Designation of the neighbourhood area is the first step local communities are required to take before acquiring their new neighbourhood planning powers.
- 2.4 The following must be submitted in the area application:
  - a map identifying the proposed neighbourhood area
  - a statement explaining why the area is appropriate to be designated as a neighbourhood area
  - a statement explaining that the body making the area application (the parish council or prospective neighbourhood forum) is capable of being a qualifying body.
  - prospective 'neighbourhood forums' will also need to apply for a neighbourhood area to be designated.

2.5 To ensure that the area is a reasonable one in planning terms, it is recommended that the following factors inform Corby Borough Councils decision:

- does the proposed plan area follow existing, established administrative or planning boundaries
- does it exclude areas which in planning terms it would be more appropriate to include
- does it overlap with any other designated neighbourhood area
- does it prejudice other neighbourhood plan areas coming forward in the future

2.6 An area can be designated as a business neighbourhood area if it is considered to be wholly or predominantly commercial in nature.

#### Qualifying Bodies

2.7 Where there is a parish council, then that is the qualifying body for leading a Neighbourhood Plan.

2.8 Where there is no parish council, a neighbourhood forum of at least 21 people must be formed for the neighbourhood area. 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.

2.9 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.

2.10 The following must be submitted in the forum’s application:

- the name of the proposed neighbourhood forum
- a written constitution for the proposed neighbourhood forum
- the name of the neighbourhood area to which the forum relates and a map identifying that area
- contact details of at least one member of the proposed neighbourhood forum
- a statement explaining how the proposed neighbourhood forum meets legal requirements

2.11 The Council must approve the creation of a neighbourhood forum that meets the conditions specified above. There can only be one forum per neighbourhood area. The six weeks consultation period on a forum application allows for objections to it to be raised.

#### Content of the Neighbourhood Plan

2.12 There is no explicit guidance about what a Neighbourhood Plan should include. It is the Government’s intention that the content should be locally driven.

2.13 Corby Borough Councils response when it is formally consulted on a draft Neighbourhood Plan should in particular consider the plan’s consistency with existing and emerging policy, the sufficiency of the evidence which supports the proposals in the plan and the applicability of the policies in making decisions on planning applications.

#### Role of Corby Borough Council

2.14 Corby Borough Council has a legal duty to provide technical advice and support to communities producing a Neighbourhood Plan in addition to the requirements that the Regulations place on the Council as set in Appendix 1. This is a new and untried duty and it will be a learning process for all those involved, however the extent of support and advice provided will be subject to skills and resources available to the local authority as well as the needs of the group preparing the plan.

2.15 The duty to support could include things like:

- making existing data and maps available for the evidence base.

- advising on relevant national policies or guidance
- sharing information on key contacts, stakeholders and best practice plan-making activity
- making available venues and helping to arrange community engagement activities
- checking the plan prior to formal submission to give community confidence
- providing members for neighbourhood forums or more informal working groups
- launching a neighbourhood planning web page on the local authority's website

2.16 The [North Northamptonshire Neighbourhood Planning Toolkit](#) provides practical advice on how to prepare Neighbourhood Plans.

#### Governance

2.17 At certain points in the preparation process Council decisions will be required. The Neighbourhood Planning regulations do not prescribe how local authorities should make decisions – for example whether by delegated officer, Committee or Full Council. This is for the Council to decide.

2.18 It is proposed that the framework for decision making at each key stage is recommended as set out below

<b>Stage</b>	<b>Decision method</b>	<b>Decision taker</b>
Designation of neighbourhood forum	Internal consultation with local elected members. Officer evaluation of the proposed neighbourhood forum using criteria set out elsewhere in this report and taking account of representations received	If officer <sup>1</sup> view is to approve, and there is no contrary Member view, decision delegated to officers. If officer and/or Member view is to refuse, refer decision to Local Plan Committee
Designation of neighbourhood area	Internal consultation with local elected members. Officer evaluation of the proposed neighbourhood area using criteria set out elsewhere in this report and taking account of representations received	If officer view is to approve, and there is no contrary Member view, decision delegated to officers. If officer and/or Member view is to refuse, refer decision to Local Plan Committee
Corby Borough Council consulted on draft Neighbourhood Plan	Internal consultation with local elected members/Local Plan members	Local Plan Committee to consider and agree Corby Borough Council comments on draft plan
Decision to reject/modify the plan post Examiners report or send to referendum	Local Plan Committee report	Local Plan Committee
Decision to adopt plan	Local Plan Committee report	Local Plan Committee to approve and recommend the plan to Full Council for adoption

### 3.0 Conclusion

<sup>1</sup> Officer within this report refers to the Head of Planning and Environmental Services

3.1 Neighbourhood Planning encompasses a new range of powers granted to communities by the Localism Act 2011 (as amended). Having clear arrangements in place will ensure that communities are appropriately supported in the delivery of neighbourhood planning and that the support offered to communities is consistent and balanced.

#### **4.0 Options to be considered (if any)**

If clear arrangements for neighbourhood planning are not established it will hamper the Councils ability to meet its statutory requirements and assist communities in developing neighbourhood planning powers.

#### **5.0 Issues to be taken into account:-**

##### **Policy Priorities**

Neighbourhood planning supports the Councils objectives and can play a valuable role in helping to deliver the Councils overall ambition

##### **Financial**

The Borough Council does not currently have a budget to fund Neighbourhood Planning. In October 2014, the Government announced that funding to support local councils with neighbourhood planning would continue into 2015/16. Funding for future years is at present uncertain and will depend on the priority given to neighbourhood planning following the General Election.

At this stage, it is expected that any officer time associated with designation and early stages of plan preparation will be absorbed within the current establishment.

Funding currently available to Local Planning Authorities is summarised below:

- Funding of £5,000 can be drawn following designation of a neighbourhood area recognising the officer time supporting and advising the community in taking forward a neighbourhood plan.
- In non-parished areas, local planning authorities can claim £5,000 per forum designated.

If an examination and referendum is subsequently required, we are also able to claim further funding as summarised below:

- Funding of £5,000 can be drawn when the local planning authority publicises the neighbourhood plan or order prior to examination. This will contribute towards the costs of the examination as well as other staff costs incurred at this stage.
- Funding of £20,000 can be claim on successful completion of the neighbourhood plan or order examination. This is to cover costs for that examination and any other further steps that may be needed for the neighbourhood plan to come into legal force, including referendum.
- To cover the cost of the additional referendum required for business areas the local planning authorities can claim an additional £10,000. This can be claimed at the same time as the third payment above, on completion of a successful examination.

However, examination and referendum will incur currently unbudgeted costs which cannot be quantified at this stage.

##### **Legal**

The Localism Act and National Planning Policy Framework make provision for communities to prepare plans that influence planning and development in their area. The Neighbourhood Planning (General) Regulations 2012 (as amended) set out the procedures which govern the processes of Neighbourhood Planning.

##### **Performance Indicators and Best Value**

None directly from this report

**Community Safety, Equalities and Sustainability**

None directly from this report

**Risk**

Not having clear arrangements in place may lead to inadequate support being given to communities who wish to engage with neighbourhood planning.

**6.0 Recommendation**

Members are asked to approve the arrangements set out in this report for dealing with neighbourhood planning.

**Background Papers**

None

**External Consultations**

None

**List of Appendices**

1. Stages in Neighbourhood Planning process, including actions to be taken by the Council

**Officer to Contact**

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## Appendix 1 - Stages in Neighbourhood Planning process, including actions to be taken by the Council

The following note sets out the recommended approach for dealing with all the statutory duties which fall upon the Borough Council in respect of neighbourhood planning. This applies to neighbourhood plans, including business neighbourhood plans but is equally applicable to, and should be read to mean, neighbourhood orders.

Stage	Application stages for Neighbourhood Planning Body <sup>2</sup>	What the Council will do
Neighbourhood Area Designation	<p><b>Council receives application from Neighbourhood Planning Body to designate neighbourhood area</b></p> <p><b>This must include:</b></p> <p><b>A map identifying the area</b> e.g. 1:10,000 scale with red line around the area for consideration</p> <p><b>Statement as to why the area is appropriate</b> for example, if it is the same as the Parish boundary will the plan cover all areas</p> <p><b>Statement as to who the council or forum is and how they are capable of being a Neighbourhood Planning Body.</b> It must define the group as a relevant body under section 61G of the Town and Country Planning Act 1990. In the case of Parish Councils this is relatively straightforward.</p> <p><b>Neighbourhood forums must have a membership of at least 21 and a proportion of members must live/work in the area (please refer to 'section 61F of the 1990 Act' on Neighbourhood Forum Designation)</b></p>	<p><b>On receipt of application the council will:</b></p> <ul style="list-style-type: none"> <li>• check application includes required information</li> <li>• acknowledge receipt</li> <li>• check for any overlapping boundaries with other plans, check boundary is up to date</li> <li>• check the Neighbourhood Planning Body has not made more than one application and decline if so</li> </ul> <p><b>Publicise:</b></p> <ul style="list-style-type: none"> <li>• advertise the application and its contents for at least six weeks on the council's website and make people aware of the application by any other methods where considered appropriate (e.g. community newspapers, notice boards)</li> <li>• invite comments from community, businesses and elsewhere. Giving details of timescales and methods for responses to be submitted.</li> <li>• notify neighbouring Parish Councils and local elected Members</li> </ul> <p><b>Responses:</b></p> <ul style="list-style-type: none"> <li>• keep database of comments and details of respondents so they can be advised as the plan progresses.</li> <li>• analyse these in order to inform the decision.</li> </ul> <p><b>Decision:</b></p> <ul style="list-style-type: none"> <li>• if officer view is to approve, and there is no contrary Member view, decision delegated to officers. If officer and/or Member view is to refuse, refer decision to Local Plan Committee</li> </ul> <p><b>Publicise designation (approval):</b></p>

<sup>2</sup> Neighbourhood Planning Body (e.g. Parish Council, Neighbourhood Forum)

		<ul style="list-style-type: none"> <li>• notify applicants of decision, then;</li> <li>• publish on the council's website: <ul style="list-style-type: none"> <li>○ name of the neighbourhood area</li> <li>○ map of area</li> <li>○ name of the designated body e.g. Parish Council or neighbourhood forum.</li> </ul> </li> </ul> <p><b>Or</b></p> <p><b>Publicise refusal:</b></p> <ul style="list-style-type: none"> <li>• notify applicants of decision, then;</li> <li>• compile 'The decision document' detailing the reasons for refusal.</li> <li>• publish on website and give details of how to view the document.</li> </ul>
Designating a Neighbourhood Forum	<p><b>When an application to designate a neighbourhood area is made by a group which is not a Parish Council the group will also have to apply for Neighbourhood Forum status. They will need to submit:</b></p> <ul style="list-style-type: none"> <li>• The name of the proposed forum</li> <li>• Copy of their written constitution</li> <li>• Name and map of their neighbourhood area</li> <li>• Contact details of at least one member</li> <li>• A statement of how they meet the conditions of section 61F(5) of the 1990 Act as follows:</li> </ul> <p><i>(5) A local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that it meets the following conditions</i></p> <p><i>(a) it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),</i></p> <p><i>(b) its membership is open to—</i></p> <p><i>(i) individuals who live in the neighbourhood area concerned,</i></p> <p><i>(ii) individuals who work there (whether for businesses carried on there or otherwise), and</i></p> <p><i>(iii) individuals who are elected members of a county council, district council or London borough council any of whose</i></p>	<p><b>On receipt of application to designate a forum, the council will:</b></p> <ul style="list-style-type: none"> <li>• check application includes required information</li> <li>• acknowledge receipt</li> <li>• check it does not cover an area already covered by a Parish Council and if it does <u>refuse</u>, or if not go on to</li> </ul> <p><b>Publicise alongside the area application, specifically:</b></p> <ul style="list-style-type: none"> <li>• advertise for at least six weeks receipt of forum application on the council's website giving the name of the group and the area proposed to represent</li> <li>• make people aware that if the forum is designated no other group can be designated for the area until the forum is withdrawn or expires</li> <li>• invite comments/representations from community, businesses and elsewhere, giving details of timescales and methods for responses</li> <li>• notify local elected Members and neighbouring Parish Councils.</li> </ul> <p><b>Responses:</b></p> <ul style="list-style-type: none"> <li>• compile list of responses to be considered when making decision to designate</li> </ul> <p><b>Decision:</b></p> <ul style="list-style-type: none"> <li>• if officer view is to approve, and there is no contrary Member view, decision delegated to officers.</li> <li>• if officer and/or Member view is to refuse, refer decision to Local Plan Committee</li> <li>• notify applicants of decision or</li> </ul>

	<p>area falls within the neighbourhood area concerned,  (c) its membership includes a minimum of 21 individuals each of whom—  (i) lives in the neighbourhood area concerned,  (ii) works there (whether for a business carried on there or otherwise), or  (iii) is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,  (d) it has a written constitution, and  (e) such other conditions as may be prescribed.</p>	<p>changes to be made, then;  <b>Re-advertise</b> any changes for six weeks following above procedure  <b>or</b>  <b>Publicise approval (designation):</b>  <ul style="list-style-type: none"> <li>• publish on the council’s website: <ul style="list-style-type: none"> <li>○ name of the neighbourhood forum</li> <li>○ copy of their constitution</li> <li>○ name of the neighbourhood area</li> <li>○ contact details for at least one member</li> </ul> </li> </ul> <b>or</b>  <b>Publicise refusal:</b>  <ul style="list-style-type: none"> <li>• compile a ‘refusal statement’ detailing the reasons for refusal.</li> <li>• publish on website and give details of how to view the statement.</li> </ul> </p>
Plan preparation, consultation and submission	<p>The method by which the plan is written is at the Neighbourhood Planning Body discretion. Groups forming a plan are encouraged to get in touch with the council for help, advice and support.</p> <p><b>Publicising and undertaking engagement and consultation</b> This should be done in a way that enables as many people as possible to be aware of the plans including people living, working and doing business in the neighbourhood area. It should include:</p> <ul style="list-style-type: none"> <li>• a process by which the community can influence the content of the plan</li> <li>• method by which it comments on it can be made (e.g. workshop, e-mail, letter etc)</li> <li>• a timescale in which the representations can be made</li> </ul> <p><b>Key documents</b>  In preparing a plan the applicants must also prepare a number of key documents. These need to be considered during the plan preparation stages as they will inform the plan content. These include:</p> <ul style="list-style-type: none"> <li>• the Consultation Summary (document explaining how the plans were consulted on, who was targeted for engagement and why, summarises the main issues raised during the consultation, how the</li> </ul>	<p><b>Publicising and undertaking consultation</b>  In this stage the council will support applicants by:</p> <ul style="list-style-type: none"> <li>• advising of necessary consultees</li> <li>• providing the Statement of Community Involvement by making available on the council’s website</li> </ul> <p><b>Plan preparation</b> In this stage the council will support applicants by giving:</p> <ul style="list-style-type: none"> <li>• basic help with plan topics in the form of meetings and review of draft plans. The amount of help and support offered will be dependent on resources available and the priority assigned to the area;</li> <li>• details and electronic copies of existing and emerging Local Plans such as the Joint Core Strategy;</li> <li>• electronic copies of any existing evidence base we may have;</li> <li>• advice on need for Environmental Impact Assessments or Habitats Regulations Assessment</li> </ul> <p><b>Publicising</b> The council will:</p> <ul style="list-style-type: none"> <li>• provide details of statutory consultees</li> <li>• advise on appropriate consultation strategy</li> </ul> <p><b>Submission</b> Upon submission the council will:</p> <ul style="list-style-type: none"> <li>• check the submission includes all the</li> </ul>

	<p>issues have been considered and addressed)</p> <ul style="list-style-type: none"> <li>• Sustainability Appraisal</li> </ul> <p>Other documents to consider are: a Community Engagement Strategy</p> <p>In preparing plans there may be a need to produce other supporting documents such as an Environmental Impact Assessment, Habitats Regulations Assessment or Flood Risk Assessment</p> <p><b>Draft document</b> This should be written following consultation and engagement with the local community as their views will be important in forming key visions, strategies or policies. Other evidence should be reviewed and used to inform the plan</p> <p><b>Submission</b> when a Neighbourhood Plan is submitted to the council it must include the following (from regulation 15(1)):</p> <ul style="list-style-type: none"> <li>• a map (or statement) identifying the area which the plan relates</li> <li>• a consultation statement</li> <li>• the completed plan</li> <li>• Sustainability Appraisal and any other appraisal or assessment documents required under national/EU legislation</li> <li>• a statement explaining how the proposed neighbourhood plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act</li> </ul>	<p>documents listed under regulation 15(1) and any sustainability statements as advised (and refuse to accept if not)</p> <ul style="list-style-type: none"> <li>• publicise that the plan has been received</li> <li>• but also, notifying respondents they can request to be informed of decision</li> <li>• notifying any consultation body listed in the consultation statement</li> <li>• advise Local Plan Committee on the plan</li> </ul> <p>The council will collate and summarise the responses received and send to examiner</p>
Independent checking	<p><b>Parish Council or designated Neighbourhood Forum must agree to the appointed independent assessor.</b></p>	<p><b>This stage is organised by the council as soon as feasible following submission of the neighbourhood plan, but will be subject to the council's priority procedure</b></p> <p><b>The council will:</b></p> <ul style="list-style-type: none"> <li>• appoint an independent assessor from an approved source.</li> <li>• agree this appointment with applicant;</li> <li>• arrange hearings (if required), including venue, then</li> </ul> <p><b>Provide the independent assessor as per regulation 17:</b></p> <ul style="list-style-type: none"> <li>• the plan and supporting documents</li> <li>• any document under habitat</li> </ul>

		<p>regulations</p> <ul style="list-style-type: none"> <li>representations made at the submission stage.</li> </ul> <p><b>The plan will be considered by the assessor and will either be:</b></p> <ul style="list-style-type: none"> <li>referred to be submitted for referendum,</li> <li>subject to modifications,</li> <li>refused.</li> </ul> <p>Note: Modifications are only on 'basic conditions' including covenant rights, compatibility and spelling and grammar.</p>
Public Referendum	<p><b>The public referendum is an important part of approval for a neighbourhood plan.</b></p>	<p><b>The council will:</b></p> <ul style="list-style-type: none"> <li>fund and organise the public referendum (it must be noted that two referendums will be required for Business Areas – one for residents and one for businesses)</li> </ul> <p><b>Time, cost, need to be with other elections and need to be run by democratic services all unknown at present.</b></p> <p><b>Results:</b></p> <ul style="list-style-type: none"> <li>if majority percentage are in favour it will be adopted</li> <li>refer decision to Local Plan Committee where the outcomes of the referendum on business neighbourhood plan conflict</li> <li>The results and a statement will be publicised online and potentially via the Neighbourhood Planning Body</li> <li>If the plan unsuccessful applicants may make subsequent attempts by restarting with area approval</li> </ul>
Adoption		<p>The council will:</p> <ul style="list-style-type: none"> <li>Make plan available online</li> <li>Use it when determining planning applications</li> <li>Use it when planning land allocations and other strategic policy</li> </ul>