

Neighbourhood Planning Briefing Note for Parish Councils

► What is neighbourhood planning?

The Localism Act introduced new rights and powers that enable communities to get directly involved in planning for their areas. Neighbourhood planning allows communities to come together through a parish council or neighbourhood forum and produce a neighbourhood plan.

The neighbourhood plan will set a vision for the future. It can be detailed, or general, depending on what local people want. Communities can use neighbourhood planning to influence the type, design, location and mix of new development, within the bounds of existing district level planning policies. Neighbourhood plans will become part of the planning policy against which planning applications will be assessed, alongside district wide plans.

Neighbourhood planning should happen alongside and not replace district level local planning. The City Council will still produce plans with strategic policies that set out the priorities and development needs for an area. Neighbourhood plans must be in general conformity with strategic policies of adopted local plans. If these plans say an area needs to grow then neighbourhood plans have to work within those parameters.

Neighbourhood plans are:

► Defining an appropriate area for a neighbourhood plan

A neighbourhood area must be decided at an early stage. An area considered appropriate for neighbourhood planning should be put forward. Ward boundaries are likely to be a good starting point when considering the appropriate area. Within parishes the plan can be for part or the whole of the parish area. The area does not have to follow administrative boundaries, although an area application must be made with each local planning authority that has part of its administrative area within the proposed neighbourhood area. A parish council can be responsible for a neighbourhood plan whose area goes beyond the parish boundary (as long as some of it is within the parish's area). If the area goes into another parish, agreement of the other parishes for the proposing parish to lead the neighbourhood plan should be sought. Approval of the area will be based on submitted documentation, which should include a map showing the area and a statement that explains the area.

The city council will check the area application meets requirements of the regulations and that the proposed area does not overlap with an already designated area. The City Council is then responsible for advertising the application and inviting comments. The City Executive Board is responsible for deciding whether to designate the proposed area.

► **Who prepares the neighbourhood plan and what is the process?**

Where the neighbourhood area includes the whole or part of a parish council area, the parish council is the only organisation that can formally progress the neighbourhood plan or a neighbourhood development order.

Getting started

At the beginning of the process it is a good idea for a parish council to draw up a project plan to cover the process of putting the plan together, including a programme and consultation strategy.

Next, a process of information gathering will need to take place. Relevant information may include an area profile, population data, a review of relevant parts of the City Council's planning documents and background studies, new evidence in the form of local surveys or studies etc. The City Council will be able to provide some statistics and discuss our existing planning policies and background documents.

Early consultation on a vision issues and potential options

Before drawing up a draft plan it is good practice to establish a vision and some key issues and potential options for addressing these. There is no requirement for the parish council to consult at this stage, but early consultation will be very beneficial in helping to get local people behind the project and ensuring the final plan meets their expectations.

Formulation of policies and proposals.

Using the information gathered and results of the consultation exercise on the issues and options, policies can be developed by the parish council. The parish council is required by the regulations to consult for at least 6 weeks on details of their proposals for a neighbourhood plan (likely to be in the form of a draft plan).

It is for the parish council or neighbourhood forum to decide who to consult given the scope and nature of the proposals they are developing. The local planning authority can help advise on this.

The responses to the consultation need to be considered by the parish council and the plan amended where appropriate. A draft neighbourhood plan can then be submitted to the City Council who must publicise it for another 6 weeks

Strategic Environmental Assessment and Habitat Regulations Assessment

To be in compliance with EU directives, a Strategic Environmental Assessment may be required. The City Council is responsible for carrying out a screening opinion to assess this requirement. The City Council will inform any neighbourhood planning group of the information it requires to carry out the screening opinion at the appropriate stage.

There are other EU Directives that may be triggered by neighbourhood plans, particularly the Habitats Directive, and additional procedures and assessment may also be needed

depending on the scale and impact of the plan proposals. An Appropriate Assessment is required of plans that could have a significant effect on Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites (jointly called 'European sites'). This is particularly relevant in Oxford because of the Oxford Meadows SAC, which is partly within the city boundary. A Habitat Regulations Assessment (HRA) was carried out by the City Council to inform the Core Strategy, and updated for other plans. This is likely to form a useful basis for any HRA that needs to be carried out for a neighbourhood plan.

► Adoption

Independent check

Once a neighbourhood plan or order has been prepared, an independent examiner will check that it meets the right basic standards. Before the examination, the local planning authority has to check that the submitted plan/order is legally compliant, i.e. the procedural steps have been followed. The City Council must appoint the independent examiner and organise the examination. If the plan or order doesn't meet the right basic standards, the examiner will recommend changes. The planning authority will then need to consider the examiner's views and decide whether to make those changes. The examiner's report is not legally binding, but the authority must have clear reasons for departing from any of the examiner's recommendations.

Community referendum

It is the responsibility of the City Council as planning authority to organise a referendum on any plan or order that meets the basic standards. This ensures that the community has the final say on whether a neighbourhood plan or order comes into force. All those living in the neighbourhood who are registered to vote in local elections will be entitled to vote in the referendum. As long as a simple majority of people voting in the referendum support the plan or order, then the City Council must formally adopt it.

Legal force

After a successful referendum, before the neighbourhood plan is adopted, the local planning authority should check the document is still compliant with EU and European Convention of Human Rights law. Once adopted it will form part of the development plan for the local area. It will then carry real legal weight. Decision-makers will be obliged, by law, to take what it says into account when they consider proposals for development in the neighbourhood.

► Other sources of information about the process and funding sources

Further information can be found on our website:
www.oxford.gov.uk/neighbourhoodplanning

The Localism Act 2011 is available at:

http://www.legislation.gov.uk/ukpga/2011/20/pdfs/ukpga_20110020_en.pdf

The Neighbourhood Planning (General) Regulations 2012:

<http://www.legislation.gov.uk/uksi/2012/637/made/data.pdf>

Locality is a good source of further guidance. Their website also has information on available funding and direct support, and includes an eligibility checker and applications forms:

Locality <http://www.locality.org.uk/>

► The City Council's role

The Localism Act places a legal duty on local planning authorities to support and advise parish councils and neighbourhood forums as they develop neighbourhood plans. The nature of this help is not defined. The City Council as planning authority will take account of specific circumstances when deciding how best to meet its 'duty to support'. The City Council will share evidence and information on planning issues and provide advice on national and local planning policies to help to ensure neighbourhood plans are in conformity. The City Council may also be able to help advise on consultation events, provide advice on assessments and evidence, advise as to whether policies will be legally enforceable and help neighbourhood groups communicate with external bodies and partners where this is required.

Therefore in addition to its legal requirements and subject to available resources the City Council will endeavour to support communities in the neighbourhood plan process through:

- Provision of a simple Ordnance Survey map base;
- Provision of core base statistical data for the area
- Generic neighbourhood planning advice and guidance (eg the process, how to get started, what others are doing locally);
- Advising and supporting on whether particular matters can be legitimately included in the plan;
- Advising on some of the technical, planning-related aspects of producing the plan and signposting to sources of evidence (eg drafting policies, undertaking a sustainability appraisal, negotiations with developers);
- Signposting to relevant contacts within the Council or within other stakeholder organisations (eg Oxfordshire County Council, Thames Valley Police, the Environment Agency, English Heritage etc.);
- Potentially helping with facilitation or advice on consultation, including giving advice on proposed surveys or questionnaires.

Overview of the process and the roles of the City Council and parish councils

Stage	Neighbourhood planning group actions:	City Council actions:
Designating neighbourhood area	Requests designation and submits background information required by regulations.	<ul style="list-style-type: none"> • Checks application • Publicises receipt of application for 6 weeks and invites comments via City Council website • CEB may formally designate neighbourhood area.
Designating neighbourhood forum (not relevant to parish councils)	Requests designation and submits background information required by regulations.	<ul style="list-style-type: none"> • Checks application • Publicises receipt of application for 6 weeks via City Council website • CEB may formally designate neighbourhood forum.
Evidence gathering and early public consultation	Gathers evidence and decides on the best way to consult local businesses and residents on issues, information and evidence collected. Need for SEA/HRA to be considered.	Can respond to requests from forum for advice on consultation methods, evidence base, existing policy background and whether it is in agreement with considerations about the need for SEA/HRA, but ultimately it is the decision of the forum. No statutory function.
Pre-submission publicity and consultation on detailed proposals for a neighbourhood development plan (most likely to be in the form of a draft plan). likely to be in the form of a draft plan).	This is the only statutory stage of publicity and consultation before submission. The Neighbourhood Forum/Parish Council can determine the detailed proposals to consult on. It is most likely to be in the form of a draft plan. Detailed proposals must be publicised for 6 weeks- details are set out in the regulations. A copy of the detailed proposals should be sent to the local planning authority. Consultation with a list of specified range of organisations is also required. Responses must be considered and the plan amended where appropriate.	No statutory function
Submission/publicising of the proposed	Submission to the City Council of: a) a map or statement which identifies the area to	<ul style="list-style-type: none"> • Must publicise any plan proposal that includes the required documents as soon as possible.

<ul style="list-style-type: none"> • Publish the draft plan for 6 weeks and invite comments. • Inform consultees that the plan proposal has been received. 	<p>which the proposed neighbourhood development plan relates;</p> <ul style="list-style-type: none"> b) a consultation statement giving details of the consultation carried out, issues and concerns arising, and how they were considered and, where relevant, addressed; c) the proposed neighbourhood development plan; and d) a statement explaining how the proposed neighbourhood development plan complies with statutory requirements, has proper regard to national policy and guidance, contributes to the achievement of sustainable development, conforms with strategic development plan policy, and is compatible with European Union obligations. 	<p>neighbourhood development plan</p>
<p>Checks against regulations and legislation to be carried out by officers. Publicise.</p>		<p>Check submitted neighbourhood development plan is legally compliant.</p>
<p>City Council responsible.</p>		<p>Appointment of independent examiner</p>
<p>To send submitted documents to examiner as well as a copy of representations made during the Council's publicity period on the draft, and any required habitats assessment.</p>		<p>Submission of neighbourhood development plan proposal to examination</p>
<p>The planning authority must consider the examiner's views and decide whether to make any changes. The examiner's report is not legally binding but the planning authority must have clear reasons for departing from the examiner's recommendations. Officers (in consultation with the forum/parish council) will report to CEB on the examiner's recommendations for changes</p>		<p>Consideration of examiner's views if changes are recommended</p>

<p>and CEB will consider whether to make those changes. Alternatively it may be recommended to CEB that a plan proposal is declined. A decision statement must be published explaining decisions taken. The City Council will publish the decision to proceed and the reasons and the Plan.</p>		
<p>The City Council must organise a referendum (covering the relevant geographical area,) for any plan that is still proceeding. This will be organised by officers.</p>		<p>Referendum</p>
<p>The City Council is required to adopt any neighbourhood development plan where a simple majority of people who voted were in support of it. The plan will be taken to full council for adoption.</p>		<p>Adoption</p>
<p>publicise and make available for viewing the adopted neighbourhood development plan.</p>		<p>Publicising a neighbourhood development plan</p>