

## CABINET

16<sup>th</sup> March 2016

### REPORT OF THE EXECUTIVE MANAGEMENT TEAM

**Report Title:** Neighbourhood Planning Resourcing  
**Submitted by:** Executive Director: Regeneration and Development  
**Portfolios:** Town Centres, Business and Assets  
**Ward(s) affected:** All

#### **Purpose of the Report**

To advise Cabinet on the potential resource implications of supporting neighbourhood planning and to bring forward a proposal for consideration by Cabinet.

#### **Recommendations:**

- (a) That a temporary part time post at Grade 9 (Current Senior Planning Officer) level be created and recruited to and that continuation of such arrangements at the end of each financial year be dependent upon the continuation of the current grant or other such external funding arrangements.
- (b) That in the event that Government funding is not continued then officers' report back on the alternative options for supporting neighbourhood planning, as may be required.

#### **Reasons:**

To provide appropriate support for "qualifying bodies" in the preparation of neighbourhood development plans, neighbourhood development orders and community right to build orders.

### **1. Background**

- 1.1 Neighbourhood Plans were introduced under the Localism Act (2011). These plans form part of the development plan system, however they are prepared by parish councils or organised neighbourhood forums and they cover a smaller area than a district-wide local plan.
- 1.2 Before a neighbourhood plan can be formally prepared, the area that is to be covered by the plan needs to be designated. As the local planning authority, the Borough Council has the responsibility to publicise and then make a decision on applications that it has received to designate neighbourhood areas within the borough.

1.3 In addition to neighbourhood plans it is possible for parish councils and other organised forums, as part of their Neighbourhood planning work to promote Neighbourhood Development Orders. Such Orders can grant planning permission for specific types of development in a specific neighbourhood area. A Neighbourhood Development Order can therefore:

- Apply to a specific site, sites or wider geographical area
- Grant planning permission for a certain type or types of development
- Grant planning permission outright or subject to conditions

A Community Right to Build Order is a form of Neighbourhood Development Order that can be used to grant planning permission for small scale development for community benefit on a specific site or sites in a neighbourhood area. Such Orders can be developed by Community Organisations that meet certain criteria.

(To date no Neighbourhood Development Orders or Community Right to Build Orders have been promoted within the Borough).

1.4 In September 2015 Cabinet considered a report on applications to designate two neighbourhood areas for neighbourhood planning purposes covering Loggerheads Parish and Chapel and Hill Chorlton, Maer & Aston and Whitmore Parishes.

1.5 In addition to approving these designations Cabinet resolved that officers be authorised to submit a bid for funding support to the DCLG and that a report be brought to a future meeting of Cabinet on the likely resource and staffing implications for the Council in responding to the development of Neighbourhood Plans. This report seeks to meet this objective, although it considers Neighbourhood planning more broadly rather than just the development of Neighbourhood Plans. The grant referred to (£10,000 in total) was subsequently obtained.

## **2. Issues**

2.1 There are legal obligations that have to be met by the Council with respect to Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders. The attached Table at Appendix A indicate Neighbourhood Plans Roles and Responsibilities and in bold type indicates the statutory/legal requirements.

2.2 In both cases the resource requirements from the Council's perspective can be quite considerable, but the chief feature is that they are unpredictable. It may, by engagement, with the bodies concerned be able to influence when such services are required.

2.3 Whilst the Council has no choice but to meet its statutory requirements, it is able to decide what other forms of support it may wish to give particularly to the development of Neighbourhood Plans.

2.4 For 2015/16 Neighbourhood Planning Grants are available to Local Planning Authorities. Guidance indicates that such grant money is to ensure local planning authorities receive sufficient funding to enable them to meet the legislative duties in relation to neighbourhood planning – specifically it covers the neighbourhood planning duties introduced in the Localism Act 2011 which are to provide advice or assistance; to hold an examination; and to make arrangements for a referendum.

- 2.5 It is the government's wish that local planning authorities receive the appropriate funding to enable the fulfilment of these duties in line with the new burdens principles. Financial support is available for communities doing neighbourhood planning via other channels.
- 2.6 For all areas, the basic level of funding is £30,000 at present and there has been a recent announcement indicating the availability of such grants beyond the end of March 2016. To date the Council has secured £10,000 of Neighbourhood Planning Grant – reflecting the designation of the two neighbourhood plan areas of Loggerheads Parish and Chapel and Hill Chorlton, Maer & Aston and Whitmore Parishes.
- 2.7 One of the statutory requirements upon Local Planning Authorities is to “provide 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 proposal for neighbourhood development plans and (sic) orders”.
- 2.8 National Planning Practice Guidance is that a local planning authority should:-
- be proactive in providing information to communities about neighbourhood planning
  - fulfil its duties and take decisions as soon as possible, and within statutory time periods where these apply
  - set out a clear and transparent decision making timetable and share this with those wishing to prepare a neighbourhood plan or an Order
  - constructively engage with the community throughout the process.

Parish or Town Councils or neighbourhood forums preparing a neighbourhood plan or neighbourhood development order are encouraged to discuss with their local planning authority how the funding that a Local Planning Authority may receive can support their work involved in taking forward neighbourhood plans. Members' attention is drawn to a letter received from Loggerheads Parish Council on this subject which is attached as Appendix B.

- 2.9 Estimates of the likely costs of **the holding of a referendum** in the two areas where a neighbourhood plan area has been designated are of the order of £6k to £6.5K. There are a number of variables which could affect these costs such as the number of electors eligible to take part.
- 2.10 The costs of the **holding of the examination** are however much more difficult to predict. In addition to costs associated with the provision of accommodation, the principal cost is likely to be that of the Inspector who would be paid a standard rate. Examples from other authorities are being obtained, but the chief determinant of cost would be the length of the examination.
- 2.11 The key decision facing the Council in deciding what resources it wishes to set aside for neighbourhood planning is how it considers it should fulfil its advice or assistance role. Rather than consider in detail how this might work out, it is suggested that Cabinet should set a broad policy position.

2.12 There is a strong argument that positively engaging with Parish and Town Councils and neighbourhood forums in their preparation of neighbourhood plans and neighbourhood development areas would have significant benefits. Such positive engagement requires staff time and the proposal set out below is to provide an additional staff resource which could:

- **Play a major role both in helping the council to fulfil its statutory responsibilities** set out in bold in the attached Table and to **realise some of the expectations** of the Parish /Town Councils and forums for officers to attend consultation events and steering group meetings.
- **Minimise potential delays in the preparation of the Joint Local Plan.** This is because the time spent supporting the preparation of a neighbourhood plan will otherwise inevitably divert officer time and attention away from the JLP.
- **Provide direct day to day contact** with eligible qualifying bodies and lead bodies explaining processes, answering queries, providing advice to help them devise an effective process.
- **Provide a quick response** when a query is raised avoiding criticism that the qualifying body is not receiving enough/appropriate support.
- **To play a key and critical role as a mediator/broker between the Neighbourhood Plan and the Local Plan**
- **An effective neighbourhood plan** is in everyone's interests - this requires regular engagement/ongoing support and advice, which the Planning Policy team will find it most difficult to provide, because of the demands of the JLP but is in the Borough Council's interests to do so in order to avoid the neighbourhood plan going off course.
- **Help to portray the Council in a positive light** demonstrating a commitment to be proactive in supporting the preparation of neighbourhood plans.

### **3. Proposal**

- 3.1 That a temporary part time (0.6 FTE) post of Neighbourhood Planning Officer at Grade 9 (Current Senior Planning Officer level) be created and recruited to the Planning Policy Team.
- 3.2 That continuation of such arrangements at the end of each financial year be dependent upon the continuation of the current grant arrangements or other approved funding.
- 3.3 That in the event that the Government decides to not provide further funding then officers report back on the alternative options for supporting neighbourhood planning.

### **4. Reasons for the Preferred Solution**

- 4.1 It is considered that given the benefits of the Council positively engaging with Neighbourhood Planning, and the prospect of funds being available, albeit at the end of the process and not in all situations, the balance of advantage lies in pursuing the preferred solution.

### **5. Financial and Resource Implications**

- 5.1 Provision will have to be made in advance of the receipt of grant, which even if achieved, will in most cases not be within the same financial year. The cost of a one

year appointment is estimated at between £22,283 (scp 32) and £24,082 (scp 35). Should the Council not receive any further grant (either because by the time the trigger points are reached the NPG scheme has been terminated, or those points are never reached) the cost to the Council in 2016/17 would be up to about £14K plus the recruitment costs (estimated at £1,500). One option would be to fund this from existing resources allocated to the Local Plan (with a view to replenishing that budget as required in the future).

## **6. Outcomes Linked to Corporate Priorities**

6.1 The proposal should contribute towards a Borough of Opportunity.

## **7. Legal and Statutory Implications**

7.1 Creation of the post would significantly assist the Council in meeting its statutory requirements in terms of the provision of advice or assistance, but it would not assist with the required holding of a referendum or examination.

## **8. Major Risks**

8.1 That for reasons outside its control the Council does not become eligible to make application for NPG. Such reasons could include a termination or reduction in the current grant arrangements or a decision by the qualifying body to abandon progress on their Neighbourhood Plan or Neighbourhood Development Order.

## **9.0 Appendices**

9.1 Appendix A – Table of Neighbourhood Plans Roles and Responsibilities  
Appendix B – Letter from Loggerheads Parish Council to Chief Executive

## **10. Background Papers**

10.1 Table of Neighbourhood Development Order and Community Right to Build Order Responsibilities (available on request).

## **11. Key Decision Information**

11.1 This is a key decision because it affects more than two wards.