



**REPORT TO:** Leader and Cabinet  
**LEAD OFFICER:** Director, Planning and New Communities

8 May 2014

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## Neighbourhood Development Plans and Linton and Hildersham Area Designation

### Purpose

1. To agree the process for supporting the development of Neighbourhood Development Plans (NDP) in South Cambridgeshire.
2. To make a decision regarding the application to designate the parishes of Linton and Hildersham as a Neighbourhood Area.
3. This is a key decision because it is significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of South Cambridgeshire District Council. The issue was first published on 9 April 2014.

### Recommendations

4. It is recommended that Cabinet:
  - (a) approves the process for supporting the preparation of Neighbourhood Development Plans as set out at paragraphs 14 (area designation) and 10 and 12 (producing a Neighbourhood Development Plan), and the proposed consultation methods to be used drawn from those set out in **Appendix A** as appropriate to each case;
  - (b) approves the application to designate Linton and Hildersham as a Neighbourhood Area; and
  - (c) agree that future decisions on Neighbourhood Planning matters be delegated to the Planning Policy and Localism Portfolio holder.

### Reasons for Recommendations

5. Neighbourhood planning was introduced by Government in 2012 to empower local communities to make planning decisions to guide the future development of villages and neighbourhoods. The recommendations are intended to firm up what process should be followed locally, approve the first step which could lead to a neighbourhood plan for Linton and Hildersham and to provide clarity on decision making.

### Executive Summary

6. This report sets out a process to be followed for neighbourhood planning in South Cambridgeshire. Neighbourhood planning is a recent initiative from Government to give local communities more control over the future development of their villages and neighbourhoods. It proposes that a Service Level Agreement be developed and that a schedule of strategic policies be identified to which Neighbourhood Plans must be in general conformity. It reports that Linton and Hildersham have taken the first steps

towards the production of such a plan and recommends approval of a Neighbourhood Area covering those parishes.

## **Background**

7. Neighbourhood Development Plans 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 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*.
8. The NDP must support the strategic policies of the district Local Plan for housing and economic development and plan positively to support local development in their area that is outside the strategic elements of the Local Plan. They can also identify opportunities to use Neighbourhood Development Orders to enable development to proceed which is consistent with the NDP. This means that a NDP can propose the same or more development as is set in the Local Plan, but not less and as such is not a tool for preventing development from going ahead. The recently published NPPG says that an NDP can allocate additional or alternative sites to those in the Local Plan, but that the parish council should discuss with the local planning authority (LPA) why it considers the Local Plan allocations are no longer appropriate. All NDPs must demonstrate that they will contribute to sustainable development, particularly where the scale of development proposed is significantly greater than that provided for in the Local Plan. NDPs can also provide more detailed policy guidance than is included in the Local Plan, including for design quality, for example.
9. Neighbourhood development planning is optional, but, if a NDP 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. Where an adopted NDP is more recent than the Local Plan, any policy conflicts must be resolved in its favour (but note that an NDP could not be adopted that does not support the strategic policies of the Local Plan).
10. The key elements of the neighbourhood planning process in a district like South Cambridgeshire can be summarised as follows:
  - (a) The process is instigated by one or more parish councils.
  - (b) Initial consultation locally by Parish council and with the District council.
  - (c) Neighbourhood area proposed by PC to District Council (SCDC).
  - (d) Consultation of at least 6 weeks by SCDC on the Neighbourhood area.
  - (e) Comments received are considered by SCDC and, if appropriate, the area is designated.
  - (f) Parish council prepares the draft NDP with SCDC support and advice.
  - (g) Parish council conducts pre-submission publicity and consultation on the draft NDP.
  - (h) Parish council considers consultation responses and amends plan.
  - (i) Parish council submits the NDP to SCDC. SCDC check for legal compliance.
  - (j) If compliant, SCDC conducts community engagement – for a minimum of 6 weeks.
  - (k) Independent examination to check that a number of basic conditions have been met as set out in the NPPG (concerning such matters as consistency

with national planning policy, heritage features in the area, sustainable development, and conformity to Development Plan strategic policies etc.).

- (l) Report of independent examination received and published.
  - (m) SCDC considers report, reaches its own view (the report is not binding except in regard to community right to build orders), and decides whether to submit the NDP to a local referendum.
  - (n) Referendum undertaken by SCDC and results declared.
  - (o) If supported by simple majority of those voting, and compatible with EU obligations and Convention rights, the Neighbourhood Development Plan is adopted by the local planning authority (SCDC).
11. In addition to neighbourhood development plans, parish councils can consider whether they wish to prepare neighbourhood development orders. These can grant planning permission for specified developments, for example, certain types of household extensions, shop fronts, or 'green energy' proposals. Where there is a neighbourhood development order in place there would be no need to apply to the council for planning permission for the development it covers, so long as the conditions of the order are satisfied. The procedure for preparation of a NDO is very similar to that of a neighbourhood development plan.

### **Considerations**

12. Once a parish or group of parishes decides to develop a NDP, South Cambridgeshire District Council must in summary:
- (a) provide 'technical advice and support' to communities, but it's up to each local planning authority to decide what this should include.
  - (b) publicise and consult on, agree, and formally designate all valid Neighbourhood Areas. The area can cross authority or parish boundaries and if proposals come forward for overlapping areas the council, including ward councillors, will need to arbitrate, and decide which boundary makes most sense in planning terms.
  - (c) check the plan complies with all relevant legal requirements.
  - (d) subject to the check at stage c), arrange (and pay for) an independent examination into whether the plan meets the basic conditions (see paragraph 10 k) above). Importantly this is not a test of soundness.
  - (e) arrange (and pay for) a referendum on the plan if it passes the independent examination and the Council decides that it should be subject to a referendum. The referendum can go beyond the plan area if its impacts will be felt more widely. If it is agreed by over 50 per cent of those who vote, the District council then adopts the plan having first established that it would be compatible with EU obligations and does not breach Convention rights.
13. Officers are unclear at present how many parishes are likely to want to develop a NDP, however, a small number have made active enquiries about neighbourhood planning and some interest has been expressed by others.
14. It is proposed that the Council follows the process set out below for applications by parish councils for Area Designation, which follows national regulations and guidance:
- (a) Parishes are asked to complete the 'application for area designation' form, which can be found at [www.scambs.gov.uk/neighbourhood-planning](http://www.scambs.gov.uk/neighbourhood-planning). The form asks questions about the proposed area and the early consultation that the parish has undertaken.

- (b) The Council, as the Local Planning Authority (LPA), must publicise and consult on the application for not less than six-weeks. The form of consultation to be guided by its normal practice for development plan documents and supplementary planning documents as set out in its adopted statement of community involvement (SCI). A proposed list of potentially suitable consultation methods is attached as **Appendix A**. These can also be recommended to parish councils as appropriate methods for their own pre-submission consultation and publicity, and for publicity and consultation on the NDP.
  - (c) The Council takes representations into consideration and decides whether to designate the area. Cabinet are invited to delegate future decision making on neighbourhood planning matters to the Planning Policy and Localism portfolio holder (see paragraph 30 legal implications).
  - (d) Following designation, the Council publicises its decision, including the name of the parish council(s) nominating it, and a map showing the area.
15. A commonly used approach nationally is to use a template Service Level Agreement (SLA) between a District Council and the local bodies taking forward neighbourhood planning such as parish councils. An example of such a template which could be adapted for use in South Cambridgeshire is attached at **Appendix B**, and it is proposed that this be amended, refined and agreed by the Planning Policy and Localism portfolio holder (subject to the recommendation at paragraph 4c). It is proposed that the Council use this template to provide clarity for both parties on 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 Neighbourhood Development Plan.
16. Given that neighbourhood planning nationally and locally is very much in its infancy, officers will bring a report back to members after the first NDP has been adopted, reviewing the operation of the SLA and other aspects of our approach to neighbourhood planning, to examine lessons learned and to propose refinements.

### **Strategic Planning Policies of the District Council**

17. One of the basic conditions that any draft neighbourhood plan must meet is general conformity with the strategic policies contained in the development plan for the district. At present the development plan for South Cambridgeshire comprises the Core Strategy, the Development Control policies document, the Site Specific policies document, Area Action Plans for Northstowe, Cambridge East, North West Cambridge and the Cambridge Southern Fringe, and the Cambridgeshire and Peterborough Minerals and Waste Plan (Core Strategy and Site Specific Proposals Plan). The new Local Plan will replace the Core Strategy, Development Control Policies DPD and the Site Specific Policies DPD but the Area Action Plans and the Minerals and Waste Plan will remain.
18. Guidance on what is meant by strategic policies is set out in the NPPF and in the NPPG. Informed by this guidance, it is proposed that a report identifying strategic policies in the existing development plan, and in the emerging Local Plan, be brought to the next Planning Policy and Localism Portfolio Holder meeting to inform future neighbourhood planning.

### **Relationship to the Emerging Local Plan**

19. Neighbourhood plans must be in general conformity with the strategic policies of the development plan in force at the time of their examination to satisfy the basic

condition test set out above at paragraph 10 k). Before the emerging Local Plan is adopted which is not expected to be before Spring 2015, this will mean being in conformity with the strategic policies of the documents making up the Local Development Framework (LDF). In this situation the NPPG advises early discussions between the parish council and the local planning authority (SCDC) to agree the relationship between the policies in the emerging neighbourhood plan, the adopted policies in the LDF and the emerging policies of the Local Plan. The Council is advised to work collaboratively with parish councils to resolve any identified issues.

### **Linton and Hildersham Area Designation**

20. The parishes of Linton and Hildersham have decided they wish to prepare a Neighbourhood Development Plan for their combined area. They have applied to the Council for their combined parishes to be designated as a Neighbourhood Area supplying a map of the area to be designated, and a statement explaining why the area should be designated. The process set out in this report was followed for the neighbourhood area application, although the information that will in the future be requested on a standardised form was provided by a letter because the form was not available at the time. The consultation lasted for longer than 6 weeks as requested by the applicants.
21. Consultation on the area application was undertaken by the District Council as required, with support from the parishes:
  - (a) Prior to the application for area designation, the parish councils held open meetings to discuss the application and parishioners were informed of the rationale and background to the joint application through a series of articles in the Linton Village News (also distributed to Hildersham).
  - (b) The application letter and associated area map from Linton Parish Council and Hildersham Parish Council, which included a statement of why the area should be designated, was published on the District Council's website on 25 February 2014. The webpage requested representations on the consultation. A link was also added from the front page of the website.
  - (c) The District Council issued a press release regarding the consultation on 27 February 2014. An article was published in the Haverhill Echo on 28 February 2014.
  - (d) The District Council wrote to all parish councils with a border with either Linton Parish Council or Hildersham Parish Council plus Uttlesford District Council and the Essex Rural Community Council who is supporting Neighbourhood Planning in Essex on behalf of the Councils.
  - (e) The parish councils placed an article in the Linton Village News setting out the rationale for the area designation application and details of the consultation.
  - (f) Prior to the end of the consultation period (23 April 2014) the parish councils also emailed their extensive distribution lists to remind local people of the deadline for responding to the consultation.
22. 44 representations were received within the timescale, 42 in support of the area designation and 2 objections. This is considered to be a good rate of response given that it was not a consultation on an NDP itself with policies and proposed site allocations. One of the objections was an objection to the merger of the two parishes which is not being proposed, the other was from a local District Councillor that a comprehensive consultation has not been sought within Linton and Hildersham. A summary of the representations is attached as **Appendix C**.

23. There is clear local support for the proposed area designation and the application is considered valid. There are no planning reasons to refuse the application. Note that if it is decided that the application to designate should be refused that reasons have to be given for the refusal. The NPPG advises that the Council should avoid pre-judging what a parish council may decide to put in its neighbourhood plan.

### **Options**

24. With reference to process for supporting the preparation of Neighbourhood Development Plans, Cabinet could
- (a) approve,
  - (b) reject or
  - (c) amend
- the proposed process for supporting the preparation of Neighbourhood Development Plans as set out at paragraphs 14 (area designation) and 10 and 12 (producing a Neighbourhood Development Plan), and the proposed consultation methods to be used drawn from those set out in **Appendix A** as appropriate to each case.
25. With reference to the application to designate Linton and Hildersham as a Neighbourhood area, Cabinet could
- (a) approve,
  - (b) reject (giving reasons) or
  - (c) amend (must be clear planning reasons to modify)
- the application to designate Linton and Hildersham as a Neighbourhood Area.
26. With reference to future decisions on Neighbourhood Planning matters, Cabinet could
- (a) continue to make decisions itself,
  - (b) delegate decisions to the Planning Policy and Localism Portfolio Holder,
  - (c) delegate decisions to an alternative portfolio holder or Committee,
  - (d) delegate decisions to an officer.

### **Implications**

27. 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***

28. Local planning authorities 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 with the first opportunity being 1 July 2014. For all areas, the basic level of funding per NDP is £30,000, to be paid following:
- designation of the Neighbourhood Area (£5,000)
  - publication of the final pre-examination version of the NDP, prior to examination (£5,000)
  - successful completion of the neighbourhood planning 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.

29. 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 NDP. 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 provided 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/>

### **Legal**

30. The Localism Act and related regulations are silent on neighbourhood planning decision making. This would allow this function to be treated like others which are not expressly reserved to the Council by virtue of the Local Government Act 2000 and the Functions and Responsibilities Regulations 2000. Our constitution enables the Leader to make arrangements for the discharge of functions not otherwise provided for. These functions can be vested in the Planning Policy and Localism Portfolio holder if it is not wished to take neighbourhood planning decisions to Cabinet.

### **Staffing**

31. Initially support for neighbourhood planning will be delivered within existing resources by the Planning Policy Team and the Sustainable Communities and Partnerships Team, drawing upon the expertise of other staff as required. Depending on demand, and other work priorities, the Council may need to revisit the level of advice and guidance available to parishes or consider additional resources in the future.

### **Equality and Diversity**

32. Equality and diversity issues will be considered during the preparation of each NDP as appropriate to their content.

### **Climate Change**

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

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

34. Consultation responses on the proposed neighbourhood area are set out in summary in **Appendix C**.

### **Effect on Strategic Aims**

#### **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 Development Plans and local residents and businesses are engaged throughout the process.

### **Background Papers**

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.

National Planning Policy Framework - <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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

Neighbourhood Planning (General) Regulations 2012 -  
<http://www.legislation.gov.uk/uksi/2012/637/part/5/made>

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