

Bath & North East Somerset Council

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| MEETING: | Cabinet | |
| MEETING DATE: | 12 th September 2012 | EXECUTIVE FORWARD PLAN REFERENCE: |
| | | E2413 |
| TITLE: | Adoption of My Neighbourhood: A Neighbourhood Planning Protocol for Bath & North East Somerset | |
| WARD: | All | |

AN OPEN PUBLIC ITEM

List of attachments to this report:

Appendix A: My Neighbourhood - Neighbourhood Planning Protocol for Bath & North East Somerset (Adoption Draft)

Appendix B: Schedule of Amendments to the March 2011 draft

Appendix C: Consultation Report

Appendix D: Results of Localism e-survey (June 2012)

Appendix E: Summary of Community Interest expressed in take-up of Neighbourhood Planning (August 2012)

1 THE ISSUE

1.1 The Localism Act (November 2011) and the Neighbourhood Planning Regulations (April 2012) facilitate new community-led planning rights which will enable communities to undertake their own Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build projects. The new legislation also introduces new planning duties on Bath & North East Somerset to support these new rights. In order to respond to this new agenda and to update the Council's policy on community engagement in all elements of planning *My Neighbourhood: A Neighbourhood Planning Protocol for B&NES* has been prepared and publicly consulted on.

1.2 This document, when adopted, will also supersede the current Statement of Community Involvement (SCI) for Planning, adopted in 2007. As such the document also includes information on the ways in which the community can get involved in all planning processes and it outlines the requirements for developers to consult with the community on proposals for new development.

2 RECOMMENDATION

2.1 The Cabinet agrees that:

- (i) The *My Neighbourhood: A Neighbourhood Planning Protocol for B&NES* (**Appendix A**) is adopted as the Council's policy on Neighbourhood Planning and community engagement in planning superseding the existing Statement of Community Involvement for Planning (2007);
- (ii) Responsibility is delegated to the Divisional Director of Planning & Transport, in conjunction with the Cabinet Member for Planning and Housing, to make final graphic and minor textual amendments prior to publication of the *Neighbourhood Planning Protocol*.

3 FINANCIAL IMPLICATIONS

- 3.1 The preparation of the *My Neighbourhood: A Neighbourhood Planning Protocol for B&NES* document is being met from the LDF budget. The preparation of this document including research and evidence gathering, consultation activities (focus groups, events and display materials), printing and design has cost approx. £10,000 (£5000 in 2011/12 and £5000 2012/13 funded from the 2012-13 LDF budget).
- 3.2 The future financial implications to the Council triggered by new duties introduced in the Localism Act are at this stage uncertain. Although the exact amounts will depend on community take-up of Neighbourhood Planning the costs per Plan have been approximated below. Officer time to support Neighbourhood Planning could potentially constitute a significant resource requirement affecting both Planning Services and other service areas (see **Tables 1** and **2** below). All costs arising from this will be met and prioritised from existing budgets within the Service both in the current year and in particular for 2013/2014. This will need to be taken into account in the LDF work programme and the Democratic Services budget.
- 3.3 CLG (2011) cost estimates from the *Localism Bill: Neighbourhood Plans and Community Right to Build Impact Assessment* have been used to estimate costs and officer time.

Table 1: Summary of Costs to the Council for a typical Neighbourhood Plan (including a Neighbourhood Development Order)

| Duty | Direct cost per Plan | Likely Officer time per Proposal | Funding source |
|---|----------------------|----------------------------------|----------------|
| Designation of Neighbourhood Forums (Bath only) | - | 5-10 days | Staff time* |
| Council Support for preparation of | - | 15-20 days | Staff time* |

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| Neighbourhood Plan | | | |
| Validation of Neighbourhood Plans | - | 2 days | Staff time* |
| Examination of Neighbourhood Plans by an Independent Inspector | £5,000 | 7 days | LDF Budget |
| Referenda | £7,000 | 5 days | Electoral Services |
| Adoption of Neighbourhood Plans | - | 5 days | Staff time* |

* Staff primarily planning services but also other service areas as relevant to the issues in the Neighbourhood Plan e.g. Policy & Partnerships, Development & Regeneration, Transport etc

Table 2: Summary of Costs to the Council of a typical Right to Build Scheme

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|-------------------------------|--------|--------|----------------------|
| Support in scheme development | £5,000 | 5 days | Existing staff time* |
| Referenda | £7,000 | 5 days | Electoral Services |

3.4 Significant costs including time will be required in terms of community input to take forward such proposals and some Government funding is likely to be able to be bid for by Parish/Town Councils or Neighbourhood Forums in the form of grants or in-kind support. The Council aims to signpost local groups to this nationally funded support wherever relevant. Further support will need to be met within existing staff resources and work will need to be prioritised accordingly.

3.5A number of local groups in B&NES have already received in-kind support from some of the national agencies funded to assist with Neighbourhood Planning. In particular, B&NES has one of the Neighbourhood Planning National Frontrunners (Freshford & Limpley Stoke Parishes) – this cross border Neighbourhood Area has received a grant of £20,000 from the government to support the development of their Neighbourhood Plan as a result of a successful funding bid led by B&NES Council. It is anticipated that this Neighbourhood Plan will be examined, and if found sound, go to referendum in summer 2013, this is anticipated to cost approx. £12,000 in external fees, in addition to staff time. These costs will be included in the budget plan for 2013-14. However, as this is a cross-border Neighbourhood Plan we will continue to work with Wiltshire Council to run a joint examination and referendum, this should also reduce costs. There are no plans for Neighbourhood Plan examination and referendums for 2012-13 as there has been no request for this from local groups.

3.6 It is considered that there will be an initial peak in demand in Neighbourhood Planning support during the financial year 2013-14; this view is supported in the e-survey which 136 local groups and residents responded to where demand for support was highest in the next 6-12 months (see **Appendix D**).

3.7 The financial cost to the Council of supporting a single Neighbourhood Plan is roughly £15,000 plus staff time but these costs may not necessarily fall within one year. The costs to the Council will depend on the demand from communities to undertake Neighbourhood Planning and the Council will need to agree a programme of preparation of neighbourhood plans which it can reasonably fund. This will be a key task after the adoption of the NPP order to inform the MTSRP process.

3 CORPORATE PRIORITIES

4.1 The Localism agenda in Planning links well to all three of the Council's corporate priorities.

** Promoting independence and positive lives for everyone*

** Creating neighbourhoods where people are proud to live*

** Building a stronger economy*

4.2 Neighbourhood Planning has been designed to be pro-development and therefore should have a positive economic outcome, while it also seeks to encourage community and neighbourhood action.

4 THE REPORT

Background

4.2 The Localism Act seeks the transfer of power from Central Government to Local Authorities and local communities. It has implications for Service Delivery and Council functions, particularly for Planning Services. The Planning Department has been working as part of the Corporate Localism Group to consider the impacts of Localism to the Council across all service areas. This report focuses specifically on the planning elements.

4.3 The Localism Act introduces three neighbourhood level planning powers:

- Neighbourhood Plans
- Neighbourhood Development Orders
- Community Right to Build

4.4 These new tools are all permissive, positive, pro-development tools so they allow communities to shape and influence development locally or encourage development of a certain type or kind. The proposals must be in general conformity with national policy and the Development Plan (i.e. the B&NES Local Plan/Core Strategy).

4.5 There are specific new duties for the Council which include duties to designate Neighbourhood Forums/Areas to allow groups to utilise the new powers as well as duty to support Neighbourhood Planning and fund their examination and referenda.

- 4.6 Chapter 5 of the Neighbourhood Planning Protocol (**Appendix A**) outlines in detail the background to these tools and clearly state's how the Council will consider applications for Neighbourhood Forums/Neighbourhood Area Designations and the support that will be offered locally for Neighbourhood Planning. Application forms reflecting the criteria contained within the document have also been prepared to go live in September 2012.
- 4.7 The Neighbourhood Planning Protocol will play a key role in assisting the Planning Department in giving advice to community groups, residents and businesses of all options that they have to influence local planning and development issues. Neighbourhood Planning is resource intensive for both the community groups involved, and the Council and has to follow strict procedural rules. Therefore, if there are other ways in which the community can get the outcomes that they would like for their neighbourhood via another, simpler approaches, this will be encouraged in the first instance. To this end, the other chapters of the Neighbourhood Planning Protocol focus on all areas of planning that communities can get involved in. Case studies are used throughout to illustrate how other local groups in B&NES have taken action and got involved in local planning issues using a variety of different approaches.

Consultation Feedback

- 4.8 As outlined in section 10 of this report significant consultation has informed the production of the Neighbourhood Planning Protocol. The document has received positive feedback and strong support at previous PTE Scrutiny and Cabinet Committees, at the local events and via formal written comments. In particular the accessible style, clarity and use of case studies were very popular – this reflected the strong steer from the initial focus groups.
- 4.9 The document has also received National attention and has now been cited as good practice by CABI/Design Council and Urban Design London.
- 4.10 The overwhelming majority of the comments made on the draft were minor and have been able to be accommodated. Specific material amendments have been included in relation to Neighbourhood Area/Neighbourhood Designation, as shown on pages 1 and 2 in **Appendix B** which highlight the Council's preferred delegation and decision making arrangements (although these are still subject to confirmation from the government). Requests for further detail on some elements of Neighbourhood Planning have not been able to be fully accommodated as there is relatively little experience of how some elements will work in practice. For example, there has only been one Neighbourhood Plan examination to date, the first Neighbourhood Forum and Area have only just been formally designated and there is currently no national precedent in relation to Business Forums.
- 4.11 The schedule of amendments to the March 2012 draft Neighbourhood Planning Protocol (**Appendix B**) also reflects the updates to legislation and the publication of the final Neighbourhood Planning Regulations and the draft Neighbourhood Plan Referendum Regulations 2012. The Consultation Report (**Appendix C**) includes a summary of the consultation comments and key issues raised as well as the Council's response to these.

Local interest in pursuing Neighbourhood Planning in B&NES

- 4.12 Attempts have been made to estimate demand and take-up of Neighbourhood Planning in B&NES, however, it appears that many local groups are still weighing up their options and have not made a decision whether to use the tools.
- 4.13 The events on Neighbourhood Planning have been very well attended and a number of local groups are keeping a watching brief on this issue including the Federation of Bath Residents' Associations Localism Sub-group that has been working closely with the Council to consider the impacts of the Localism Act and Neighbourhood Planning.
- 4.14 An e-survey was carried out in June – July 2012 of all planning stakeholders on the Council's database on the topic of Localism and Neighbourhood Planning. 136 responses were received. The findings are included in **Appendix D**. In particular it is interesting to note:
- The majority of respondents were from Bath
 - Most respondents were still not clear over which tool was the best for them to use
 - The main aspect of the Localism Act for which interest was shown related to Neighbourhood Planning
 - Half of respondents were aware of Neighbourhood Plans, although there was less general awareness of other community rights
 - The next 6-12 months was the peak of when respondents would potentially like to use Neighbourhood Planning tools (although almost half of respondents stated no timeframe)
 - Housing and Design issues were the most common issues that respondents wanted to address, although there was strong interest across a number of issues, for example, almost a third of respondents were interested in planning for renewable energy
 - There was an appetite for more information and toolkits, particularly online
- 4.15 A record of all contact made to the Council's Planning Department from prospective community groups, residents and town and parish Councils wishing to consider the Neighbourhood Planning tools and is summarised in **Appendix E**. Freshford and Limpley Stoke are the only Neighbourhood Planning Area known the Council to be actively taking forward a Neighbourhood Plan and the Council is working closely with them to this end. There also appears to be stronger interest in the south of the district than in other rural areas and within Bath.
- 4.16 It is noted that many local groups may be actively considering Neighbourhood Planning but may not have contacted the Planning Department or responded to the e-survey. National support agencies also offer advice and support and the Council is aware of some local groups utilising these national facilities in the first instance e.g. West of England Rural Network, Princes Trust, CPRE, Locality and Planning Aid. A number of local groups have reported that they have used the

Neighbourhood Planning webpages to find B&NES specific Neighbourhood Planning information in the first instance.

Conclusion

5.16 Cabinet are asked to consider the background evidence provided in **Appendices B-E** and agree to adopt the *Neighbourhood Planning Protocol (Appendix A)* as the Council's policy on Neighbourhood Planning and community engagement in planning superseding the existing Statement of Community Involvement for Planning (2007).

6 RISK MANAGEMENT

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.
- 6.2 There is a risk that neighbourhood planning will not join up with other forms of community engagement especially in unparished areas. To help avoid this the *Neighbourhood Planning Protocol* has been and will continue to be kept under review to see what links should be made to existing, or new, community partnerships and other forms of engagement.

7 EQUALITIES

- 7.1 The Government has undertaken an Equalities Impact Assessment of the Localism Act in relation to Neighbourhood Planning (2011). This has been used to inform the Equalities Impact Assessment of this policy approach.
- 7.2 The previous Equalities Impact Assessment on the draft document has been revisited in light of the amendments made to the draft document adding greater clarity the impact of the changes is positive.

8 RATIONALE

- 8.1 The Council needs to be ready to implement the new duties in line with the Localism Act 2011 and Neighbourhood Planning Regulations 2012.

9 OTHER OPTIONS CONSIDERED

- 9.1 The Council is not obliged to prepare a Neighbourhood Planning Protocol and instead can respond to request on an ad hoc, piecemeal basis. This option has been rejected because this would lead to considerable confusion and lack of clarity for local communities and lack of co-ordination within the Council.

10 CONSULTATION

- 10.1 *Ward Councillor; Cabinet members; Parish Council; Town Council; Overview & Scrutiny Panel; Staff; Other B&NES Services; Local Residents; Community*

Interest Groups; Charter Trustees of Bath; Section 151 Finance Officer; Chief Executive; Monitoring Officer

10.2 Significant informal engagement has been undertaken with Parish & Town Councils and local groups in Bath to assist in identifying appropriate options and their implications. This has included: a series of three focus groups, a number of briefing sessions and events and an e-survey.

10.3 The PTE Policy Scrutiny Committee also considered the Neighbourhood Planning Protocol in March 2012 and August 2012. Specific amendments included on request of the Scrutiny Committee include:

- Link to planning portal glossary of planning words added to help with technical language
- Chapter 5 Community Right to Build section– introduction simplified and cross references to further plain English explanation added
- To link to referendum process in Chapter 5 following publication of draft national guidelines and regulations
- Design and formatting process undertaken to assist with flow of the document and ease of reading

10.4 The Neighbourhood Planning Protocol was subject to a full public consultation, including a series of events, and written comments were also received.

10.5 For a full record of the consultation undertaken is included in **Appendix C** and a schedule of amendments to the draft responding to the comments made in light of this can be found in **Appendix B**.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 *Social Inclusion; Customer Focus; Sustainability; Other Legal Considerations*

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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| Contact person | <i>David Trigwell Divisional Director - Planning and Transport, Planning and Transport Development</i> |
| Sponsoring Cabinet Member | <i>Councillor Tim Ball</i> |
| Background papers | <i>National Legislation</i> <i>Localism Act 2011 http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted</i> |

Neighbourhood Planning Regulations 2012
<http://www.legislation.gov.uk/ukxi/2012/637/contents/made>

Draft Neighbourhood Planning Referendum Regulations 2012
http://www.legislation.gov.uk/ukdsi/2012/9780111525050/pdfs/ukdsi9780111525050_en.pdf

B&NES Committee Papers

The Localism Act: A Neighbourhood Planning Protocol for Bath & North East Somerset Planning, Transport and Environment Policy Development and Scrutiny Panel Paper - 13th March 2012

My Neighbourhood: A Neighbourhood Planning Protocol for Bath & North East Somerset Cabinet Paper – 14th March 2012

Neighbourhood Planning Protocol for Bath & North East Somerset – Adoption Draft – Planning, Transport and Environment Policy Development and Scrutiny Panel Paper - 23 August 2012

Other

B&NES Draft Neighbourhood Planning Protocol (March 2012)
www.bathnes.gov.uk/neighbourhoodplanning

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