

## Neighbourhood Planning Protocol

**EXECUTIVE MEMBER:** Councillor George Clements

**LEAD OFFICER:** John Groves

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### **PURPOSE OF REPORT:**

To consider a proposed protocol to govern the relationship between the Borough Council and any body producing a Neighbourhood Plan

### **RECOMMENDATION:**

That the Neighbourhood Planning Protocol in Appendix 1 be approved, to be placed on the Borough Council web site and used to inform neighbourhood planning in the Borough.

### **1. NEIGHBOURHOOD PLANNING IN COPELAND**

- 1.1 There are now two parishes (St Bees and Millom Without) in Copeland designated as Neighbourhood Areas, which entitles their Parish Councils to prepare a Neighbourhood Plan.
- 1.2 Members will recall that neighbourhood planning was introduced by the Localism Act. It is now incorporated into planning legislation and regulations governing the process were issued last year.
- 1.3 In rural areas Parish or Town Councils produce the plan (in unparished areas – only Whitehaven in this borough – a ‘Neighbourhood Forum’ would have to be set up). The plan can cover any range of policy chosen by its authors; and if it is legitimately adopted (which would mean that it must be in broad conformity with the LDF and national policy) the Borough Council is obliged to adopt it as part of the Local Plan or LDF.
- 1.4 The Borough Council also has a legal duty to support the process, taking into account all circumstances, which include the availability of resources. The Government is supporting the costs of neighbourhood planning to the tune of £30,000 per plan when complete, which should cover the costs associated with publicity, running an independent examination and a

referendum. We have applied for the £5000 per parish, that is £10,000 in all, which is payable on designation of Neighbourhood Areas.

- 1.5 Planning Policy team officers have met members or representatives of both Parish Councils, and there appears to be a clear understanding that the Borough Council is willing to support them (as it is bound to do) but that there are resource issues on our part. At present this does not seem to be an issue, as each Parish Council appears ready and willing to do the work without leaning heavily on the Borough Council.
- 1.6 However, the planning policy team feels there is merit in setting out a protocol, to be agreed with any body wishing to do a neighbourhood planning exercise, so that there is a clear understanding of what each party should and can do.
- 1.7 Informally, bodies such as the Planning Advisory Service recommend this. It is understood that the Cumbria Association of Local Councils may produce advice to its members, but it is not yet clear whether CALC will produce a protocol as such. There are precedents in the realm of parish planning for local authorities to produce this kind of document, but we are not aware of any published example covering the new environment of neighbourhood planning.

## **2. THE USEFULNESS OF A PROTOCOL**

- 2.1 Neighbourhood planning is a new form of community plan. Unlike the production of a parish plan or village design statement, it is a statutory process, which means that the plan when adopted becomes part of the Local Development Framework. It must, therefore, have enough justification to get it through an independent examination.
- 2.2 It is possible that those interested in undertaking it may underestimate its complexity and/or overestimate what they are permitted to propose. (In particular, the Government has been at pains to say that a Neighbourhood Plan cannot be used to stop development.)
- 2.3 The point of producing a protocol is that, in the event of uncertainty or confusion, the two parties (Parish and Borough Council) can fall back on it to make clear what the rights and obligations of each side should be. (It also allows for the Borough Council advising that a statutory plan may not be the best option.)

## **3. DRAFTING THE PROTOCOL**

- 3.1 The draft protocol is based on examples of parish planning protocols of which the planning policy team is aware, adapted to the more rigorous requirements of the neighbourhood planning process.
- 3.2 It covers the following features of the process:
  - i. the Borough Council's aims, stressing supportiveness;
  - ii. the responsibilities of the Parish Council (or equivalent plan-making group);

- iii. a description of what assistance the Council will aim to provide, subject to resources permitting;
  - iv. a statement of the joint approach to publicising the exercise (whilst the Borough Council has responsibilities defined by Regulations to publicise the process, the Parish Council must additionally make sure its residents are informed and involved).
  - v. a provision for regular monitoring. This will almost certainly be needed, as the process is at present fairly loosely defined.
- 3.3 The Protocol has been tabled at a Cumbria District Planning Officers' Group meeting, and discussed with the Cumbria Association of Local Councils and Action for Communities in Cumbria. The response has been supportive and minor amendments have been made to accommodate suggestions made.

## **APPENDICES**

1. Draft Neighbourhood Planning Protocol

## **Copeland Borough Council**

### **Neighbourhood Planning Protocol**

Copeland Borough Council recognises the value of neighbourhood planning in fulfilling local community planning priorities, and in helping to make strategic planning policy work at a local level.

The purpose of this protocol is to set out how the Borough Council will support and work with Parish and Town Councils who wish to work on any of the three types of neighbourhood planning - Neighbourhood Plans, Neighbourhood Development Orders or Community Right to Build Orders.

*(Note; (1) the term 'Neighbourhood Plans', where used below, covers all three forms of neighbourhood planning established by the Localism Act;*

*(2) the protocol also covers Neighbourhood Forums, which may be set up to produce Neighbourhood Plans where there is no Parish or Town Council.)*

#### **Aims of the Borough Council**

We aim to carry out our duties under the Localism Act and supporting regulations, and to help our communities plan for their future, as follows.

1. Support the production of Neighbourhood Plans.
2. Work with bodies carrying out neighbourhood planning via a recognised point of contact in the Planning Policy Team ([ldf@copeland.gov.uk](mailto:ldf@copeland.gov.uk)).
3. Work with and advise Parish Councils on the integration of (statutory) neighbourhood planning with the production and review of (non-statutory) Parish or Community Plans. The Borough Council's Locality Managers will be involved in this.
4. Take part in county-wide discussion and assist in the development of Cumbria-wide approaches and resources to support neighbourhood planning.
5. Give feedback to Parish Councils on actions taken, and information received, by the Council, which may be relevant to producing and carrying out Neighbourhood Plans.
6. Update Borough Council members, officers and partners on the progress and implications of emerging Neighbourhood Plans, and make sure that completed plans are circulated to those in the Borough Council who should know about them.
7. Have regard to Neighbourhood Plans in the Council's planning-related and general work.

## **The role of Parish Councils, Town Councils and Neighbourhood Forums in neighbourhood planning**

Neighbourhood Plans are produced by the Parish Council, Town Council or other body (Neighbourhood Forum in unparished areas) designated by the Borough Council. This involves the following responsibilities.

- Understand and observe the Regulations.
- Be aware of guidance and advice being produced by the Council for Protection of Rural England, Cumbria Association for Local Councils and others.
- Keep the local community informed and involved.
- Maintain contact with the Borough Council (Planning Policy team), so that the Borough Council can carry out its responsibilities in a timely manner. (This especially applies to the designation of a Neighbourhood Area or Forum, checking the draft plan for compliance with the law and strategic planning policies, independent examination, and referendum.)

The neighbourhood planning process is more rigorous than that for Parish and Community Plans. In particular, elements of the plan (such as allocation of land) must be supported by evidence that what is proposed is justified.

The plan must also meet European environmental obligations, conform with national planning policy and Borough strategic policies, and contribute to sustainable development.

The Borough Council will advise on this, but it is the responsibility of the neighbourhood plan team.

## **What support will Copeland Borough Council provide?**

We will

- advise on the best ways to meet local wishes through neighbourhood planning, parish/community plans, or other suitable planning measures;
- at key stages in the process, check that emerging Neighbourhood Plans comply with legal requirements and planning policy (national and borough-wide);
- fulfil our duties under the regulations, including advertisement of key stages (on the Council's web site and elsewhere as appropriate), arrangement and support of the independent examination, and carrying out a referendum;
- take the lead in securing any support funding available from central government or elsewhere;
- provide reasonable officer time and resources for technical purposes, including geographic information and access to all public documents in the Local Development Framework evidence base.

We will try to do this as fully and as promptly as staffing levels and budget restraints permit. Wherever possible, we will agree timescales with neighbourhood plan teams.

We will collaborate with the Lake District National Park Planning Authority where a neighbourhood area crosses the National Park boundary. We will agree reasonable arrangements with the Authority if the Borough Council is called upon to assist in, or provide administrative or democratic processes for, neighbourhood areas within Copeland's part of the National Park.

### **Keeping the community informed**

We will maintain on the Council's web site pages explaining and referring to neighbourhood planning, its processes and the progress of neighbourhood planning exercises in Copeland (including those in the Lake District National Park, for which the Borough Council is not the planning authority).

The Parish or Town Council (or Neighbourhood Forum), should take its own steps to keep its community informed on progress. We will advise on this.

### **Monitoring and review**

Copeland Borough Council will collaborate with Parish and Town Councils to monitor progress on neighbourhood planning in the Borough, so that anyone involved with or interested in neighbourhood planning will be kept up to date and able to benefit from any lessons to be learned.

We will review this protocol after one year, and after that, when there is evidence of need to update it.