

12 February 2015

Agenda Item: 4

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE SERVICES

NEIGHBOURHOOD PLAN PROGRESS IN NOTTINGHAMSHIRE

Purpose of the Report

1. To inform Committee of the current progress of emerging Neighbourhood Plans within Nottinghamshire.

Information and Advice

National Planning Policy Context

2. Neighbourhood planning was introduced through the Localism Act 2011, Neighbourhood planning legislation came into effect in April 2012.
3. Neighbourhood plans are promoted within the NPPF (paragraphs 183-185) with it stating that they will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict.

Neighbourhood Plans

4. Neighbourhood Plans set out a vision for an area and should contain planning policies for the use and development of land. A Neighbourhood Plan should be developed to help guide development, rather than to prevent it. Policies should cover local issues rather than strategic issues.
5. Plans should be developed in partnership with the Parish Council, local community groups, Local Authority, statutory consultees, local residents and local business. They will need to be produced in conformity with the relevant District/Borough Council's Core Strategy and Development Management Policies Development Plan Document and national planning policy. If the Plan is adopted by the District/Borough Council it will become a statutory document that will be used when determining planning applications. This also includes the Nottinghamshire County Council Minerals and Waste Local Plans.
6. Neighbourhood Planning can involve any of the following:

- Neighbourhood Development Plan - establishes the vision and planning policies for the use and development of land in your neighbourhood.
 - Neighbourhood Development Order – allows the community to grant planning permission for types of new developments you want to see go ahead.
 - Community Right to Build Order – is a type of Neighbourhood Development Order which gives communities the power to develop, for instance, small-scale housing and other facilities that you want without the need to apply for planning permission.
7. All of these documents will be subject to an independent examination and a local referendum before they can be adopted.
8. Neighbourhood Planning is led by the local community. A Neighbourhood Development Plan and a Neighbourhood Development Order can only be prepared by Parish or Town Council in Parished areas. In areas where there is no Parish or Town Council, a Neighbourhood Forum can lead on coordinating the neighbourhood planning for your area. This could be an existing community organisation or a new group but it will need to meet certain criteria. The Neighbourhood Forum and area boundary will need to be approved by the relevant District/Borough Council.
9. A Community Right to Build Order can be prepared by certain community organisations and not just the Parish or Town Council or Neighbourhood Forum.

How to Prepare a Neighbourhood Plan - Stage 1 - Agreeing the Neighbourhood Area and Group carrying out the Neighbourhood Plan

10. Parish Councils, or local groups in unparished areas, should submit their applications for the designation of a neighbourhood area to the Council. These should include:
- a plan and statement identifying the land to which the neighbourhood plan will relate;
 - a statement explaining why this area is considered appropriate to be designated as a neighbourhood area;
 - a statement explaining why the group is capable of being the ‘qualifying body’ to carry out the Neighbourhood Plan; and
 - contact details for the group
11. The relevant District/Borough Council will, with the assistance of the proposing body, publicise the statement and invite members of the public to comment on the proposal. This consultation process will take place for six weeks.
12. Parish Councils will usually take the lead in progressing Neighbourhood Plans. Community groups can, however, also apply to the Council to become a Neighbourhood Forum. The Forum must contain a cross section of the population and comprise a minimum of 21 people. The application to the Council must contain:
- the name of the neighbourhood forum;
 - a plan and statement identifying the land to which the neighbourhood plan relates;
 - contact details of at least one member of the group;

- a copy of the written constitution of the proposed neighbourhood forum; and
- a statement explaining why the group is capable of being the 'qualifying body' to carry out the Neighbourhood Plan.

13. Once an application is received, from either a Parish Council or community group, the relevant District/Borough Council will publish on its website a statement setting out:

- the name and coverage of the proposed neighbourhood forum;
- the contact details of at least one member of the organisation or body making the application;
- the date on which the application was received; and
- a statement that any other application for the relevant neighbourhood area, after the first application to be accepted, must be received by the relevant District/Borough Council no later than 28 days after the date on which the above information was first published on their website in relation to the first application accepted.

Stage 2 - Preparing and writing the Neighbourhood Plan

14. The Plan must be in general conformity with the relevant Development Plans, this includes the Nottinghamshire Mineral and Waste Local Plans:

- Core Strategy and Development Management Policies document and with National Guidance;
- The Council's Evidence Base, and evidence gathered by the Neighbourhood Planning group, should be used to support Plan;
- Strong links must have been made with local residents, community groups and local business;
- Thorough consultation is essential;
- The Plan must reflect the views and concerns of local people;
- Involving the District Council at the start of the process is essential.
- Publicising your Plan
- The draft version of the Plan must be publicised to people who live, work or carry out business in the area;
- The Plan must be publicised for a minimum period of six-weeks to allow for responses;
- Statutory bodies must be consulted;

15. A draft must be submitted to the relevant District/Borough Council..

Stage 3 - Independent Check

16. Once a plan has been prepared, an independent examiner will check the plan and make sure it meets the right basic standards. The examiner will be appointed and paid for by relevant District/Borough Council with the consent of the Parish Council or Forum. The examiner must be independent of both the Parish/Forum and the District/Borough Council and have no interest in the land in the area.

17. The examiner will recommend one of the following:

- That the plan goes to referendum;
- That the plan be modified before a referendum;
- That the plan be refused.
- The Council will need to look at the examiner's views and decide whether to make the changes proposed. The examiner's report is not binding and the Council may wish to dismiss the examiner's comments.

18. There may be a need to go back to the community and re-consult on the plan if significant changes are made to the plan by the examiner and the Council agrees them.

Stage 4 - Community Referendum

19. The Council will organise and pay for a referendum on any Plan that meets the right standards. The referendum gives the wider community a chance to say whether the Plan should come into force or not. If more than 50% of the community vote in favour of the plan then it is adopted by the Council. Please note that 'more than 50% of the community' means 50% of those voting on the day.

Neighbourhood Plan Progress in Nottinghamshire

20. There are currently no adopted Neighbourhood Plans within Nottinghamshire. Appendix 1 sets out the current progress of Neighbourhood Plans within the County.

21. To date the County has submitted presentations on the following Neighbourhood Plans:

- East Leake – September 2014
- Harworth and Bircotes – October 2014
- Elkesley – January 2015
- Keyworth – January 2015

Key Issues for Nottinghamshire

22. Nottinghamshire County Council has a significant interest in the production of a Neighbourhood Plans for the as a whole. The County Council is a strategic planning authority in terms of service provision and the interests of its residents, community groups and businesses, as well as the concerns of the environment and heritage assets within the county. It is therefore important that up-to-date, relevant and robust plans, within Nottinghamshire are in place to assist the County Council in meeting its service requirements and helping to make Nottinghamshire a prosperous place.

Other Options Considered

23. There are no alternative options to consider as the report is for information only.

Reason for Recommendation

24. This report is for information only.

Statutory and Policy Implications

25. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

1) This report is for information only.

Jayne Francis-Ward

Corporate Director, Planning, Policy and Corporate Services

For any enquiries about this report please contact: Nina Wilson, Principal Planning Officer, Planning Policy Team, 0115 97 73793

Background Papers

Individual Consultations and their responses.

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Constitutional Comments

26. As this report is for noting only constitutional comments are not required.

Financial Comments

27. There are no direct financial implications arising from the contents of this report.

Electoral Division(s) and Member(s) Affected

All.

Appendix 1 – Current Neighbourhood Plan Progress in Nottinghamshire (February 2014)

Ashfield DC	
Selston	Notice to produce, no document as yet.
Bassetlaw DC	
Tuxford	Notice to produce, no document as yet.
Misson	Notice to produce, no document as yet.
Clarbrough	Notice to produce, no document as yet.
Cuckney	Notice to produce, no document as yet.
East Markham	Notice to produce, no document as yet.
Elkesley	Currently out to consultation, ends on the 18 th January 2015
Harworth	Have a draft plan that underwent consultation in November 2014
Hayton	Notice to produce, no document as yet.
Shireoaks	Notice to produce, no document as yet.
Sturton	Notice to produce, no document as yet.
Broxtowe BC	
Brinsley	Notice to produce, no document as yet.
Eastwood	Notice to produce, no document as yet.
Greasley	Notice to produce, no document as yet.
Nuthall	Notice to produce, no document as yet.
Stapleford	Notice to produce, no document as yet.
Gedling BC	
Calverton	Notice to produce, no document as yet.
Mansfield DC	
Warsop	Notice to produce, no document as yet.
Newark and Sherwood	
Southwell	Notice to produce, hope to consult on Plan in January 2015.
Farnsfield	Notice to produce, no document as yet.
Kings Clipstone	Notice to produce, no document as yet.
Nottingham City	
Sneinton	Notice to produce, emerging plan.
Rushcliffe BC	
East Leake	Notice to produce, emerging plan.
Keyworth	Notice to produce, emerging plan.

Radcliffe on Trent	Notice to produce, consultation took place in August 2014.
Keyworth	Consultation on draft Plan ends 24 th January 2015