



**Report To:** Planning Portfolio Holder  
**Lead Officer:** Director, Planning and New Communities

9 September 2014

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## **Neighbourhood Plans – working with Parish Councils**

### **Purpose**

1. To agree for consultation a proposed protocol that South Cambridgeshire District Council will follow when working with Parish Councils within the district that wish to produce neighbourhood plans for their areas.
2. This is not a key decision because it is agreeing a document for consultation.

### **Recommendations**

3. It is recommended that the Planning Portfolio Holder
  - a) Approves for consultation with parish councils the Service Level Agreement as set out in Appendix B to be used as a model agreement between South Cambridgeshire District Council and Parish Council/s within the district who are preparing neighbourhood plans for their areas. The results of the consultation to be reported back to the next Planning Portfolio Holder Meeting.
  - b) Agrees that a review of the approach for neighbourhood planning is taken by the Council in a year's time

### **Reasons for Recommendations**

4. It was agreed by Cabinet in May this year that a process for supporting neighbourhood planning within South Cambridgeshire should be prepared. The recommendation is intended to establish this process, and that this approach should be reviewed in a year's time to see if it has been successful. Cabinet determined that future decisions on Neighbourhood Planning matters be delegated to the Planning Policy and Localism Portfolio Holder (now the Planning Portfolio Holder).

### **Executive Summary**

5. Neighbourhood planning was introduced in 2011 and there is national guidance to assist parish councils wishing to prepare a neighbourhood plan (NP) for their area. Neighbourhood Plans must be in general conformity with the strategic policies in a Local Plan. There are certain statutory responsibilities that a local planning authority (LPA) must carry out in regards to neighbourhood planning. A LPA is required by law to provide advice and assistance to a parish council(s) when they are preparing a NP. The stages in preparing a NP are in Appendix A of this report.
6. Until recently few parish councils within the district have shown an interest in neighbourhood planning. It was agreed by Cabinet in May that a model Service Level Agreement (SLA) be drafted. A draft SLA is included in this report as Appendix B to provide a clear document that sets out how the Council will undertake its statutory

duties, the level and extent of the technical advice and guidance that the Council will provide and how the parish council will aim to progress the NP. It is considered appropriate to give parish councils an opportunity to comment on this draft template. The Portfolio Holder is asked to agree this consultation.

7. Difficult to estimate the level of demand on Council resources for assisting parish councils. There are statutory obligations that must be carried out. Although grants are available for both LPA and parish councils these may not cover all the costs of preparing a NP. It is suggested that the South Cambs' approach for neighbourhood planning be reviewed in a year's time to review the SLA and resource requirements.

### **Background**

8. Neighbourhood Plans (NP) were introduced by the Localism Act 2011 to provide a planning tool for local people to use to guide the future development, regeneration and conservation of an area. Government policy and practice guidance for neighbourhood planning is set out in the National Planning Policy Framework (NPPF) and in National Planning Practice Guidance (NPPG). The preparation of all such plans must follow specific legal regulations set out in the Neighbourhood Planning (General) Regulations 2012 and the Neighbourhood Planning (Referendums) Regulations 2012.
9. A NP must be in general conformity with the strategic policies of the district Local Plan. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood Plans should not promote less development than set out in the Local Plan or undermine its strategic policies. It is proposed to bring a report to the November Portfolio Holder meeting to recommend those Local Plan policies that are strategic policies for NP purposes.
10. Neighbourhood planning is optional, but, if a NP is prepared and adopted by the Council, it has legal force and becomes part of the statutory planning framework for the area (the development plan), and planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. Once a NP has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict.
11. A Local Planning Authority (LPA) must take decisions at key stages in the neighbourhood planning process - these stages are set out in the NPPG. The LPA must provide advice or assistance to a parish council that is producing a NP as required by paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

### **Neighbourhood planning in South Cambridgeshire**

12. Up until now Parish Councils in South Cambridgeshire have been offered the opportunity to put forward proposals within their area through the local plan process as an alternative to the preparation of NPs. Some Parish Council Proposals have as a result been included in the Submission Local Plan, or recommended as Major Modifications to it, but only where there has been clear local support.
13. The Council has a duty to assist parish councils preparing a NP. Appendix A sets the stages in preparing a NP and indicates which tasks have to be carried out by South

Cambridgeshire District Council (SCDC) and which by a Parish Council/s preparing a plan.

14. Parish Councils are only just starting to show an interest in neighbourhood planning in South Cambridgeshire. There is currently one designated neighbourhood area for Linton and Hildersham (as a single neighbourhood area) and one area being consulted on – proposed by Histon and Impington Parish Councils for the part of the parish north of the A14 (see separate report on this agenda). There is a need to establish the South Cambridgeshire approach to neighbourhood planning so that Parish Councils are clear about what support the Council will give and what that the Council may expect from them. In a report to Cabinet on 8 May 2014 it was agreed to develop a Service Level Agreement (SLA) which is the method that has been used by other local planning authorities regarding neighbourhood planning. Such an agreement could provide a clear document that sets out for both parties how the Council will undertake its statutory duties, the level and extent of the technical advice and guidance that the Council will provide and how the parish council will aim to progress the NP.
15. A draft SLA template has been prepared to provide clear guidance to Parish Councils on the type and level of support South Cambridgeshire will offer to a parish council(s) on the preparation of a NP and also how the parish council will aim to progress the NP. This draft SLA is included as Appendix B of this report. The Planning Advisory Service (PAS) which provides national on-line guidance to planners has an example template which is a combination of best practice used by other local authorities. This template has been used to as the basis for preparing a South Cambs SLA that is capable of being adapted to meet local circumstances depending on the nature and scale of the NP proposed by a parish or group of parish councils. It has been adapted to provide clearer guidance on the stages of NP preparation and the level of support that will be provided by the Council at each stage. The SLA would provide a signed commitment between the parish council and the district council.
16. As parish councils will be asked to sign up to the SLA, it is considered appropriate to provide parish councils with an opportunity to give their views on the draft template. It is proposed to consult all the parish councils in the district to invite their comments on the draft SLA and to report back to the next Planning Portfolio Holder Meeting and to agree any subsequent amendments to the SLA. Information about the consultation will be included in both the Weekly Bulletin and the Planning Policy Monthly update.
17. It would be beneficial to set up a review process to see how the proposed approach to neighbourhood planning is progressing within the district, and to review the success of the SLA. This is proposed to be carried out in a year's time.

## **Resources**

18. It is difficult to predict what the future demand will be from parish councils for assistance from the Council and what future resources may be required for neighbourhood planning purposes. Up to this point those parish councils that have made enquiries about NP have had meetings with Council officers who have explained the emerging South Cambridgeshire approach. Parish councils have been pointed to national guidance on neighbourhood planning. A number of national organisations such as Locality and the Council for the Protection of Rural England have produced detailed guidance of how to prepare a NP which are simple to understand and are useful for non-planners. The Council has added these as links on the neighbourhood planning pages on the South Cambs website:  
<https://www.scambs.gov.uk/neighbourhood-planning>.

19. There are differences across England in the level of locally specific guidance that district councils are providing about neighbourhood planning. Some District Councils who have been involved in neighbourhood planning from its introduction such as Broadlands DC and Herefordshire Council have detailed guidance specific to their districts. However other councils like Huntingdonshire District Council have decided that the national guidance provides sufficient support to those preparing NP. It is proposed that at this stage it is not necessary to prepare specific guidance beyond that included in the SLA, for example the NP process table. This can be considered further in the proposed review in a year's time, when more is known about how many parish councils are likely to want to prepare a NP, and how those parish councils preparing early neighbourhood plans found the existing guidance.
20. LPAs are able to claim for up to 20 area designations (£100,000) in each financial year. In the 2014/15 financial year, claims can be made at the end of each quarter. For all areas, the basic level of funding per NP is £30,000, to be paid following:
- designation of the Neighbourhood Area (£5,000)
  - publication of the final pre-examination version of the NP, prior to examination (£5,000)
  - successful completion of the NP examination (£20,000)

This funding is provided to cover the costs incurred by the LPA in supporting the neighbourhood planning process, including the cost of consultations, examinations and referendums.

21. In addition to the funding from DCLG mentioned above, £30,000 has been included in Precautionary Items for 2014/15. As it is not yet clear how many neighbourhood plans may be submitted and what the resource requirements might be, it is suggested that £30,000 be similarly included in Precautionary Items for 2015/16 and that this be considered as part of the review proposed for a year's time.
22. Separate support is available for communities. They can apply for direct support and/or grants of up to £7,000 to help them develop a NP. This can be applied for in tranches of a minimum of £500 at a time. Direct support (equivalent to a further £9,500) can be applied for via Locality and delivered by Locality and Planning Aid England, supplying expert advice. This service has been in high demand and the eligibility criteria has been refined:  
<http://mycommunityrights.org.uk/neighbourhood-planning/direct-support/>
23. There is no certainty as to the level of funding that will be available in the future for both the LPA and for local communities carrying out neighbourhood planning. There has been a high demand for the funding available to local communities. For a LPA the need for resources is highest once a NP has been submitted to them. The LPA is responsible for the examination and the referendum carried out on a NP.
24. Advice from other LPAs who have more experience of neighbourhood planning have suggested that if many NP are in preparation, the funding from DCLG may not be sufficient to cover all costs. These LPAs have found that the biggest area of work for them has been assisting parish councils meet the Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) requirements for their plans. A NP must comply with environmental legislation. Unless a parish decides to employ an independent consultant the LPA may find itself asked to carry out the scoping work on behalf of the parish council. The current draft SLA states that South Cambridgeshire Council will not carry out SA or environmental assessments. The Government is currently carrying out a technical consultation which includes

neighbourhood planning and indicates that the NP regulations will be reviewed to provide clarity on SEA obligations for NP to ensure that when a NP is submitted to the LPA it is clear what level of assessment work has been carried out. The SLA would have to be reviewed to reflect any future changes.

### **Options**

25. The Planning Portfolio Holder could decide not to have a SLA or could delay agreeing the approach to neighbourhood planning until such time as there is more experience of neighbourhood planning within the district. However this would lead to uncertainty as to what level of support parish councils could expect from the Council and impact on what resources they may subsequently need to prepare a NP.

### **Implications**

26. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered:

#### ***Financial***

27. The resource implications of carrying out neighbourhood planning are considered in paragraph 19-25 of this report.

#### ***Legal***

28. The Council must provide advice or assistance to a parish council that is producing a neighbourhood plan. The extent of this assistance is not set out clearly in the Localism Act or national guidance on neighbourhood planning and therefore it is important for the Council to consider how it will meet its legal obligations.
29. There are however a number of tasks within the preparation of a NP that the Council has a statutory obligation to carry out and the SLA provides a time scale within which the Council will meet these.

#### ***Staffing***

30. Support for neighbourhood planning has been delivered within existing resources by the Planning Policy Team giving advice on planning matters and the Sustainable Communities and Partnerships Team providing advice on grants and community engagement, drawing upon the expertise of other staff as required. Depending on demand, and other work priorities, the Council may need to consider in an annual review of neighbourhood planning, the level of advice and guidance available to parishes or consider the need for additional resource.

#### ***Equality and Diversity***

31. Equality and diversity issues will be considered during the preparation of each NP as appropriate to their content. An equality assessment would have to be carried out on a draft NP in order to meet the basic conditions required before it can be adopted.

#### ***Climate Change***

32. Climate change issues will be considered during the preparation of each NP as appropriate to their content.

### **Consultation responses (including from the Youth Council)**

33. Consultation has taken place with Gemma Barron and Kathryn Hawkes in the Sustainable Communities and Partnerships Team, Susan Garner-Craig regarding

staffing implications and John Garnham on resource implications. The Legal Team has been consulted on the draft SLA.

### **Effect on Strategic Aims**

34. **Aim 1 – Engagement: engage with residents, parishes and businesses to ensure we deliver first class services and value for money**

Neighbourhood planning engages local people in the planning process by giving them a tool to guide the future development, regeneration and conservation of an area. Parish councils lead on the preparation of Neighbourhood Plans and local residents and businesses are engaged throughout the process.

### **Appendices**

- A. Stages in preparing a Neighbourhood Plan indicating who is responsible for each task.
- B. A Model Service Level Agreement for South Cambridgeshire.

### **Background Papers**

PAS – Legal Compliance Checklist – Meeting your authority’s legal requirements for Neighbourhood Development Plans [http://www.pas.gov.uk/web/pas-test-site/neighbourhood-planning/-/journal\\_content/56/332612/4113731/ARTICLE](http://www.pas.gov.uk/web/pas-test-site/neighbourhood-planning/-/journal_content/56/332612/4113731/ARTICLE)

PAS Local authority /neighbourhood agreements - [http://www.pas.gov.uk/neighbourhood-planning/-/journal\\_content/56/332612/4079060/ARTICLE](http://www.pas.gov.uk/neighbourhood-planning/-/journal_content/56/332612/4079060/ARTICLE)

Locality – Neighbourhood Planning Roadmap Guide - <http://planning.communityknowledgehub.org.uk/resource/neighbourhood-plans-roadmap-guide>

CPRE – how to shape where you live – a guide to neighbourhood planning - <http://www.cpre.org.uk/resources/housing-and-planning/planning/item/2689-how-to-shape-where-you-live-a-guide-to-neighbourhood-planning>

National Planning Practice Guidance - <http://planningguidance.planningportal.gov.uk/>

Neighbourhood Planning Regulations 2012 - [http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi\\_20120637\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf)

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: - (a) at all reasonable hours at the offices of South Cambridgeshire District Council; (b) on the Council’s website; and (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

**Report Author:** Alison Talkington – Senior Planning Policy Officer  
Telephone: (01954) 713182