



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

7 June 2016

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## **Neighbourhood Planning in South Cambridgeshire**

### **Purpose**

1. Interest is growing amongst our local communities in preparing Neighbourhood Plans (NP) and taking the opportunity to provide parish level plans to sit alongside the Local Plan. This report looks at the way the district council works with local communities with recommendations on how we move forward and fulfil our statutory duties to advise and support them as they prepare NPs for their areas as effectively as possible. It is proposed to set up a Neighbourhood Plan Task and Finish Group to oversee this review.
2. This is not a key decision and it was first published in 27 April 2016 Forward Plan.

### **Recommendations**

3. It is recommended that Planning Portfolio Holder agrees:
  - a) To set up a Task and Finish Group comprising Members and Parish Councils (PC) to oversee the development of a number of documents relating to the review of working with PCs to include
    - i. a revised agreement for use between the Council and any Parish Council (PC) preparing a NP;
    - ii. a standard and enhanced offer to PCs preparing NPs and
    - iii. Guidance for NPs in South Cambridgeshire
  - b) These documents will be brought to a future Planning Portfolio Holder meeting for approval in the autumn
  - c) Once approved the Council will consult with PCs on these documents to ensure that they are fit for purpose
  - d) That an annual review is carried out of how the Council works with PCs on NPs.

### **Reasons for Recommendations**

4. In light of growing interest from local communities in preparing NPs, there is a need to review how SCDC provides support to PCs as they are preparing NPs for their areas.

### **Executive Summary**

5. The report sets out the background to neighbourhood planning within the district and the statutory role South Cambridgeshire District Council has in providing support to PCs preparing NPs. There is a need to review how SCDC works with PCs due to increased interest from PCs in NPs; recent changes in Government grants to SCDC and the commitment to review the Service Level Agreement (SLA) between SCDC and PCs. The report recommends that a Task and Finish Group be set up to oversee the review; this group to comprise of a mixture of District and Parish Councillors and the review to take place over a 10-12 week period. The tasks the

group will be asked to consider include a review of the SLA; development of a Standard and Enhance Offer of support to PCs from SCDC and guidance notes for PCs within the district. All these documents are proposed to be reported back to the Planning Portfolio Holder in the autumn. The intention is then to consult with PCs to ensure the documents are fit for purpose. An annual review is recommended to be carried out on how SCDC works with PCs on NPs.

## **Background**

6. A NP is a community-led initiative giving local communities power to prepare a planning document that will be part of the statutory development plan for the district. SCDC has recognised the importance of helping Parish Councils (PC) with neighbourhood planning by including this within the latest Corporate Plan – ‘Help Parishes and villages wishing to shape their own futures by developing Neighbourhood Plans that address community priorities’.
7. South Cambridgeshire District Council (SCDC) as the local planning authority (LPA) has a statutory role to play at key stages in the Neighbourhood Planning process, where it has responsibilities which are set out in regulations. There is also a duty placed on a LPA “to give such advice and assistance to parish councils ... as in all the circumstances, they consider appropriate for the purpose of, or in connection with facilitating the preparation of Neighbourhood Development Plans” (Schedule 4B of the 1990 Act).
8. From the experience of working with the PCs in the district that are currently developing their NPs it has become apparent that although neighbourhood planning is primarily a planning policy led project there are other specialists within the Council that should be involved in supporting PCs. The Sustainable Communities Team is already involved in providing support to PCs as they prepare their plans and other specialist support may be sought as plans develop on matters such as housing, heritage, economy and landscape. A corporate officer steering group has been set up to oversee neighbourhood planning with representatives from additional specialist service area such as housing; economic development; conservation and design.
9. To help give clarity to local communities of what they could expect from SCDC in fulfilling its statutory role in neighbourhood planning when the first parish councils showed interest in preparing NPs, SCDC produced a document setting out the responsibilities between the Council and PCs and seeking to establish an agreement between the parties to assist the process of preparing a NP. The Planning Policy Portfolio Holder agreed this document (Service Level Agreement, SLA) in November 2014. When the SLA was approved in 2014 it was agreed that there would be an assessment after a year to review its working.  
[https://www.scambs.gov.uk/sites/default/files/revised\\_model\\_template\\_for\\_service\\_level\\_agreement\\_february\\_2015.pdf](https://www.scambs.gov.uk/sites/default/files/revised_model_template_for_service_level_agreement_february_2015.pdf)
10. To date within South Cambridgeshire eight neighbourhood areas have been designated and NPs are being prepared for these areas. The SLA has informed our discussions with these PCs, but to date none have been willing to sign up to the agreement, being uncertain of how their NP will progress and finding the SLA document alongside all the planning regulations too complex. When the neighbourhood area for Waterbeach was designated a simpler form of agreement was signed up to between the PC and SCDC reflecting local circumstances. It has proved to be more successful than the SLA.  
<https://www.scambs.gov.uk/sites/default/files/documents/Waterbeach%20Joint%20Working%20Agreement%20for%20website.pdf>

11. In response to the increasing workload relating to NPs a request for an additional resource in the Planning Policy team was made to Cabinet in January 2016. It was agreed that a Project Officer post be created to increase the capacity of the Planning Policy team to include support for neighbourhood planning alongside the work on the Local Plan – which is also a Corporate priority. Recruitment of the Project Officer post is progressing. <http://modern.gov/ie/ListDocuments.aspx?CId=293&MId=6503&Ver=4>
12. SCDC as the LPA can apply for a grant from DCLG which is intended to cover the costs of each NP. For the financial year 2016/17 the DCLG grant funding that SCDC is eligible to apply for has reduced from £30,000 to £20,000 for each NP in its area. To date SCDC has been able to apply for grant funding from DCLG for the seven neighbourhood areas (NA) that have been designated within the district. (7 x £5,000 = £35,000.) Due to the recent changes in the DCLG grant SCDC will no longer be eligible for claiming grant funding for NA designation. SCDC can only apply for a grant once a NP has been successful at examination and a referendum date set i.e. near the end of the plan-making process. DCLG has not committed itself beyond this financial year.

### **Considerations**

13. With the eighth neighbourhood plan recently designated for Melbourn, the SLA due for a review, an increasing number of Parish Councils indicating that they are considering preparing NPs, and the changes to the DCLG grant it is an opportune time to review how SCDC can most appropriately and effectively fulfil its duty to support a PC in preparing a NP.

### **Neighbourhood Planning Task and Finish Group**

14. The creation of the officer steering group has recognised the corporate nature of neighbourhood planning and it may be possible that corporate aspirations of the Council could be achieved through policies included within NPs – such as providing opportunities for self builders and starter homes within villages; and providing a means by which local communities can assess the character of their village which can be used to start the process of conservation area appraisals.
15. SCDC is keen to work with PCs to ensure that the NPs that they are preparing across the district make a difference to these local areas and also make a positive contribution to the statutory development plan for South Cambridgeshire. In reviewing how SCDC works with PCs and ensuring that the process moving forward works effectively for both PCs and SCDC, it is recommended that both District and Parish Councillors are involved in considering what has been successful from our existing working practices and what changes should be introduced in the future. It should be noted that any support to PCs must be carried out within the resources available taking account of the other priorities of SCDC to ensure that the approach proposed is sustainable moving forward.
16. It is therefore recommended that a Neighbourhood Plan Task and Finish Group is set up to oversee the review process and inform the recommendations back to the Portfolio Holder in the autumn. The Group could comprise of up to eight participants with a mix of District Councillors and Parish Councillors representing those parishes who have shown an interest in neighbourhood planning. It is envisaged this process would take place over a 10-12 week period once the Group was established and that the group would meet three times over this period.

17. This Group would oversee a number of aspects of how we work with PCs preparing NPs. These are described in more detail below and would include:
- a) SLA Review ( see paragraphs 18 -21)
  - b) Standard Offer (see paragraphs 22 - 27)
  - c) Enhanced Offer (see paragraphs 28 - 29 )
  - d) Guidance for NPs in South Cambridgeshire (see paragraphs 30 -31)

#### **SLA review**

18. The current SLA has not proved to be popular with PCs. There has so far not been any local interest in signing up to what we understand is seen as a long complex document. The Planning Advisory Service (PAS) which provides national on-line guidance to planners has highlighted the value of LPAs entering into agreements with PCs clearly explaining the services on offers to communities and the respective role of parties involved in NP – SCDC based our SLA on their suggested approach. We also included a table that set out the steps for preparing a NP and SCDC's offer at each stage, which was intended to be a helpful step by step guide for PCs. PAS recognises that NP can be resource intensive and take time to produce. There is a lot of discretion in the LPA role in NP and PAS has found that many LPAs are successfully helping to manage the process by entering into signed agreements with their local communities.
19. For SCDC the current SLA has not been successful with PCs. However officers consider it would be beneficial to have a shorter, simpler agreement with those PCs that are preparing NPs such as that agreed with Waterbeach PC. This would set out how SCDC and the PC/s will work together to ensure that there is an open and constructive working relationship.  
(<https://www.scambs.gov.uk/sites/default/files/documents/Waterbeach%20Joint%20Working%20Agreement%20for%20website.pdf> )
20. There is increasing interest from local communities within the district wishing to prepare NPs and SCDC needs to be able to plan its work load within the resources available in an effective and efficient way. If many requests are made from PCs for assistance at the same time it could be difficult for officers to respond to these in a timely way. An agreement could include a commitment from a PC to indicate to SCDC in advance the expected timescales for the key stages in the plan-making process – updating SCDC if these change as they prepare their NP. In return SCDC would commit to setting out clearly what support would be offered to a PC preparing a NP.
21. We need to ensure that the next version of the agreement with PCs is in a form that they will feel happy to sign up to. It is recommended that Task and Finish Group consider the scope of a revised agreement and prepare such an agreement that would then be brought back for consideration to a future meeting of the Planning Portfolio Holder.

#### **Standard offer**

22. SCDC has a duty to advice and assist PCs preparing NPs. The existing SLA provided details of how this duty would be carried out. The presentation of this offer has not been successful and therefore with the lessons learnt from this, it is suggested that SCDC set out clearly and concisely in plain English what SCDC is willing and able to offer as a standard level of support to PCs preparing NPs within the district. It is envisaged that the standard offer would set out the type of level of assistance that SCDC is able and willing to provide to PCs and which it considers to be reasonable and deliverable within available resources. This should recognise our capacity and balance it with the benefits to SCDC of well prepared NPs when they are agreed and

become part of the adopted development plan and a material consideration in determining planning applications.

23. The Task and Finish Group will be invited to consider the content of the standard offer, which could include:
- Officer support to PCs – meetings, phone calls, email
  - Guidance on Neighbourhood Planning in South Cambridgeshire (see paragraphs 30-31)
  - Assistance with methods of community engagement and consultation.
  - Advice on meeting the basic conditions
  - Up to date information on the Local Plan
  - Information on grant funding available
  - Comments on emerging drafts of the plan
  - Scoping of the impact on the environment of the NP policies ( see paragraph 24)
  - A 'health check' for a draft NP by an independent examiner (see paragraph 27)
24. A key task in preparing a NP is assessing the policies in a NP for their impact on the environment. A NP must be screened to assess whether a Strategic Environmental Assessment (SEA) is required. This must be carried out by specialists to ensure that a NP will meet the basic conditions as tested during the NP examination. It is a task where other LPAs have provided expert assistance either by employing consultants or using their own internal staff who are experts in sustainability. SCDC will need to ensure a SEA screening is carried out on all NPs. This is a fundamental test for a NP and a NP could fail its examination if a SEA is required but has not been carried out. SCDC could assist PCs by employing the relevant sustainability experts to carry out the screenings. The cost of this could be met by SCDC and included as part of the standard offer to PCs.
25. With the recent changes to the DCLG funding about when a LPA is able to apply for a grant it is even more important to take all reasonable steps to ensure that a NP would be successful through the examination process. It could be helpful for both SCDC and any relevant PC if an independent assessment was carried out on each NP before it was submitted for examination to help ensure that the NP stands a good chance of being agreed by the independent examiner. There is a service provided by the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) who can undertake such a pre-submission health check review of a NP. This 'health check' is carried out by an independent examiner to ensure the NP meets its basic conditions and therefore will be successful through examination. SCDC could meet the cost of this health check as part of its standard offer to reassure both SCDC and PCs that a NP will be able to proceed to referendum and eventually be 'made' by SCDC.
26. It is recommended that a recommended standard offer is developed by the Task and Finish Group to include the SEA scoping and health check as set out in paragraphs 24 - 25 and brought to a future meeting of the Planning Portfolio Holder for consideration.

**Enhanced offer**

27. Currently, along with general planning and consultation advice, the main interest of PCs who are preparing NPs has been seeking help on assessing the rural character of villages, identifying local housing needs within their area and economic assessments, as well as more practical help in preparing maps. This can go beyond the level of support envisaged in the standard offer. In discussing future support

some PCs have indicated that they would be happy to pay for an enhanced level of service which could be offered by SCDC at a charge to the PC. The details of the services that could form part of such an 'enhanced offer' and proposed costs for PCs using this service would need to be set out clearly to assist them in project planning their NP work.

28. It is recommended that the Task and Finish Group develops an enhanced offer to PCs which takes into account the more specialist tasks that a PC may wish expert help with when they are preparing a NP and consider whether a separate agreement would need to be signed up to by PCs wishing to take up this offer with SCDC.

#### **Guidance – Neighbourhood Planning in South Cambridgeshire**

29. Some LPAs who have been involved in neighbourhood planning from its introduction such as Broadlands DC and Herefordshire Council have guidance specific to their resources within their areas. Huntingdonshire DC has recently produced such guidance too. SCDC could produce such guidance for our district. It could be a more effective/ efficient way of informing PCs of the SCDC approach and could provide local advice and links to relevant Cambridgeshire data sources for the evidence base that all NPs need. It could provide information about the different stages in plan making for PCs and the different issues that can be included in a NP such as local housing, employment, village design guidance and community facilities. It could then result in contact with SCDC being for clarifying information rather than having to explain the approach. It is likely to reduce the resources needed over time for neighbourhood planning. Links could be provided to good examples of existing made NPs and where there is best practice.
30. It is recommended that the Task and Finish Group consider the range of issues to be covered and the format of how this guidance could be produced to be most user friendly such as:
  - a) One complete South Cambridgeshire guidance booklet or
  - b) A series of documents/notes that together providing key information at the different stages of NP making and could cover specific issues

#### **Consultation with PCs**

31. It is important to get the views and opinions of the PCs in the district as to how effectively they consider SCDC is working with them as they prepare their NPs and how they wish us to provide support to them with preparing NPs.
32. It is envisaged that PCs will be consulted on the Council's proposed approach to NP support, including the recommended agreement, the standard offer and the enhanced offer, once the findings of the Task and Finish Group have been reported back to the Planning Portfolio Holder in the autumn, to ensure that these documents are fit for purpose.

#### **Review period**

33. It is recommended that an annual review is carried out of how SCDC works with PCs on NPs as SCDC gains experience of working with PCs at the more advanced stages of plan making. Also will also be necessary to keep under review the resources available to SCDC, which are dependent upon DCLG continuing to offer grant to LPAs.

#### **Options**

34. The Planning Portfolio Holder could

- (a) Decide not to review how we will work with PCs preparing NPs. However despite the unsuccessful SLA SCDC considers it is still good practice to be clear on how it will carry out its statutory duties relating to NP. It would not make it clear to PCs what to expect from SCDC so make it more difficult for them to project plan their work and for SCDC to most effectively use the resources available within the Council to assist PCs.

### **Implications**

35. 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***

36. There have been changes to the DCLG grant funding that SCDC can apply for to assist it in neighbourhood planning. This grant has been reduced and can now only be applied for once a NP has been successful through examination and a referendum date set. DCLG has not committed itself beyond this financial year.

#### ***Legal***

37. SCDC has a statutory duty to advice and assist PCs who are preparing NPs and there are key stages where SCDC must carry out particular tasks.

#### ***Staffing***

38. Support to PCs preparing a NP has to date been provided by officers from the Planning Policy Team and the Sustainable Communities Team. The agreed new project officer post will increase the capacity of the Planning Policy Team to support neighbourhood planning alongside other work, including the Local Plan. The provision of this post is being reviewed in the context of the changes in grant funding. Specialist knowledge from other teams may increasingly be called upon in future as more PCs prepare NPs.

#### ***Risk Management***

39. SCDC has a statutory duty to assist PCs with NPs and with increasing workloads more resources may need to be directed to fulfilling this function. Funding from DCLG comes at the end of the process of plan-making so there is a risk that SCDC may use resources to carry out its statutory duties to NP but is dependent on a NP being successful at examination and a referendum date set before the DCLG grant funding can be applied for.

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

40. The members of the officer steering group have been consulted in the preparation of this report.

### **Effect on Strategic Objectives**

#### **Objective 1 – Living Well**

41. By preparing a NP local communities are being given the opportunity to create policies in their NP that will enhance the character of their local surroundings to contribute to ensuring an outstanding quality of life

#### **Objective 2 – Homes for our Future**

42. Local communities can within NP consider the existing and future needs for housing in their area and positively plan to meet this need through the range of policies.

**Objective 3 – Connected Communities**

43. This is an opportunity for the local community to shape through neighbourhood planning their local area whilst working with all parties engaged in developing the strategic site and involvement in planning for strategic transport needs

**Objective 4 – An innovative and dynamic organisation.**

44. 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. SCDC has a duty to support PCs preparing NPs and is a great opportunity for the Council to work in partnership and to develop new ways of working together with the PCs.

**Background Papers**

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