

# SCRUTINY PANEL A

Tuesday, 8th April 2014  
at 5.00 pm

## PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public

### Members

Councillor Burke (Chair)  
Councillor Claisse (Vice-Chair)  
Councillor L Harris  
Councillor Lloyd  
Councillor McEwing  
Councillor Mintoff  
Councillor Vinson

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# PUBLIC INFORMATION

## Role of Scrutiny Panel A

The Overview and Scrutiny Management Committee have instructed Scrutiny Panel A to undertake an inquiry into maintaining balanced neighbourhoods through planning.

### Purpose:

To review how effectively the City Council's Article 4 and HMOs Supplementary Planning Document is working.

To increase understanding of the various Government proposals to relax permitted development rights, including those relating to extensions, office to residential conversions and changing retail use without consent, and to consider if a local response should be developed.

To consider the Council's approach to planning enforcement.

## Southampton City Council's Priorities

- **Economic:** Promoting Southampton and attracting investment; raising ambitions and improving outcomes for children and young people.
- **Social:** Improving health and keeping people safe; helping individuals and communities to work together and help themselves.
- **Environmental:** Encouraging new house building and improving existing homes; making the city more attractive and sustainable.
- **One Council:** Developing an engaged, skilled and motivated workforce; implementing better ways of working to manage reduced budgets and increased demand.

## Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

**Smoking policy** – the Council operates a no-smoking policy in all civic buildings.

**Mobile Telephones** – please turn off your mobile telephone whilst in the meeting.

**Fire Procedure** – in the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

**Access** – access is available for the disabled. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

## Dates of Meetings: Municipal Year

2013	2014
28 <sup>th</sup> November	9 <sup>th</sup> January
	6 <sup>th</sup> February
	6 <sup>th</sup> March
	3 <sup>rd</sup> April
	8 <sup>th</sup> May

## CONDUCT OF MEETING

### **TERMS OF REFERENCE**

The general role and terms of reference of the Overview and Scrutiny Management Committee, together with those for all Scrutiny Panels, are set out in Part 2 (Article 6) of the Council's Constitution, and their particular roles are set out in Part 4 (Overview and Scrutiny Procedure Rules – paragraph 5) of the Constitution.

### **BUSINESS TO BE DISCUSSED**

Only those items listed on the attached agenda may be considered at this meeting.

### **RULES OF PROCEDURE**

The meeting is governed by the Council Procedure Rules and the Overview and Scrutiny Procedure Rules as set out in Part 4 of the Constitution.

### **QUORUM**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

## **DISCLOSURE OF INTERESTS**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### **DISCLOSABLE PECUNIARY INTERESTS**

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value for the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

### **Other Interests**

A Member must regard himself or herself as having an 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

### **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

Agendas and papers are now available via the City Council's website

### **1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

### **2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

### **3 DECLARATIONS OF SCRUTINY INTEREST**

Members are invited to declare any prior participation in any decision taken by a Committee, Sub-Committee, or Panel of the Council on the agenda and being scrutinised at this meeting.

### **4 DECLARATION OF PARTY POLITICAL WHIP**

Members are invited to declare the application of any party political whip on any matter on the agenda and being scrutinised at this meeting.

### **5 STATEMENT FROM THE CHAIR**

### **6 MINUTES OF THE PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)**

To approve and sign as a correct record the Minutes of the Inquiry Meetings held on 6<sup>th</sup> February and 6<sup>th</sup> March, 2014, attached

### **7 NEIGHBOURHOOD PLANS**

Report of the Assistant Chief Executive focussing on increasing understanding of Neighbourhood Plans, attached.

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# Agenda Item 6

To approve and sign as a correct record the Minutes of the Inquiry Meetings held on 6<sup>th</sup> February and 6<sup>th</sup> March 2014, attached,

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## SCRUTINY PANEL A

### MINUTES OF THE MEETING HELD ON 6<sup>TH</sup> FEBRUARY 2014

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Present: Councillors Burke (Chair), Claisse (Vice-Chair), L Harris, Lloyd, McEwing, Mintoff and Vinson

#### 6. **PLANNING ENFORCEMENT**

The Panel considered the report of the Assistant Chief Executive detailing the Council's approach to planning enforcement.

Councillor Letts was in attendance and gave an overview of the matters that the Scrutiny Panel were considering.

With regards to permitted development rights, clarity had been sought with regards to HMOs and whether they were included, and Government had confirmed that they were which meant that it would be possible for every HMO to increase in size within the new guideline on permitted development.

The HMO registration scheme was in place in four pilot areas and there was the possibility of expanding the scheme to other areas within the City.

Concerns in relation to the current Article 4 which treated parts of the City differently with regards to the percentage for HMOs. It was questioned as to whether there needed to be consistency across the City.

There was a need for appropriate accommodation to meet the needs of the population in the City, which included students and young working people. This need would also be driven by the changes to the benefits system. Purpose build accommodation for students was encouraged.

Councillor Mrs Blatchford, Chair of the Planning and Rights of Way Panel, was also in attendance and briefly outlined the experiences of the Panel Members and the issues relating to HMOs and planning enforcement.

Dr Chris Lyons, Planning and Development Manager, explained that the Council had challenged whether HMOs had permitted development rights, but the Government have now confirmed their position and that of the Planning Inspectorate and the rights do apply to HMOs.

He explained that the historical issues relating to planning enforcement were being addressed. There had been a restructure within the department and now Planning and Enforcement were part of the same team which he was responsible for. The links with Legal Services had also been made stronger. The back log of cases had been cleared.

There was a legal system to operate in and they would only take action if it was expedient to do so. This would normally look at whether any harm was being caused by the breach. Even if action was being taken, there was a right of appeal and this

process took some time, which often meant local residents felt no action was being taken.

It was clarified that it was not possible to serve stop notices until HMOs are occupied even if the intent is clear.

It was suggested that the Enforcement Service is re-inspected by Internal Audit to review how fit for purpose the service is now.

Chris Lyons confirmed that a HMO only needed to prove that it had been used as such for four years now. It had previously been 10 years. He stated that if members of the public provided them with evidence about the use of a dwelling they would always investigate.

It would only be possible to provide information about enforcement once action became formal. Prior to this the information would be confidential as it was possible there was no breach taking place.

It was agreed that as statistics showed that the HMO split was 50% students and 50% others, then more needed to be done to perhaps promote accommodation on the east of the City which would then possibly allow for a better balance.

It was suggested that maybe some work could be undertaken to find out what the need was for HMOs and then discuss further where this need could be best met.

A representative from Pointout Residents' Association felt that it would be best if there was equality across the City with regards to the percentage of HMOs allowed.

Highfield Residents' Association expressed their concern with regards to HMOs being able to take advantage of the permitted development rights. They felt that if it was not possible to impose an Article 4 to stop this happening then it was against the Government's desire to allow local areas to control matters locally.

Chris Lyons reiterated that our current Article 4 related to applications for change of use. It has no impact on permitted development rights for dwellings that already had permission to be HMOs.

Concerns were raised again about anti social problems caused by HMO tenants, which were usually students. There seemed to be no cause of redress as they had often left before any action was even considered. As well as noise nuisance there was also concern about the condition of the street scene.

Chris Lyons stated that if matters were reported they would be investigated. However, they were not able to take a more pro-active role and address matters without complaints due to resource implications.

He stated that often once someone has been approached about an issue the matter was resolved without needing to take the matter further. It was not possible to publish these details as this would be against data protection rules.

It was agreed that education was the way to ensure new tenants were aware of issues, such as not over filling wheelie bins. Unfortunately tenants often changed and it was hard to ensure that news tenants were always reached.

There was a suggestion that small schemes could be established with residents associations, landlords and tenants all working together to improve neighbourhoods. Best practise could then be shared with other areas in the City.

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## SCRUTINY PANEL A

### MINUTES OF THE MEETING HELD ON 6<sup>TH</sup> MARCH 2014

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Present: Councillors Claisse (Vice-Chair), Lloyd, Mintoff and Vinson

Apologies: Councillors Burke, Les Harris and McEwing

#### COUNCILLOR CLAISSE IN THE CHAIR

7. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 9<sup>th</sup> January, 2014 be approved as a correct record.

8. **PERMITTED DEVELOPMENT RIGHTS**

The Panel considered the report of the Assistant Chief Executive relating to the relaxation of permitted development rights.

Dr Chris Lyons, Planning and Development Manager, detailed the changes in the rules in relation to office permitted development rights and the number of proposals that the Council had been notified of since the changes were introduced, as detailed in Appendix 1 of the report.

As with other permitted development notifications, now there was no need for a planning application, the fee income was lost, together with any possible S106 money that may also have been attached to a planning approval.

He explained that there was an option to introduce an Article 4 to remove these rights. However, other authorities had not been successful in getting permission and he did not feel that Southampton would be considered any differently. He advised that the Council should keep a close eye on developments.

He also outlined the points relating to residential permitted development rights, also detailed in Appendix 1 to the report.

It was explained that the 42 day notice period started from the date that the application was received and considered valid.

Concerns were raised as to whether all members were receiving details of the notifications that were coming through. Chris Lyons confirmed that all members should receive the relevant notifications and applications by ward. He agreed to check to ensure that the process was operating correctly.

It was confirmed that the change of use from offices to residential was 50% within the city centre and the rest evenly split across the district centres.

It was reported that an application for an exemption to the permitted development rights had been applied for with regards to primary office stock but this had been refused.

The only grounds that the change of use can be refused on are contamination, flooding and transportation issues.

It was confirmed that the change of use would be to C3. Therefore if there was a desire to turn the offices into HMOs, planning permission would be needed as this would be C4. Cluster flats would also need planning permission as these were also not C3.

There was concern raised about the residential rights also applying to HMOs, but as Chris Lyons explained there was nothing that the Council could do about this.

Notification of proposal only have to go to immediate neighbours, whom were often other HMOs and sometimes owned by the same landlord, so objections were unlikely to be received. Technically, Councillors and others were not supposed to be notified, and they would not have a right to object.

These current permitted development rights would remain until 2016. It was confirmed that the current Article 4 relates to change of use from a C3 to a C4. A property that has permission to operate as a C4 can use the permitted development rights rules.

Although the supplementary planning document states that HMOs do not have permitted development rights, this was not enforceable due to the ruling from Government.

Concerns were raised about the increase in noise nuisance if HMOs were able to extend. Chris Lyons suggested that this would be better dealt with by Environmental Health.

With regards to the numbers of notifications following the change of the rules it was felt that the low numbers could possibly be due to the economic climate. Southampton's situation was very similar to the national picture and there was no real pattern emerging.

If the Council decided to apply for an Article 4 for these rights to not be allowed, to avoid the risk of compensation it would be advisable to give a year long notice period. During this time there was a risk that many notifications could be received and there was no guarantee that the Article 4 would be approved.

It was suggested that one reason to propose an Article 4, was that if houses had large extensions there could possibly be a lack of small housing for starter homes.

It was felt that the Government would have probably considered this before the rules were changed and felt that the balance would not be affected.

Chris Lyons explained that they had no control on the quality of the accommodation or the size. There may be concerns that properties were small but there was possibly a demand for this. All changes would be subject to the usual building regulation controls.

Highfield Residents' Association addressed the meeting and stated that they would want an Article 4 which would remove the permitted development rights, especially for HMOs.

They also expressed concerns about the views given at the previous meeting by the Leader of the Council and the Chair of the Planning and Rights of Way Panel.

Councillor Lloyd asked if there had been any progress with regards to the residents associations meeting with the landlord groups.

Highfield Residents' Association report that they were not aware of any progress, but felt that they were never likely to reach a common ground.

Mark Pirnie explained that Appendix 4 to the report had been included in the papers to enable it to be considered as evidence for the Inquiry. The paper identified the housing pressures within the City.

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<b>DECISION-MAKER:</b>	SCRUTINY PANEL A		
<b>SUBJECT:</b>	NEIGHBOURHOOD PLANS		
<b>DATE OF DECISION:</b>	8 APRIL 2014		
<b>REPORT OF:</b>	ASSISTANT CHIEF EXECUTIVE		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Mark Pirnie</b>	<b>Tel:</b> 023 8083 3886
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<b>Director</b>	<b>Name:</b>	<b>Suki Sitaram</b>	<b>Tel:</b> 023 8083 2060
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## STATEMENT OF CONFIDENTIALITY

None

## BRIEF SUMMARY

For the fifth meeting of the 'Maintaining balanced neighbourhoods through planning review', the Panel will focus on increasing understanding of Neighbourhood Plans.

Appended to this report is a quick guide to Neighbourhood Plans produced by Locality and a recent Neighbourhood Plan newsletter produced by the Department for Communities and Local Government (DCLG).

## RECOMMENDATION:

- (i) The Panel is recommended to consider the comments made by the invited representatives, and the written information presented to the Panel, and use the information provided as evidence in the review.

## REASON FOR REPORT RECOMMENDATIONS

1. To enable the Panel to compile a file of evidence in order to formulate findings and recommendations at the end of the review process.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. None.

## DETAIL (Including consultation carried out)

3. The Localism Act 2011 has an intention to devolve more decision making powers from central government back into the hands of individuals, communities and councils. The act covers a wide range of issues relating to local public services, with a particular focus on the general power of competence, community rights and neighbourhood planning.

### Neighbourhood Plans

4. Since April 2012, local communities have been able to produce Neighbourhood Plans for their local area, putting in place planning policies for the future development and growth of a neighbourhood. Neighbourhood Planning relates to the use and development of land and associated social,

economic and environmental issues. It may deal with a wide range of issues (for example housing, employment, heritage and transport) or it may focus on one or two issues that are of particular importance in a local area. These may be issues that are relevant to the whole neighbourhood or just to part of the neighbourhood.

5. Deb Appleby, Development Manager from Locality, has been invited to give a national overview of Neighbourhood Planning. Locality is a nationwide network of settlements, development trusts, social action centres and community enterprises who have been actively involved in Neighbourhood Planning for over 18 months. The Panel will be presented with information on how plans are addressing community issues in areas, particularly in urban areas similar to Southampton. There will be an opportunity for the Panel to ask questions relating to the evidence provided and copies of any presentations will be made available.
6. Dr Chris Lyons, Southampton City Council's Planning and Development Manager, will provide the Scrutiny Panel with a verbal update on the Council's approach to Neighbourhood Planning.
7. Councillor Les Harris, Southampton City Council, and Chair of the Bassett Neighbourhood Forum, will provide the Scrutiny Panel with a verbal update on the Forum's approach to Neighbourhood Planning.
8. Attached as Appendix 1 is a quick guide to Neighbourhood Plans, produced by Locality, who are the leading nationwide network of community-led organisations. The guide gives an introduction to Neighbourhood Plans, how they are produced and how they can be implemented.
9. Attached as Appendix 2 is a newsletter update (March 2014) produced by the DCLG. This particular issue gives an update on how Neighbourhood Planning is spreading across England's communities. It has recent referendum results and links to various examinations. It also has a section on inner city plans and how the involvement of students has supported areas with the production of neighbourhood plans.

10. **Our Place**

It may also be of interest to the Panel that the Council's application to the Our Place programme for initial funding of £3,000 from the DCLG was successful. Our Place encourages communities to take more control of local issues in their area. The initial grant is for support and funding for the Freemantle and Shirley area. Locality, in partnership with the Local Government Association and delivery associates such as the Community Development Foundation, are running the Our Place programme. The next phase of the project is to complete a development plan by the end of May, which will be followed by wide community engagement leading to an operational plan by 1 April 2015.

## RESOURCE IMPLICATIONS

### Capital/Revenue

11. None.

### Property/Other

12. None.

## LEGAL IMPLICATIONS

### Statutory power to undertake proposals in the report:

13. The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.

### Other Legal Implications:

14. None

## POLICY FRAMEWORK IMPLICATIONS

15. None

KEY DECISION? No

<b>WARDS/COMMUNITIES AFFECTED:</b>	None directly as a result of this report
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## SUPPORTING DOCUMENTATION

### Appendices

1.	Locality - A Quick guide to Neighbourhood Plans
2.	DCLG – Notes on Neighbourhood Planning (March 2014)

### Documents In Members' Rooms

1.	None
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### Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	Dependent upon forward plan item
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### Other Background Documents

#### Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)      Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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# Agenda Item 7

Appendix 1

Appendix 1

Locality - A Quick guide to Neighbourhood Plans

locality



# Quick Guide to Neighbourhood Plans

# Contents

2 Introduction

5 Producing a Neighbourhood Plan

11 Bringing the Plan into Legal Force

## Introduction

Since April 2012, local communities have been able to produce Neighbourhood Plans for their local area, putting in place planning policies for the future development and growth of the neighbourhood.

This guide gives a concise summary of the process for producing a Neighbourhood Plan under the Localism Act, together with suggestions for good practice.

This guide focuses on Neighbourhood Plans rather than Neighbourhood Development Orders or Community Right to Build Orders or other community-led planning tools.



## Elements of Neighbourhood Planning

The elements of neighbourhood planning under the Localism Act are:

### Neighbourhood Plans

A Neighbourhood Plan is a community-led framework for guiding the future development and growth of an area. It may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or allocation of key sites for specific kinds of development. All Neighbourhood Plans must meet Basic Conditions, which are described later in this guide.

Neighbourhood plans relate to the use and development of land and associated social, economic and environmental issues. It may deal with a wide range of issues (like housing, employment, heritage and transport) or it may focus on one or two issues that are of particular importance in a local area.

A Neighbourhood Plan will be subject to examination and referendum and then form part of the Local Development Plan. This statutory status gives Neighbourhood Plans far more weight than some other local planning documents, such as parish plans, community plans and village design statements.

### Neighbourhood Development Orders

A Neighbourhood Development Order is a means for parish/town councils or neighbourhood forums to grant planning permission for certain kinds of development within a specified area. These orders may apply to the whole or just part of the neighbourhood area.

### Community Right to Build Orders

A Community Right to Build Order can be used to grant planning permission for development schemes, e.g. housing. Local community organisations that meet certain requirements or parish/town councils are able to prepare Community Right to Build Orders.

It is necessary to gain a more than 50% 'yes' vote in a public referendum to bring these plans and orders into force.

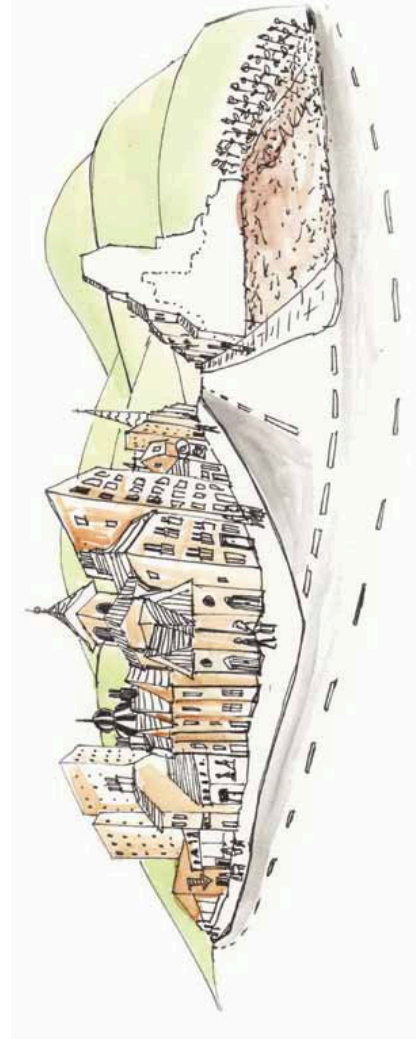
## Making the Decision to Prepare a Neighbourhood Plan

Neighbourhood Plans enable communities to take the lead in producing part of the statutory development plan for the area. Crucially, unlike a parish plan, these neighbourhood plans must be used to determine planning applications in a neighbourhood area. It can represent a serious commitment and any group of people considering preparing a Neighbourhood Plan will need to carefully weigh the opportunities against the time/cost implications and come to a balanced view. This is where the flexibility of neighbourhood planning to adapt to time/resource considerations is important. Obviously, a simpler plan with few policies will have less resource implications than a more comprehensive and complex one. Possible sources of help should be identified e.g. the local authority through its duty to support.

Considerations may include what other tools can be used to deliver the community's ambitions, the adequacy of existing local policies, skills available and alternative use of resources, such as delivering existing parish or community plans.

## Project Plan

Effective project planning is important to successful neighbourhood planning. A project plan can identify key stages, actions, an indicative timetable, and available resources and costs. The plan could also allocate responsibilities for coordinating different aspects of the process.



# Producing a Neighbourhood Plan

## Neighbourhood Area

The first formal step in neighbourhood planning is the submission of the proposed neighbourhood area to the local planning authority for designation. The following must be submitted in the area application:

- a map identifying the proposed neighbourhood area
- a statement explaining why the area is appropriate to be designated as a neighbourhood area
- a statement explaining that the body making the area application (the parish or town council or prospective neighbourhood forum) is capable of being a qualifying body.

For town or parish councils, there is a strong presumption that the neighbourhood area will be the same as the parish boundary. However, they may choose a smaller and more focused area, such as a town or local centre, or an area beyond the parish's boundaries if that makes a sensible area to plan for. Adjacent parish/town councils may agree to work in partnership to produce a joint Neighbourhood Plan.

Prospective 'neighbourhood forums' (see below) will also need to apply for a neighbourhood area to be designated.

## Qualifying Bodies

Where there is a town or parish council, then that is the qualifying body for leading a Neighbourhood Plan in a designated neighbourhood area that includes all or part of the council's area. Further arrangements apply in a multi-parished area, which are not set out here.

Where there is no parish or town council, a neighbourhood forum of at least 21 people must be formed for the neighbourhood area. This should reflect the "inclusivity, diversity and character of the area" and efforts must be made to include at least one person living in the area, one person working in the area and one councillor. The forum will lead the development of the Neighbourhood Plan.

An application by the prospective neighbourhood forum to be designated as the "neighbourhood forum" for a particular neighbourhood area has to be submitted to the local planning authority.





The following must be submitted in the forum's application:

- the name of the proposed neighbourhood forum
- a written constitution for the proposed neighbourhood forum
- the name of the neighbourhood area to which the forum relates and a map identifying that area
- contact details of at least one member of the proposed neighbourhood forum (this will be made public)
- a statement explaining how the proposed neighbourhood forum meets legal requirements (see below).

## Duty to Support

Once the neighbourhood area is designated by the local planning authority, that authority is legally required to provide advice and assistance to those bodies producing a Neighbourhood Plan in its area. This 'duty to support' could include things like:

- making existing data and maps available for the evidence base
- identifying key local strategic policies from the Local Plan
- advising on relevant national policies/guidance
- sharing information on key contacts, stakeholders and best practice plan-making activity
- making available venues and helping to arrange community engagement activities
- checking the plan prior to formal submission to give community confidence
- providing technical support, such as assistance in laying out and illustrating a plan and writing plan policies
- providing members for neighbourhood forums or more informal working groups
- setting up a neighbourhood planning web page on the local authority's website.

## Building the Evidence Base

Planning policy and proposals need to be based on a proper understanding of the place they relate to, if they are to be relevant, realistic and to address local issues effectively. It is therefore important that Neighbourhood Plans are based on robust information and analysis of the local area; this is called the evidence base.

A review of existing evidence should be undertaken – particularly as there is already lots of evidence for planning. This may include things like:

- the evidence under-pinning the Local Plan
- socio-economic data for district/ward (census, ONS, etc.)
- technical reports (e.g. retail studies)
- transport studies and public transport data
- mapping of local area
- conservation area appraisals and statutory lists (listed buildings, historic environment record and scheduled ancient monuments)
- details of environmental protection designations, such as tree preservation orders and sites of special scientific interest
- plans from other public bodies or statutory undertakers
- existing plans for an area, such as a community plan or parish plan.

It may be necessary to develop new evidence (or update existing evidence) at neighbourhood level. This could include:

**Economic:** business surveys, viability, vacancy/floorspace survey, available sites survey, land values, employment need survey, etc.

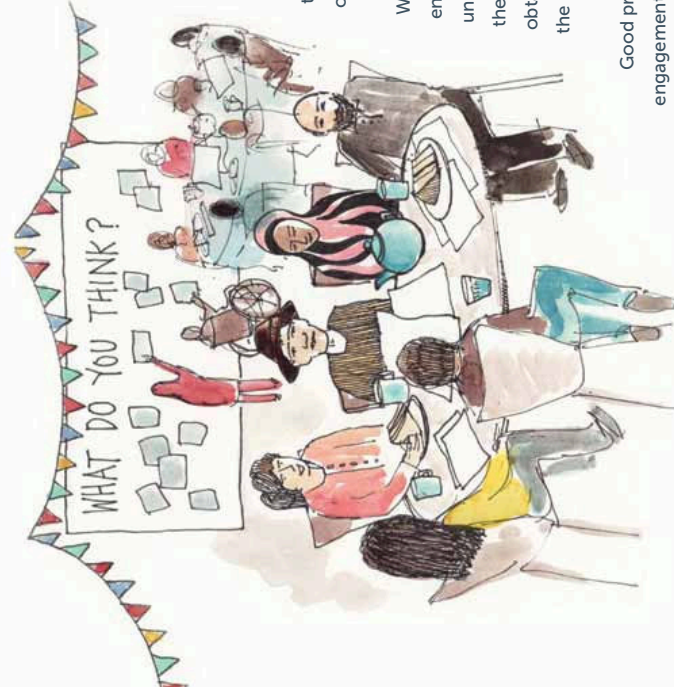
**Social/Community:** housing condition survey, housing needs survey, audit of community facilities, 'Building for Life' assessment of housing, etc.

**Environmental:** heritage audit, conservation area appraisals, review of local lists, urban design analysis, open space survey & analysis, etc.

**Infrastructure:** transport linkages, schools capacity, transport capacity analysis, traffic/pedestrian flow surveys, etc.

## Community Engagement

Community engagement is necessary and important for several reasons. It is a requirement of planning legislation including for Neighbourhood Plans. It is essential in developing consensus and creating community support. Finding out what people think and drawing on their skills and knowledge is an important part of developing the evidence base for an area and developing the Neighbourhood Plan, leading to more realistic and deliverable plans and policies. Failure to engage communities properly at an early stage is one of the main causes of conflict later in the planning process. This can lead to additional costs and delays.



The referendum will involve a simple 'yes' or 'no' vote on the Neighbourhood Plan. Properly engaging people from the beginning of the process ensures that there is an opportunity to influence the detail of the Neighbourhood Plan, rather than just having the option to accept or reject the whole plan.

Where intensive community engagement has recently been undertaken, such as in respect of the community plan, the material obtained will be useful in informing the Neighbourhood Plan.

Good practice examples of community engagement include:

**Front Loading:** Community engagement should be undertaken before work commences on the plan (this is called front loading) and throughout the process of plan preparation. The purpose of the first stages of community engagement is to help define issues and aims for the plan, and to inform an overall vision and to start to create a sense of wider ownership for the plan.

**Publicity and Awareness:** It is important to publicise the proposed Neighbourhood (development) Plan as widely as possible using different media right at the beginning of the process. Feedback should be provided throughout the process.

**Local Partnerships:** Key partners and stakeholders should be identified. These can provide easier access and support in involving minority groups, different communities, residents, the business community, hard-to-engage communities, etc.

**Capacity Building:** It will often be necessary to include capacity building (education/training) so that those participating in community engagement events are well informed about the plan and the issues it is dealing with.

**Avoid Tokenism:** The purpose of undertaking community engagement is to inform the content of the plan. If the outcomes have already been determined, then community engagement is tokenistic (marketing).

**Specialist advice and enabling:** It may be necessary for those leading and participating in the planning process to bring in specialist advice and support.

**Being Creative:** Community engagement needs to engage people using a range of approaches and media. It should be stimulating and enjoyable.

**Managing Expectations:** It is necessary to balance ambitions with realism and practical and legal limitations.

**Targeting:** Whilst some people will naturally want to get involved in neighbourhood planning, with other groups, people targeting will be necessary. This could include the elderly, young people, ethnic groups and other minority or hard-to-engage groups.

**Making it Accessible:** Careful thought needs to be given to make events and material accessible, including location, timing, media, format, etc. Events should be informal and unthreatening.

### Common Mistakes – What to avoid!

Common mistakes include things like consulting too late, placing a thick document on a stand in the library or on a web site and expecting people to read it, or talking at people at a public meeting. Asking consultants to produce options before consulting the community is also poor practice. Consultation should not be treated as a one-off tick-box exercise. Also, analysis of consultation responses is not about counting the number of consultees making a comment, but considering the depth and range of responses.

## Writing the Neighbourhood Plan

There is considerable flexibility over how a plan is structured and written.



Careful consideration should be made of how the plan will be delivered and this will require constructive dialogue with key stakeholders, such as development managers in the local authority, public agencies, landowners and developers.

The following are suggestions for possible content of the plan:

### Vision and Aims. The

Neighbourhood Plan can set out the community's overall vision for the area and should include overall aims for its future development and growth. These can relate to a wide range of planning and regeneration matters – social, economic and environmental. The vision and aims of the plan can then be translated into detailed policies, guidance and proposals.

**Planning Policies.** A Neighbourhood Plan, once made, will form part of the statutory local development plan for the area and its policies will be used to determine development proposals in the neighbourhood. Planning applications will be determined in accordance with the Neighbourhood Plan's policies unless material considerations indicate otherwise.

The policies in the plan could be supplemented if necessary by explanatory text or illustrations to help with their interpretation.

**Site Allocations.** The Neighbourhood Plan may identify key sites for specific kinds of development, such as housing, retail, employment or mixed use.

**Community Proposals.** Regeneration or enhancement proposals relating to the use and development of land could be included in the plan. For example, it could include policies around improving key public spaces and pedestrian links or allocate sites for new community facilities, such as a community centre.

To keep the Neighbourhood Plan concise, focused and clear on what are the proposed 'policies', a background document could be created, listing the sources of evidence, summarising any new evidence and describing the outcomes of the community engagement programme at different stages in the plan process.

# Bringing the Plan into Force

## Pre-Submission Consultation

It is a legal requirement that the proposed Neighbourhood Plan is publicised and the subject of public consultation, before it is submitted to the local planning authority. This includes:

- publicising the plan in a manner which brings it to the attention of people who live, work or run businesses in the neighbourhood area. This should include details of the proposed Neighbourhood Plan, details of where and when it may be viewed (e.g. local fairs, schools, etc.), details on how to make comments on the plan and the date by which comments must be received (at least six weeks from the date on which it is first publicised)
- consulting bodies whose interests may be affected by the plan. The local council should be able to advise on this, but it is likely to include the county council, the Environment Agency, Natural England and English Heritage
- sending a copy of the proposed plan to the local authority
- consulting any neighbouring local, town or parish councils, significant landowners, local businesses and local community organisations, such as chambers of commerce, civic societies and local trusts.

It may be useful to produce a concise summary of the plan for those that don't wish to read the full document.

A brief report must be produced, summarising comments received, issues raised by those comments and describing if and how the plan has been modified in response to the issues raised. This is known as the 'consultation statement' which is a legal requirement for all Neighbourhood Plans.

## Submitting the Plan

Following any amendments resulting from the pre-submission consultation stage, the proposed Neighbourhood Plan should be submitted to the local planning authority by the qualifying body. The local authority is





responsible for publicising the plan that has been submitted to them and arranging for the independent examination and referendum to take place into that submitted plan.

The submission to the local planning authority must include the following:

- a map or statement, which identifies the area to which the plan relates
- a consultation statement (see below)
- the proposed Neighbourhood Plan
- a statement on how the plan fulfils the Basic Conditions (see later section on the 'Basic Conditions').

The consultation statement should contain the following:

- details of people and organisations consulted about the proposed Neighbourhood Plan
- details of how they were consulted
- a summary of the main issues and concerns raised through the consultation process
- descriptions of how these issues and concerns were considered and addressed in the proposed Neighbourhood Plan.

Upon receiving the submitted Neighbourhood Plan proposal the local authority will publicise it and invite comments (six weeks). These comments will be sent subsequently to the independent examiner for their consideration.

## Meeting the Basic Conditions

The Basic Conditions for Neighbourhood Plans are specified by law:

- must be appropriate having regard to national policy
- must contribute to the achievement of sustainable development
- must be in general conformity with the strategic policies in the development plan for the local area
- must be compatible with human rights requirements
- must be compatible with EU obligations.

Neighbourhood Plans must not breach and must be compatible with EU and human rights obligations, including the Strategic Environment Assessment (SEA) Directive. Neighbourhood Plans should be screened at an early stage to ascertain whether they are likely to trigger significant environmental effects and thus whether an SEA needs to be carried out. The Local Planning Authority (LPA) should undertake this screening assessment, consulting relevant national bodies in coming to its screening opinion. The National Planning Policy Framework makes clear that a sustainability appraisal should be an integral part of the plan preparation process, but the particular assessment requirements need to respond to the scale, status and scope of the plan being developed.

## Independent Examination

It is the responsibility of the local authority to organise and cover the costs of the independent examination and referendum. The independent examiner will be appointed by the local authority with the consent of the qualifying body.

The independent examination will consider the submitted documents and any comments made during the consultation period on the submitted plan proposal. The independent examiner will examine whether the plan meets the 'Basic Conditions' and other relevant legal requirements (e.g. consultation).

The independent examiner may recommend that the plan proceed to the referendum stage (i.e. it meets all the legal requirements) or may suggest that modifications are needed to the plan before it can proceed to the referendum. Or they may recommend that it does not proceed to the referendum, if it does not meet the relevant legal requirements. In addition, they may recommend that the referendum area include individuals beyond the boundary of the neighbourhood area.

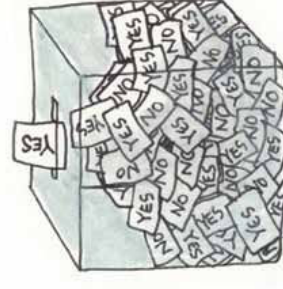
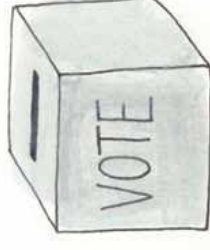
## Modifications

The local planning authority must make modifications to the plan if, with those modifications, the plan could comply with the Basic Conditions. The local community may withdraw the plan if it is unhappy with modifications being made.

## Referendum

If the plan is found to be satisfactory (i.e. complies with the key legal requirements) with modifications if necessary, then the local authority must arrange for the referendum to take place. It must give at least 28 working days notice of the referendum before the date of the referendum. The qualifying body may campaign before the referendum, subject to rules over expenses.

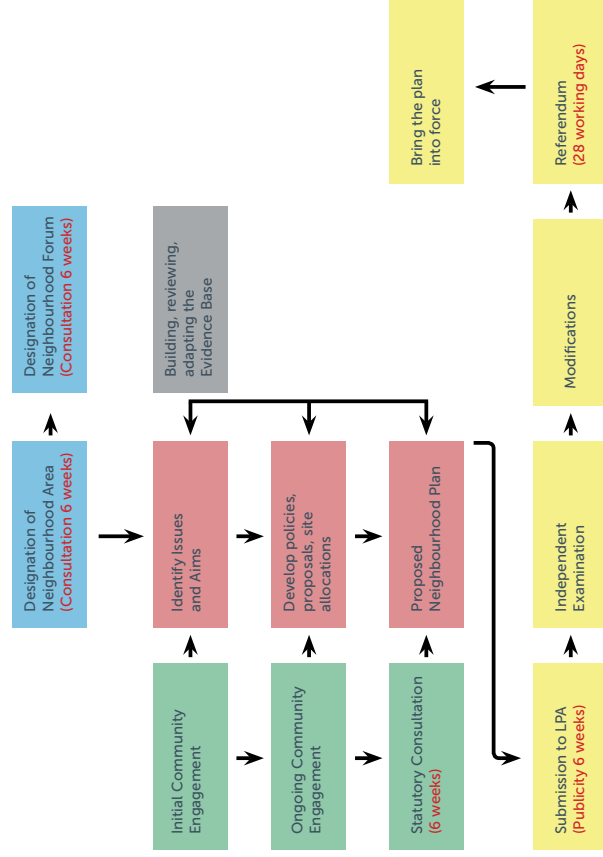
If more than 50% of those voting in the referendum vote 'yes', then the council will bring the plan into legal force.



## Delivery

Once a Neighbourhood Plan is made (i.e. brought into legal force by the local authority), it will be used to determine planning applications and guide planning decisions in the neighbourhood area. Having a plan and waiting for development is one thing, but elements of the plan will need active interventions on the part of the community, the local planning authority, developers and other key stakeholders.

## Process Diagram



## About Locality

Locality is the leading nationwide network of settlements, development trusts, social action centres and community enterprises. We help people to set up locally owned and led organisations. We support existing organisations to work effectively through peer-to-peer exchange of knowledge and best practice on community asset ownership, community enterprise, collaboration, commissioning support, social action, community voice, community rights and regeneration. We have been working with communities involved in neighbourhood planning over the past 18 months.

Locality also works to influence government and others at national and local level to build support and investment for the movement. Locality was formed in April 2011 by the merger of BASSAC and the Development Trusts Association; two leading networks of community owned and led organisations.

Locality, 33 Corsham Street, London, N1 6DR  
[www.locality.org.uk](http://www.locality.org.uk)  
 Tel: 0845 458 8336  
 Email: [info@locality.org.uk](mailto:info@locality.org.uk)

## About the Author

Dave Chetwyn MA, MRTPI, IHBC, FinstLM

Dave Chetwyn is Managing Director of Urban Vision Enterprise CIC and a Design Council CABE Built Environment Expert. Other roles include Planning Chair with Civic Voice, Vice Chair of the National Planning Forum and Vice Chair of the Historic Towns Forum. He is also Planning Adviser to Locality and Heritage Specialist on Crossrail (Thames Tunnels section).

Former roles include Head of Planning Aid England, UK Chair of the Institute of Historic Building Conservation and a team leader in local Government. He has advised and participated in various Government groups, reviews and Parliamentary select committees on planning, regeneration, heritage, urban design, economic development, state aid and community engagement. Dave is a chartered member of the Royal Town Planning Institute, a full member of the Institute of Historic Building Conservation and a Fellow of the Institute of Leadership and Management.

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# Agenda Item 7

Appendix 2

Appendix 2

## DCLG – Notes on Neighbourhood Planning (March 2014)



## Referendum News

Congratulations to Broughton Astley and Cringleford, the latest communities to have their neighbourhood plans pass referendum and come into force.

Broughton Astley, Harborough  
Referendum date: 16 January 2014

- Votes for: 2,451 (89%)
- Votes against: 292 (11%)
- Turnout: 2,747 (38%)

[www.harborough.gov.uk/site/scripts/news\\_article.php?newsID=532](http://www.harborough.gov.uk/site/scripts/news_article.php?newsID=532)

The Broughton Astley 'Big Plan' allocates sites for over 400 homes, aimed at providing homes for the community's needs, protecting green space and improving leisure and employment facilities.

Cringleford, South Norfolk

Referendum date: 24 January 2014

- Votes for: 741 (93%)
- Votes against: 57 (7%)
- Turnout: 799 (30%)

[www.south-norfolk.gov.uk/democracy/6514.asp](http://www.south-norfolk.gov.uk/democracy/6514.asp)

The Cringleford Neighbourhood Plan allocates sites for over 1,200 homes with further policies around local heritage and economy.

Cringleford is in South Norfolk, where the Council will be implementing the Community Infrastructure Levy from 1 May 2014. Parishes with a neighbourhood plan in force will receive 25% of any Community Infrastructure Levy arising from developments in their area.

## Planning Policy Guidance

On 6 March 2014, Nick Boles announced the launch of the final version of the planning practice guidance on a streamlined and accessible website.

[planningguidance.planningportal.gov.uk](http://planningguidance.planningportal.gov.uk)

This follows the Beta test of the site launched in August 2013, thanks to everyone for their input into this process.

You can find more information in the full Written Ministerial Statement at:

[www.gov.uk/government/speeches/local-planning](http://www.gov.uk/government/speeches/local-planning)



Snapshot from the Planning Practice Guidance website

The guidance is a key part of the reforms to make the planning system simpler, clearer and easier.

The section on neighbourhood planning should make helpful reading to everyone working on plans for their area.

[planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/](http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/)



## Examination Report

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17 plans have now been through examination, with details of the latest plans shown below. More links can be found at: [pinterest.com/nplanning/](https://www.pinterest.com/nplanning/)

### Sprowston

[bit.ly/1g2vTRb](https://bit.ly/1g2vTRb)

**Referendum: 20 March 2014**

### Ascot, Sunningdale and the Sunnings

[bit.ly/1gaWMQS](https://bit.ly/1gaWMQS)

**Referendum: 27 March 2014**

### Woodcote

[bit.ly/1I5kO2I](https://bit.ly/1I5kO2I)

**Referendum: 3 April 2014**

### Edith Weston

[bit.ly/1mYeoqn](https://bit.ly/1mYeoqn)

**Referendum: 3 April 2014**

### Arundel

[bit.ly/1ccitT4](https://bit.ly/1ccitT4)

**Referendum: 8 April 2014**

### Kirdford

[bit.ly/1favhV6](https://bit.ly/1favhV6)

**Referendum: 1 May 2014**

### Rolleston

[bit.ly/1icOnOf](https://bit.ly/1icOnOf)

**Referendum: *to be confirmed***

### Much Wenlock

[bit.ly/1fKo7qp](https://bit.ly/1fKo7qp)

**Referendum: *to be confirmed***

### Slaugham

The independent examiner has asked for some further work on certain aspects of the plan. The examiner's report sets out modifications that should make useful reading to anyone producing a neighbourhood plan.

[bit.ly/1jUCZb4](https://bit.ly/1jUCZb4)

Planning Aid have posted an interview with examiner Ann Skippers online which helps to explain the decisions. [bit.ly/1gevwza](https://bit.ly/1gevwza)

## In the City

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Neighbourhood planning is underway in urban areas across the country addressing issues from housing and retail provision to solutions for crime and deprivation.

### In Bristol...

Old Market Quarter have published a draft plan whilst four other forums are also progressing well with their plans. [bit.ly/1ojY8LX](https://bit.ly/1ojY8LX)

### In Leeds...

Over 20 areas in and around the city have started work on producing a neighbourhood plan. [bit.ly/1n1AvJ6](https://bit.ly/1n1AvJ6)

### In Liverpool...

Three areas are under way, including Liverpool Innovation Park which is a Business Neighbourhood Area. [bit.ly/1pUJ8Yx](https://bit.ly/1pUJ8Yx)

Liverpool City Council hosted an event on 23 January which is showcased on this Tripline page: [bit.ly/1gUP3qb](https://bit.ly/1gUP3qb)

### In Birmingham...

Balsall Heath are close to submitting their plan to examination. [bit.ly/1luBTpp](https://bit.ly/1luBTpp)

On January 31, the forum hosted Fishwick St Matthews from Preston to share ideas about their neighbourhood plans. The groups shared their trip on Twitter using #neighbourhoodplanning. Follow them at: @BalsallHeathF and @FishwickStMatts.



Fishwick St Matthews on the road to Balsall Heath

**#neighbourhoodplanning**

## Student Involvement

We have been hearing great stories of how planning students from different universities are helping communities to produce neighbourhood plans and deliver their other goals too.

For instance, students at the Bartlett School of Planning, University College London, have presented a map of businesses at the launch of the Unity Neighbourhood Forum in Brent; made a map of industrial and green spaces for Slade Green, Bexley; carried out a door to door survey of residents on the Carpenters Estate in Newham. Work is also underway with West Ealing Neighbourhood Forum.

Planning students from Oxford Brookes University have been researching different aspects of the area of Headington, from design to retail to transport, and presenting their findings to the neighbourhood forum.

Elsewhere, students from Newcastle University, Leeds Metropolitan and University of Gloucester are amongst those that have been providing assistance to groups producing neighbourhood plans.

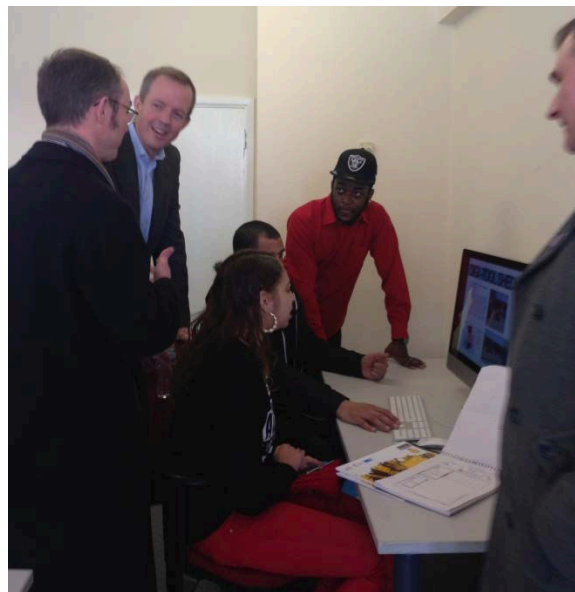
In Exeter St James, where the neighbourhood plan is already in force, a university student 'green team' has been hard at work on improvements to Queens Crescent Garden, one of the projects featured in the plan now being brought to life by the forum and the wider community. [www.exeterstjamesforum.org/queen-s-crescent-garden-news](http://www.exeterstjamesforum.org/queen-s-crescent-garden-news)

We would love to hear what you are doing and whether you want to get involved, so please drop a line to [james.dadge@communities.gsi.gov.uk](mailto:james.dadge@communities.gsi.gov.uk). We will report back in future editions of Notes. Watch this space.

## Going Digital

In February, Nick Boles visited Heathfield Park and Tettenhall, in Wolverhampton, and was delighted to see the work of a local enterprise using digital skills to enhance the neighbourhood planning process.

Elsewhere, digital projects are being used in Knowle West, Bristol, and West Hampstead, Camden.



Nick Boles being shown the 3D printing model

## Green Space - Allotments

Neighbourhood plans can be good for growth in more ways than one. At least 15 plans that have reached draft stage include policies for the creation or enhancement of allotments. To find out more, see this piece in Up Front, the Planning Aid neighbourhood planning e-bulletin: [bit.ly/1lB6ce5](http://bit.ly/1lB6ce5). Guidance on allotments was published in January, you can find it at: [bit.ly/MQMSua](http://bit.ly/MQMSua)

## The DCLG Team

Please do share this content, but remember we are not responsible for content on external sites.<sup>1</sup> **Previous editions of 'Notes' can be found at:** [bit.ly/YrFyUh](http://bit.ly/YrFyUh)

<sup>1</sup> The team provides help to local planning authorities and qualifying bodies through a new process. This is not a substitute for your own professional or legal advice.

## Around 1000

areas have begun the neighbourhood planning process



'Neighbourhood planning is proving to be one of the Government's most popular reforms.' – Nick Boles MP<sup>1</sup>

# Neighbourhood planning is spreading throughout England's communities

## Over 75

communities have produced a full draft plan for public consultation



## 7

plans have been 'made' becoming part of the local development plan



Department for  
Communities and  
Local Government



#neighbourhoodplanning



Find out more: <http://bit.ly/1ifehoz>

1. Hansard (2014) Oral Answers to Questions. Communities and Local Government. [03/03/14]

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