Neighbourhood Planning in Tugby and Keythorpe - April 2018

This paper deals with most basic aspects of the neighbourhood planning process and gives information about the roles the communities and HDC can play in helping their communities to understand what is involved, to get the most out of their efforts and to have the best chance of a successful plan or order being adopted.

The Legislation

Neighbourhood planning is one of a suite of community rights that the Government introduced as part of its flagship Localism agenda.

The premise for creating neighbourhood planning was that local communities should be given more opportunity to consider and shape the way that they wished their local area to develop in the future. That by doing this communities would feel greater ownership in changes that will occur and greater acceptance of such change when they are able to influence and shape it and have a say in the allocation of the benefits that come from new development.

Communities are able to seek designation by their local planning authority to undertake neighbourhood planning. There are three main tools for this:

Neighbourhood development plans

Neighbourhood development orders and

Community right to build orders.

All of which, in their separate ways, and subject to process and policy tests, pass the right to shape planning decisions on developments occurring in their area back to the community.

Neighbourhood development orders, set out kinds of development that do not need planning permission to be granted through an application process. The community consider those kinds of development suitable and acceptable (usually subject to some conditions such a design or materials etc). Or they may particularly want to encourage some development to come forward and therefore are prepared to set aside the application process in order to show potential developers their tangible support for such a proposal.

There are provisos and restrictions to the neighbourhood planning powers.

Most important is the overarching expectation that neighbourhood planning should plan positively for the needs and future needs of the community. NDPs are not designed to prevent development.

Neighbourhood plans and orders need to comply with national planning policy – just as local plans do. The NPPF (National Planning Policy Framework) makes the duty to plan positively very clear.

Moreover, the neighbourhood plan needs to be compliant with the strategic policies of any local plan policies in force in the area.

But there are still huge opportunities for communities to create a vision for their area, and to use local evidence to help them shape that vision into planning policies in a neighbourhood context.
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This plan once it has been examined and has passed a referendum, gaining a simple majority of all those who cast a vote in the local referendum, will be brought into force by the local planning authority.

Once done, the neighbourhood plan becomes part of the development plan for the area and all planning applications coming forward in the area will be tested against its policies.

**Who is entitled to do neighbourhood planning – referred to in the legislation as the “Qualifying Bodies” ?**

If the area is parished, then the only groups allowed to undertake neighbourhood planning is the parish or town council. Parishes can join up and work together where there are issues such as geography, common issues etc that make a collaborative approach to plan making more sensible. If this is the case they need to agree which parish council becomes the lead.

In such cases an application to the LPA to consider designation of the area is all that is required. Councils have a broad power to consider what is an appropriate area for the neighbourhood plan to encompass and make the final decision concerning designation

If the area is non-parished the situation is more complex:

Applications need to be made for both the composition of the neighbourhood forum as well as the neighbourhood area. The regulations contain more detail about the composition of the forum, and issues such as developing both the representative constituency and the governance of the forum become important considerations. Once again, the decision on each is in the hands of the Local planning Authority. Planning applications coming forward in the area will be tested against its policies.

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What does HDC do?

HDC will advise the Qualifying Body, but will not write the Plan for the community.

The Plan is a community Plan until it is submitted to HDC, at which time it is taken by the Authority through a formal process of consultation, Examination and referendum. After referendum it becomes part of the Development Plan and is used for determining planning applications.

Note that planning applications will be determined in accordance with the Neighbourhood Plan, unless there are other planning considerations that must be taken into account.

There may be community actions within your plan that are the responsibility of the community to deliver.

Don’t forget to include an action plan to deliver these

The level of interest in doing neighbourhood plans can be judged by the number of plans that have already come forward. The importance of this process and the outcomes for the community of having a plan is better judged by the high turn out that has been achieved in neighbourhood plan referendums and the huge level of support for all the plans so far.

What has surprised the early doubters of neighbourhood planning has been the positive approach taken by the groups.

The plans that are coming forward have focused on many different priorities. They have not all been complicated mini local plans with allocations for housing and employment sites. Some have been much more focussed – on dealing with the particular issues of their area:

It can help diffuse tensions between local planning needs and the impact of these plans on local communities by giving communities real power to influence the way new development will be delivered – new housing provision may be more acceptable if it’s the type of housing that the community recognise is what is needed, is of materials and design that complement the character, is going to have consequent traffic problems dealt with as part of the development etc.

Local issues can sometimes be addressed through the plans or through other neighbourhood rights – e.g the lack of a safe playground could be addressed by making clear that provision of facilities for children should be an integral part of a housing development, or some of the CIL money should be prioritised for new equipment.

Neighbourhood planning can also be a way of bringing together disparate sections of the local community, foster better cohesion or reduce isolation by reinforcing a sense of community enterprise.

Remember though ROBUST EVIDENCE IS NEEDED.