

EXETER CITY COUNCIL
PLANNING MEMBER WORKING GROUP
12 JUNE 2012

EXECUTIVE
19 JUNE 2012

NEIGHBOURHOOD PLANNING

1 PURPOSE OF REPORT

- 1.1 Members may recall that in February 2012 a report to Planning Member Working Group gave a summary of the key stages of Neighbourhood Planning and committed the Council to produce a protocol to provide clarity for local communities, to establish a co-ordinated approach and to help manage resource implications. This report presents the draft 'Neighbourhood Planning Protocol'.

2 BACKGROUND

- 2.1 The Localism Act received Royal Assent on 15 November 2011 and is now law. The Act included measures relating to the introduction of Neighbourhood Planning, established to give members of the community a more hands on role in the planning of their neighbourhood. The measures that the Act introduced for Neighbourhood Planning, together with the accompanying Neighbourhood Planning Regulations, came into force on 6 April 2012.

3 NEIGHBOURHOOD PLANNING AND THE NPPF

- 3.1 The National Planning Policy Framework (NPPF) came out on the 28 March 2012 and set out new guidance for the operation of the planning system. A report providing an initial overview of key issues raised by the NPPF was reported to Planning Member Working Group on 3 April 2012.
- 3.2 In relation to Neighbourhood Planning the NPPF re-iterates that 'the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area'. Neighbourhoods should:
- Develop plans that support the strategic development needs set out in Local Plans;
 - Plan positively to support local development;
 - Identify opportunities to use Neighbourhood Development Orders to enable development that is consistent with the Neighbourhood plan to proceed.
- 3.3 The NPPF provides no specific guidance on what the local authorities role should be in neighbourhood planning, nor on what form the 'duty to support' referred to in the Act should take.

4 THE NEED FOR A PROTOCOL

- 4.1 Neighbourhood planning is not led by the local authority; it is about letting the residential and business communities plan the areas they know. Nevertheless, when the City Council receives applications for Neighbourhood Areas and Neighbourhood Forums (the first application for which, from St James, has already been received) it is for the Council to publicise and designate these areas and groups.
- 4.2 Furthermore, the Localism Act requires local authorities to “give such advice or assistance to qualifying bodies as, in all the circumstances, they consider appropriate for the purpose of, or in connection with, facilitating the making of proposals for neighbourhood development orders.” This applies equally to neighbourhood planning. Whilst it is clear that this legal ‘duty to support’ will have resource implications, the scale of those implications will be dependant both on the take up of neighbourhood planning powers and the approach taken by the City Council to providing support and advice. The Government advises that ‘The extent of support and advice provided will be different in each area depending on the skills, resources and needs of the local authority and the group preparing the plan.’
- 4.3 The City Council’s approach will be set out in a ‘Neighbourhood Planning Protocol for Exeter City Council’ an initial draft of which is attached at Appendix A.

5 KEY ROLES UNDER THE ‘DUTY TO SUPPORT’

- 5.1 A number of key roles for the Council can be identified as part of the ‘Duty to Support’. The draft protocol attached at Appendix A lists commitments under each of the Council’s key roles. A summary of the Council’s key roles is provided below:

General Support: This is perhaps the most important role as it governs the method by which communities will learn and make choices about Neighbourhood Planning. If good clear information is provided it is more likely that communities will be able to make the right choices for them. This role is also the most immediately relevant and includes commitments that we will be required to meet in the short term.

Designation of Neighbourhood Areas and Neighbourhood Forums: This role is largely set out within the regulations. Nevertheless, the Council needs to say how it will interpret the regulations, particularly in regard to publishing applications.

Supporting Neighbourhood Plan making: This will be vital in supporting those communities that decide to go ahead with Neighbourhood Planning. It is also the role that has the potential to be most resource intensive in terms of officer time.

Formal Validation: Whilst this role is largely determined by the regulations, Neighbourhood Forums should be encouraged to approach the Council at an early stage to ensure any issues are cleared up before the Neighbourhood Plan/Development Order is formally submitted to the Council.

Independent Examination: The examiner needs to be appointed by the Council and the costs of the Examination are also born by the Council.

Referendum: The regulations governing Referendums have not yet been published and therefore commitments under this role may need to be amended in due course.

Adoption: The Council's final role relates to the adoption of the Neighbourhood Plan or Neighbourhood Development Order.

6 RESOURCE IMPLICATIONS

- 6.1 The financial implications for the Council from the new duties introduced by the Localism Act will depend on community take up of Neighbourhood Planning. However, the adoption of the above protocol has enabled an approximation to be made of the resource implications per plan undertaken (see table below). It should be noted that whilst the resource implications will fall mainly on City Development, other Directorates will also be involved (there will, for example be significant implications for Communications and potentially Community Involvement).

Table 1: Approximate resource implications

Council Role	Approximate Direct Cost to Council per plan	Approximate officer time per plan (City Development only)
Designation of Neighbourhood Area	Public Notices £1,350	3-5 days
Designation of Neighbourhood Forum	Public Notices £1,350	5-7 days
Support for preparation of Neighbourhood Plans		10-20 days
Validation of Neighbourhood Plans		2 days
Examination by an independent inspector	£6,000	5 days
Referendum	£6,000	n/a
Adoption of Neighbourhood Plan	Printing/Publishing £500	5 days
TOTAL	£15,200	30-44 days

- 6.2 Take up has, so far, been limited, with only St James fully committed to Neighbourhood Planning. However, expressions of interest have also been received from Alphington, Topsham, Countess Wear and Digby, and it may be that interest grows especially over the next 12 months.
- 6.3 There is some recognition of the staff resource implications in the Executive resolution of the 7 December 2011 to make £100,000 available to support the production of Neighbourhood Plans over the next 5 years.

7 ADVICE SOUGHT/RECOMMENDATION

- 7.1 That Planning Member Working Group supports the adoption of the Neighbourhood Planning Protocol for Exeter City Council.
- 7.2 That Executive agrees to the adoption of the Neighbourhood Planning Protocol for Exeter City Council. In accordance with the Neighbourhood Planning Protocol, Executive agrees to grant delegated authority for the Assistant Director City Development, in conjunction with the Portfolio Holder for Sustainable Development and Transport, to publicise applications for Areas and Forums, consider representations and to determine the applications.

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