

# Neighbourhood Plans

## Information for residents

**Southampton City Council, revised February 2013.**

A neighbourhood plan is started by the local community. By doing a plan local people (residents and businesses) can get directly involved in preparing the policies that guide development in their neighbourhood.

This advice note has been prepared to aid communities in preparing a neighbourhood plan for their area. It sets out legal and local requirements against which draft neighbourhood plans and applications to designate a neighbourhood area will be assessed. Please refer to the legal documents to get further details (links are shown at the end of this document).

### **1. About Neighbourhood Development Plans (also known as Neighbourhood Plans)**

These plans are about local issues. For example, a plan could cover where new homes should go, what green spaces should be protected, or design requirements specific to the local neighbourhood. Local people can decide what should be included in the neighbourhood plan whilst complying with broader requirements.

The neighbourhood plan should:

- **Set out policies** about the development and use of land in the defined neighbourhood area
- **Be permissive.** Their focus is on guiding development, not preventing or unnecessarily restricting it.
- **Encourage increased local involvement** in the future planning of the neighbourhood - sharing a vision and creating consensus over future development.

Neighbourhood plans will become part of the statutory development plan when adopted. This means they will be used to take decisions on planning applications alongside the Council's other planning documents.

The Council, as the Local Planning Authority for Southampton will assess draft neighbourhood plans and applications to designate a neighbourhood area against the criteria set out below.

## 1.1 Basic legal requirements

### Requirement 1

**The policies in the neighbourhood plan must align with the strategic needs and priorities of the wider area.**

A neighbourhood plan must

- have regard to national policies and advice. This includes the National Planning Policy Framework.
- be in general conformity with the strategic policies of the local plan. The strategic policies for the city comprise all policies in the adopted Core Strategy (2010), together with some of the policies in the Local Plan Review (2006) and the emerging Hampshire Minerals & Waste Plan in so far as such policies impact on the issues to be addressed in the proposed neighbourhood plan. The emerging policies in the City Centre Action Plan will also become increasingly important as this plan moves towards adoption.
- not breach EU obligations.
- is not likely to have a significant impact on a habitat designated as a European Site

*The Town & Country Planning Act 1990 (Schedule 4B (8)(2)) introduced by the Localism Act 2011 Schedule 10*

Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. The National Planning Policy Framework, in referring to the policies in the local plan, explains that *“neighbourhoods should plan positively to support them. Neighbourhood Plans... should not promote less development than set out in the Local Plan” (para 184)*

### Requirement 2

**The policies in the Neighbourhood Plan must “contribute to the achievement of sustainable development”**

*The Town & Country Planning Act 1990 [Schedule 4B (8)(2)(d)] introduced by the Localism Act 2011 Schedule 10*

The National Planning Policy framework emphasises that the purpose of planning is to help to achieve sustainable development. It introduces the concept of “a presumption in favour of sustainable development” meaning that development that is sustainable should go ahead without delay.

The National Planning Policy Framework (paras 7 & 8) explains that there are three inter-related dimensions to sustainable development: economic, social and environmental. To support sustainable development plans need to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, ensuring that sufficient land of the right type is

available in the right places and at the right time to support growth and innovation;

- **a social role** – supporting strong, healthy and vibrant communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Ideally, in line with government advice, the Council will expect neighbourhood plans to be designed to achieve economic, social and environmental gains, accepting that the relative importance of such gains will be influenced by the nature of the neighbourhood area and the issues the neighbourhood plan is addressing. Neighbourhood plans must not include policies that would prevent the realisation of any of these three key dimensions.

### **Requirement 3**

#### **The policies in the neighbourhood plan must be supported by a proportionate and robust evidence base**

Neighbourhood forums (see Section 2 below) should provide proportionate and up-to-date evidence to identify objectively-assessed need in the neighbourhood area, and also to justify the policies proposed in order to meet that need. The forum should also explain the alternatives considered and choices they have made when writing the policies. Policies must be effective (in terms of being the best way of meeting the identified need), acceptable (in terms of being a suitable use for the identified site) and deliverable (in terms of being economically viable and physically capable of being delivered on the identified site). The Council is happy to give advice on how to create a robust and proportionate evidence base. Contact details are at the end of this note.

## **1.2 Local requirements**

### **Requirement 4**

#### **Is the neighbourhood area of sufficient size to deliver the sustainable development the communities need and are the boundaries logical and coherent?**

Whilst it is up to communities to define the boundaries of their neighbourhood area, the area needs to be of a size that can “*deliver the sustainable development they [the communities] need*” (National Planning Policy Framework para 183).

Ideally boundaries will conform to ward boundaries or groups of polling districts and be of a size which is small enough to encourage local involvement, and yet not so small that the cost of progressing the neighbourhood plan is disproportionate to the number of residents who benefit. There is also more factual data available for neighbourhood areas which fit with ward boundaries making it easier to assemble information for the evidence base.

Unless the area is designated as a business area the boundaries of the neighbourhood area should ideally include a mix of land uses that include residential, and some of the local services and facilities that the residents need (e.g. shops, doctors, schools, community facilities, employment, open space).

## **2. Neighbourhood Forums and Neighbourhood Areas**

In order to prepare a neighbourhood plan there must first be in place both a qualifying body (a Parish Council or designated neighbourhood forum) and a designated neighbourhood area. There are currently no Parish Councils in the city and consequently this note will only refer to neighbourhood forums. A prospective forum needs to submit two separate applications to the Council, firstly to designate a neighbourhood area and, after this has been successful, to designate a neighbourhood forum to act in relation to the neighbourhood area. It may be possible to submit the two applications at the same time, however this does incur a risk. Since the composition of the prospective neighbourhood forum must reflect the neighbourhood area (see para 2.2 below), if the boundary of the designated neighbourhood area is different from the one applied for then the neighbourhood forum application may have to be changed and resubmitted.

### **2.1 Is the application to designate a neighbourhood area valid?**

The application must be submitted to the Council by a “relevant body” (a neighbourhood forum, or an organisation capable of being designated as such), and must include

- a map of the proposed area:
- a statement as to why this area is considered appropriate to be designated as a neighbourhood area:
- a statement that the organisation is a relevant body as above .(See also para 2.2 below as to the requirements for a neighbourhood forum).

*Neighbourhood Planning (General) Regulations 2012 Regulation 5.*

In addition, the proposed neighbourhood area must not overlap with another designated neighbourhood area.

Where the Council is of the view that the proposed area is wholly or predominantly business in nature it must consider whether it should designate the area as a business area. See Section 5 below.

## 2.2 Is the application to designate a neighbourhood forum valid?

The application must be submitted to the Council by the prospective neighbourhood forum, and must include:

- The name of the proposed neighbourhood forum
- A copy of the written constitution of the proposed neighbourhood forum
- The name of the neighbourhood area to which the application relates (together with a map)
- The contact details (which will be made public) of at least one member of the proposed neighbourhood forum
- A statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the Town & Country Planning Act 1990 Act (see below).

*Neighbourhood Planning (General) Regulations 2012 Regulation 8.*

The conditions relating to the proposed neighbourhood forum in section 61F(5) are that:

*“(a) it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),*

*(b) its membership is open to—*

- (i) individuals who live in the neighbourhood area concerned,*
- (ii) individuals who work there (whether for businesses carried on there or otherwise), and*
- (iii) individuals who are elected members of... a district council....[For Southampton this means councillors serving on Southampton City Council.]*

*(c) its membership includes a minimum of 21 individuals each of whom—*

- (i) lives in the neighbourhood area concerned,*
- (ii) works there (whether for a business carried on there or otherwise), or*
- (iii) is an elected member of a... district council ... [For Southampton this means councillors serving on Southampton City Council.]*

*(d) it has a written constitution,.....”*

*The Town & Country Planning Act 1990 s 61F(5) introduced by the Localism Act 2011 Schedule 9.*

In considering such an application the Council must *“have regard to the desirability of designating an organisation or body —*

- (i) which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of subparagraphs (i) to (iii) of subsection (5)(b) [see above],*

*(ii) whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area, and*

*(iii) whose purpose reflects (in general terms) the character of that area”*

*The Town & Country Planning Act 1990 s 61F(7)(a) introduced by the Localism Act 2011 Schedule 9.*

### **3. Working with the Council**

Whilst the neighbourhood forum is responsible for preparing the neighbourhood plan there are stages in its preparation when the Council has a number of responsibilities (see the Section 4 below on process).

The Council is keen to work with neighbourhood forums (subject to available resources) and therefore suggests that an exploratory meeting is held with the prospective forum to discuss initial ideas, the process, and the support available. The exploratory meeting is likely to discuss

- the composition of the proposed forum and the proposed neighbourhood area (to ensure that they meet the legal requirements);
- the key issues the forum wants to address for the area (accepting that this may change as the plan progresses); and
- the best way to address these issues. Rather than produce a neighbourhood plan it may be quicker, easier, and more effective to produce a different document such as non-statutory design guidance, environmental enhancement scheme, development briefs (for specific sites), traffic management measures or advice notes. If a stronger policy is required there it may be possible to include policies in the Council's Local Plan (depending on the timescale).

The prospective neighbourhood forum should provide information on the first 2 points above in advance of the meeting.

The support available from the Council may include:

- Exploratory meeting;
- Identification of active planning documents for the defined area;
- Identification of the strategic policies in the Local Plan that affect the area;
- Access to neighbourhood data if the Council has it, otherwise an indication of where to look for data;
- Advice as to the preparation of background evidence, the phrasing and justification of policies.

#### 4. Process

Stage		Community Action	Council Action
1	Identify issues in the area – what needs to be changed?	Community to discuss and prepare a note for discussion with the Council	Discuss with community whether writing a Neighbourhood Plan is the best route to delivering what they wish to achieve. Discuss the proposed neighbourhood area and proposed neighbourhood forum with the community group.
Stage		Community Action	Council Action
2	Designation of the neighbourhood area	Apply for the designation of a neighbourhood area that meets the criteria set out in this note. Community involvement advised	Check that the application is valid and the required information has been provided. Publicise the application and allow at least 6 weeks for comments. Take a decision to designate the neighbourhood area or business area (see section 6 below) if appropriate.
3.	Designation of the neighbourhood forum	Apply for the designation of a neighbourhood forum that meets the criteria set out in this note. Community involvement advised.	Check that the application is valid and that the required information has been provided. Publicise the application and allow at least 6 weeks for comments. Take a decision to designate the neighbourhood forum if appropriate.
4.	Undertake consultation and assessment to provide evidence to underpin the neighbourhood plan. Prepare the plan	Establishing what the local community wants or needs, and the scope of the neighbourhood plan. Prepare the plan with significant community involvement. At least 6 weeks consultation on proposed plan to be organised and funded by the forum.	Advice and assistance as requested, and as Council considers appropriate – see “Working with the Council” section above. The Council will screen the plan’s proposals to see which environmental assessments will be required – this is best done at an early stage in the plan’s preparation.
5.	Validation check by the Council.	Submit neighbourhood plan, background evidence and procedural information to the	Check to make sure proposed plan meets <u>procedural rules</u> including that the neighbourhood forum has been so designated, the necessary information has been provided and sufficient consultation has been

		Council.	undertaken by the forum. Publicise plan proposal for at least 6 weeks Submit for examination.
6.	Independent examination. It is expected that this will be done through written submissions. Examiner may call a public hearing	Provide written submissions and /or attend hearing.	Council appoint examiner after agreement from neighbourhood forum. Funded by Council. Examiner considers if neighbourhood plan meets basic conditions and other relevant legal requirements. Also considers whether the area for the referendum should extend beyond boundaries of neighbourhood area.
<b>Stage</b>		<b>Community Action</b>	<b>Council action</b>
7.	Examiner's report.		Examiner prepares a report with one of the following recommendations: <ul style="list-style-type: none"> <li>■ Draft plan proceeds to referendum as submitted;</li> <li>■ Draft plan does not proceed to referendum; or</li> <li>■ The plan is modified by the Council to meet the basic conditions and the modified plan proceeds to referendum.</li> </ul> The Examiner's report is not binding. The Council must consider the examiner's recommendations and decide what action to take in response. Set out the Council's response in a "Decision statement". If Council is satisfied that the plan meets the basic conditions (with modifications if necessary) then the Council calls a referendum.
8.	Referendum on neighbourhood plan.		Council organises and pays for referendum. Two referendums are required for business – led plans (see Section 6 below).
9.	Adoption by Council –		If more than half of those voting support it, the Council must adopt the neighbourhood plan which will become part of the statutory Development Plan.

## 5. Business-led Neighbourhood Plans

The Council can designate a proposed neighbourhood area as a business area if it considers that the area is “wholly or predominantly business in nature”.

Where a business area has been designated, the process for preparing a Neighbourhood Plan is the same as in other areas except that an additional referendum will be held. Residents will be entitled to vote in one referendum, and non-domestic ratepayers in the other. If more than half of those voting in each referendum support it, the Council must adopt the neighbourhood plan. If, in one referendum (but not the other), more than half of those voting have voted in favour of the plan, the Council will make the decision on whether or not to adopt the Neighbourhood Plan.

For **further information** please contact:

Southampton City Council Planning Policy Team:  
Email - [City.plan@southampton.gov.uk](mailto:City.plan@southampton.gov.uk)  
Tel – 023 8083 3919.

### **References**

- The Town & Country Planning Act as amended by the Localism Act 2011 Schedule 9 and Schedule 10.
- Town & Country Planning, England, Neighbourhood Planning (General) Regulations 2012 (Statutory Instrument 2012, number 637)  
Visit: <http://www.legislation.gov.uk>
  
- The National Planning Policy Framework 2012.  
Visit : <http://www.communities.gov.uk/corporate/>