

## Briefing Note

### **The Role of Local Planning Authorities in Providing Advice or Assistance to those preparing Neighbourhood Plans**

This briefing note seeks to set out how local planning authorities can exercise their role in providing advice or assistance to those communities that are preparing Neighbourhood Plans. This note will be updated periodically. It contains some pen portraits explaining the support provided by authorities. The case study on the use of service level agreements and memorandum of understanding is also a valuable source of information in this respect.

Under Schedule 4B of the 1990 Act “local planning authorities have a statutory duty (sometimes also referred to as the ‘duty to support’) to “*give such advice or assistance to parish councils and designated Neighbourhood Forums as in all the circumstances, they consider appropriate for the purpose of, or in connection with facilitating the preparation of Neighbourhood Development Plans*”. Note however that there is no legal requirement to give financial assistance and this ‘duty to support’ is in addition to the other statutory duties the Council has with respect to neighbourhood planning.

#### **Scope of advice or assistance**

Strong and effective partnership working between the local planning authority and the community is at the heart of successful neighbourhood planning. Accordingly the Government has not sought to prescribe how local planning authorities should meet the ‘duty to support’ requirement. This means that authorities’ have the discretion to tailor their support to take account of local circumstances, such as the complexity of the Neighbourhood Plan being prepared and the skills and resources of the local authority and the local groups.

Support will be different in each local authority area but set out below are details of what this could include:

#### **Information on neighbourhood planning process and planning issues**

- setting up a neighbourhood planning web page on the local authority’s website
- providing training to communities to explore with them what neighbourhood planning might mean to them, and what is involved
- developing a neighbourhood planning protocol advising residents, community groups and businesses how to get involved in local planning issues
- developing a set of advice notes or guides for example on how to write planning policy or commission a consultant
- producing an application form for groups wishing to designate an area

- signposting to useful information/sources of funding provided by other organisations
- providing advice or facilitation on general planning matters to help groups decide what is the right planning tool for them e.g. is the neighbourhood plan the right route or would it be better to produce an Neighbourhood Development Order or engage directly with the Council on the sites plan?
- participation in meetings of the qualifying body or its working groups
- provision of ward level community data profiles
- help to provide a project plan/set a timetable for the work required
- advice on survey methods
- providing maps or advice on where to get these

### **Helping with consultation events**

- arranging meetings, as appropriate, with the qualifying body
- sharing information on key contacts and stakeholders, and best practice plan-making activity
- making available venues and helping to arrange community engagement activities, to avoid consultation overload and maximise efficiencies of resources
- providing training in facilitation/consultation techniques e.g. planning for real
- signposting to other sources of help and assistance e.g. web sources for techniques

### **Technical support: providing advice on assessments/evidence and preparation of the plan**

- making available data for the evidence base, such as housing need data, development viability considerations, environmental designations, and flood risk assessments
- providing electronic maps of Neighbourhood areas and relevant planning designations
- making available technical information held on sites
- development management team could comment on how draft plan policies may be interpreted and used in practice, this could take the form of a workshop where policies are tested using real applications
- providing constructive comments on the emerging plan and other supporting documents (e.g. basic condition statement) prior to formal submission
- providing advice on who needs to be consulted, especially in order to help the draft proposals meet the basic conditions (such as compatibility with EU obligations)
- assistance in laying out and illustrating a plan

- screening and/scoping to identify any need for an environmental assessment, sustainability appraisal or Habitat Regulations assessment.

### **Providing advice on national and Local Plan policies with which the plan will need to fit**

- setting out local strategic policies in the Local Plan
- providing access to planning policy documents such as other strategies, socio-economic data, the statutory list and other heritage documents
- setting out or signposting national policies which will need to be considered
- providing advice on the legal requirements for neighbourhood planning under the Localism Act
- providing advice on compliance with the strategic policies of the Council's plan and with the national policy

### **Providing advice on drafting planning policy**

- ensure groups consider policy intent
- introduce the need to technical evidence as well as local preferences
- introduce the need to consider how policies comply with Local Plan and NPPF
- the Tony Burton 'Writing Planning Policies' guidance available on the My Community website is helpful to guide groups:  
<http://mycommunity.org.uk/wp-content/uploads/2015/02/Writing-planning-policies-v51.pdf>

### **Issues to consider**

**Consistency** – Across the local authority, the support offered to all communities undertaking neighbourhood planning should be consistent in its scope in order to avoid prejudice. For example if the local authority decide to offer advice on consultation and engagement, this opportunity should be available to all those undertaking neighbourhood planning. Where there is variation in the support available, the criteria or basis for such a variation should be clearly set out and explained. In practice the support needed, as distinct from offered, will vary between parishes and forums.

**Proportionality** – Though the scope of support should be consistent, this is not to say that all neighbourhoods will require, or should be provided with the same degree of support. Advice and assistance should be proportionate to the scope of the activities of the qualifying body. For example a Neighbourhood Forum producing a Neighbourhood Development Plan with

only 3 design policies for a conservation area is likely to require a different level of support to a neighbourhood forum who are allocating sites in an area with high development pressure. Proportionality is a theme that has been emphasised recently by DCLG and by the Cabinet Office's consultation principles (see Consultation Institute briefing paper 32 <http://www.consultationinstitute.org/resources/briefing-papers>)

**Accessibility/Transparency** – Whilst there are some emerging common types of support that local planning authorities are providing, the exact nature of the advice or assistance provided by one local authority is likely to vary to that provided by another. It is important for local authorities to clearly identify what support is available, to manage expectations of the community. A statement or protocol setting out what the Council will do and what the community needs to do is useful and should set out what is expected of other actors in the process e.g. local elected members, businesses etc. and their role. This protocol should be in plain English and in a range of media to reach different groups. Bath and North East Somerset have prepared a protocol: <http://www.bathnes.gov.uk/services/planning-and-building-control/planning-policy/neighbourhood-planning-protocol-my-neighbourh>

There is a model service level agreement on the PAS website at [http://www.pas.gov.uk/neighbourhood-planning/-/journal\\_content/56/332612/4079060/ARTICLE](http://www.pas.gov.uk/neighbourhood-planning/-/journal_content/56/332612/4079060/ARTICLE)

**Relationship with the Local Plan and strategic policies** - A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic conditions. A draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan
- the emerging Local Plan
- the adopted development plan

with appropriate regard to national policy and guidance.

The extent of the Councils' activity in advising or assisting neighbourhoods appears directly related to the local perspective on the role of neighbourhood plans. As would be expected in an area where there is discretion, different authorities take quite varied approaches to supporting neighbourhoods and to the amount of control over planning policy they seek to delegate to communities. Indeed, within one Council area different forum and Parishes

require different levels of support depending upon their own particular capacity and resources, and the level of complexity of plan that is being produced. The following examples demonstrate something of the range of activity.

### **Herefordshire Council**

Herefordshire Council is taking a very proactive stance on neighbourhood planning. It is producing a broad brush strategic plan and expecting the other level of plan making to be taken up by town and parish neighbourhood plans. The Council's plan is in production and the intent is that it will set out proportionate overall development targets for the seven housing market areas, list the villages considered to be most sustainable and allow the rural areas to determine their need and individual targets, together with any settlement boundaries. The market towns will have strategic allocations for housing in the Councils plan whilst the NDP's will determine the non strategic allocations, employment sites and shopping frontages. Any other finer grain policy not included in the Councils strategic plan will be covered by neighbourhood development plans. In the case of Hereford City the Council is to produce a joint Area Action Plan with Hereford Town Council. In time, Herefordshire Council will review coverage of Neighbourhood Plans and consider whether it is necessary to produce a 'gap filling' document below the level of its strategic plan.

Within this context the Council has a well developed set of web based resources including a large suite of guidance notes on specific aspects of neighbourhood planning from process and procedures to using OS Based Mapping. The parishes (currently 87 Neighbourhood Areas have been designated with 6 submitted applications currently on consultation or recently finished consultation) have open access to a support officer for advice and each parish has an allocated officer who will undertake initial discussions with the parish. Should the parish then come forward to produce a plan that officer stays with them through the process. The officer interprets the emerging Local Plan, will read drafts of plans and assist with the language of policy and check legal compliance throughout the process. The whole purpose of this close support is to ensure that by the time the Neighbourhood Plan reaches draft form it will be compliant and have a greater chance of success. Officers are currently seeking to provide an electronic interface so that the Council can share files with the parishes. The Council has produced a Service Level Agreement, guidance notes and produces regular newsletters.

### **Cornwall Council**

Cornwall Council (only 5 years old) is specifically organised to support its localities and has a Community Network of teams supporting clusters of parishes around the towns – currently 17 Neighbourhood Plans have been through examination. The Council has a focus on devolution of services and community assets and seeks to enable neighbourhood development plans to be the umbrella for this activity. As a result it provides initial contact at the

outset if a group is thinking of producing a plan through the Community Network Manager. This officer will go through an overview and general discussion with the group. If the group decides to proceed then they can speak with a Community Regeneration Officer who can advise on the Project Plan and help with community engagement processes. Also a Planning Friendly Link Officer can assist with the technical aspects of the plan. Finally, the Council offers a facilitation service if a Steering Group needs this.

The Council also has a well developed set of guidance notes on its website. One of Cornwall's greatest successes to date is considered to be training all parties to address neighbourhood planning and a more positive role at a local level in the planning process. The Council have trained all of its planning officers in aspects of neighbourhood planning so that if they are attending a parish meeting about a planning application they are also able to answer questions on neighbourhood planning thus embedding the support offer into the everyday job. The Council have also provided training on neighbourhood planning to parishes, in the form of around 50 events on all types of planning issues including those such as CIL and S106 agreements. As a result, the parish councils are more informed, and around 90% of decisions on applications are made in accordance with the parish council comments. This has been a deliberate strategy to overcome the geographic size of Cornwall County and ensure local governance. It underpins the provision of direct support on Neighbourhood Plans that is set out in a service offer.

### **Bristol City Council**

Bristol City Council officers also find that they need to tailor their support to the characteristics of the forum. The City Council deliberately sought to engage some of the more deprived neighbourhood areas in neighbourhood planning, not least to ensure that the opportunities are socially inclusive and to support the regeneration of areas of the City e.g. Knowle West and Lockleaze. The Council provides a different level of support to areas that are regeneration areas and contain areas of deprivation with support provided at two levels. As a result of this approach to inclusion there are some neighbourhood planning groups without a good level of resources within the group and without a wide skill base for the task. This can include a limited number of people with access to computers and the internet so even some basic communication matters are not straightforward for these groups. The Council naturally needs to help these groups more, and perhaps in different ways, than others - without doing the work for them.

Other Forum such as the Redcliffe Neighbourhood Planning Forum and the Lawrence Weston Neighbourhood Area Forum have a membership of very capable and competent residents in relation to the task because it includes people with planning and other professional skills and experience. Naturally these groups will require less intensive support than the former.



The range of Bristol City Councils support offer includes:

- web based resources including information sheets and leaflets
- training in matters such as enhancing conservation areas and landscape appraisal
- signposting to networks in the city supporting neighbourhood planning, and other support.
- Attendance at meetings
- Provision of information, evidence and data
- Maintaining a freeflow of information on emerging development plan documents, simplified planning proposals, transport proposals and government policy and regulations
- To ensure that the policies and programmes of the Council departments have due regard to approved NDP and NDO.

### **Cheshire West and Chester Council**

Cheshire West and Chester has 20 neighbourhood areas, one plan through the publicity stage of consultation and two made plans.

The authority maintains a dedicated website and toolkit for neighbourhood groups providing a wide range of advice, guidance, forms and checklists, including:

- Neighbourhood Plan options document
- Neighbourhood Plan options flowchart
- Guidance on neighbourhood area applications
- Neighbourhood Area application form
- Site assessment template
- Guidance notes on how to write planning policy
- Appraisals and assessments to support the NP
- Sources of information and statistics for your Neighbourhood Plan area
- Housing needs survey
- Rural affordable housing
- Procuring consultants guidance note
- Data Protection guidance for qualifying bodies

The Council also provides a nominated member of planning staff enabling them to provide consistent advice across all groups. In partnership with Planning Aid the authority has provided training for groups and also produces a monthly newsletter sharing information about the progress of plans and issues across all groups.

## **Arun District Council**

There is a high volume of neighbourhood planning activity in Arun. In order to speed up the support provided to groups the Council amended the Arun Constitution so that all decisions up to the making of a neighbourhood plan were delegated to the Head of Planning. This avoids potential delay caused by lengthy meeting cycles.

Arun District Council has also produced a toolkit which provides advice on the options available for Parish and Town Councils to engage with their communities. The toolkit covers neighbourhood planning along with other ways communities can get involved in planning for their local area.

The toolkit is available at the following link:

<http://www.arun.gov.uk/main.cfm?type=NEIGHBOURHOODPLANS>

## **Financial support for Parishes and Neighbourhood Groups**

From April 2015

- DCLG has announced a new programme for supporting neighbourhood planning starting in 2015 and the new planning grants and support are now open to applications on the my community website <http://mycommunity.org.uk/>. This will comprise £22.5 million available over 2015 to 2018. Two different types of support are available to help with the preparation of a neighbourhood plan or neighbourhood development order: technical support or a neighbourhood planning grant.
- All groups demonstrating a need for grant support will be eligible to apply for up to £8,000.
- Some groups facing more complex issues will be eligible to apply for a further £6,000 in grant and specific packages of direct support where needed. These groups include neighbourhood forums (where there is no parish or town council), those in high growth areas, deprived areas, business areas, areas over 25,000 population or clusters of parishes, or groups preparing neighbourhood development orders.
- DCLG have also made available funding to enable groups to apply for grants of up to £2,000 to organise workshops on neighbourhood planning in their local area, run by knowledgeable advocates of neighbourhood planning and aiming to give communities the information and encouragement needed to start on a neighbourhood plan. Activity funded through this grant programme must take place before 31 March 2015.

For more information and to apply for a grant groups should visit:

[http://mycommunity.org.uk/programme/neighbourhood-planning/?\\_a=funding](http://mycommunity.org.uk/programme/neighbourhood-planning/?_a=funding)



## **Financial support to local planning authorities to support their role in neighbourhood planning**

To support local authorities in making neighbourhood planning a success the Government has provided funding towards the cost of meeting the duties that local authorities have in relation to neighbourhood planning. On 31 October 2014 DCLG announced a new £12 million funding pot for local authority support.

For all areas, the basic level of funding is £30,000. Local planning authorities can firstly claim £5,000 for each neighbourhood plan area designated, up to a maximum of 20 areas per year. Secondly local authorities can claim a payment of £5,000 when the final pre-examination version of the neighbourhood plan is publicised prior to examination. A third payment of £20,000 can be claimed on successful completion of the neighbourhood planning examination.

Additional funding is available in certain areas. In priority areas which include non-parished areas, high growth areas, areas with complicated governance arrangements and areas with high Indices of Multiple Deprivation local planning authorities can claim £5,000 per forum designated. In business areas, local planning authorities can claim a further £10,000 following a successful examination. This can be claimed at the same time as the £20,000 payment on completion of a successful examination.

Local planning authorities should submit claims using LOGASnet. There will be four opportunities to submit claims in 2015/16. There will be windows between 1 and 30 June, 1 and 30 September, 1 and 31 December and a final window between 1 and 31 March 2016

Where a neighbourhood area falls within the area of more than one local planning authority, including a National Park Authority or the Broads Authority, it will be for each authority to decide on who to make the claim and how to share the payment locally. DCLG expects it normally to be the area with the largest proportion of the neighbourhood area or whichever authority has agreed to lead. However, this may not necessarily be the case if both parties agree otherwise. DCLG would expect the lead authority to share the payment, in such proportions as may be locally agreed, with the other authorities working on the scheme.

## **List of References**

### Tools, Guidance and Legislation

**DCLG** – Neighbourhood planning bulletins (December 2014).

<https://www.gov.uk/government/collections/notes-on-neighbourhood-planning>

**DCLG** – General guidance (May 2014)

<https://www.gov.uk/government/policies/giving-communities-more-power-in-planning-local-development/supporting-pages/neighbourhood-planning>

**DCLG** – FAQs on funding (October 2014)

<https://www.gov.uk/government/publications/neighbourhood-planning-funding-frequently-asked-questions>

**Planning Portal**–Planning Policy Guidance (PPG)

<http://planningguidance.planningportal.gov.uk/>

**PAS** – Legal compliance check list (March 2015)

[http://www.pas.gov.uk/neighbourhood-planning/-/journal\\_content/56/332612/4113731/ARTICLE](http://www.pas.gov.uk/neighbourhood-planning/-/journal_content/56/332612/4113731/ARTICLE)

**PAS** - Model Service Level Agreement between a local authority and a parish council or neighbourhood forum for the purposes of producing a Neighbourhood Development Plan

[http://www.pas.gov.uk/web/pas-test-site/search/-/journal\\_content/56/332612/4079098/ARTICLE](http://www.pas.gov.uk/web/pas-test-site/search/-/journal_content/56/332612/4079098/ARTICLE)

**PAS**- Neighbourhood planning FAQs.

[http://www.pas.gov.uk/web/pas1/45-faq/-/journal\\_content/56/332612/15205/ARTICLE](http://www.pas.gov.uk/web/pas1/45-faq/-/journal_content/56/332612/15205/ARTICLE)

**PAS** – Neighbourhood plan project management tool

[http://www.pas.gov.uk/neighbourhood-planning/-/journal\\_content/56/332612/4079048/ARTICLE](http://www.pas.gov.uk/neighbourhood-planning/-/journal_content/56/332612/4079048/ARTICLE)

**PAS** – Previous workshop materials

[http://www.pas.gov.uk/web/pas1/neighbourhood-planning/-/journal\\_content/56/332612/5870742/ARTICLE](http://www.pas.gov.uk/web/pas1/neighbourhood-planning/-/journal_content/56/332612/5870742/ARTICLE)

**RTPI**– Tools for neighbourhood planning

<http://www.rtpi.org.uk/planning-aid/neighbourhood-planning/>

**Planning Aid** – Information on the services that Planning Aid is providing in relation to neighbourhood planning.

[http://www.rtpi.org.uk/media/1640960/np\\_support\\_leaflet.pdf](http://www.rtpi.org.uk/media/1640960/np_support_leaflet.pdf)

**Planning Resource** - Neighbourhood planning tracker map

<http://www.planningresource.co.uk/article/1212813/map-neighbourhood-plan-applications>

**Localism Network**- Advice to communities, local authorities, councillors, developers and businesses on the different choices for planning for localism including neighbourhood planning.

[http://www.localismnetwork.org.uk/Localismnetwork.org.uk/Localism\\_Network\\_files/CPRE%20hyperlinked.pdf](http://www.localismnetwork.org.uk/Localismnetwork.org.uk/Localism_Network_files/CPRE%20hyperlinked.pdf)

**Our Neighbourhood Planning** – Discussion forum and the latest news and resources on neighbourhood planning.

<http://www.ourneighbourhoodplanning.org.uk/>

**CIL Regulations 2013:**

[http://www.legislation.gov.uk/uksi/2013/982/pdfs/uksi\\_20130982\\_en.pdf](http://www.legislation.gov.uk/uksi/2013/982/pdfs/uksi_20130982_en.pdf)

**Locality, My Community website** – information about funding and support available to groups <http://mycommunity.org.uk/>

**Neighbourhood planning Linked in group**

<http://www.linkedin.com/groups/Neighbourhood-Planning-3741603/about>

**Neighbourhood planning toolkit produced by Cheshire West and Chester** which includes lots of useful information including application forms, guidance on procuring consultants and a site assessment template:

[http://www.cheshirewestandchester.gov.uk/your\\_council/policies\\_and\\_performance/council\\_plans\\_and\\_strategies/planning\\_policy/neighbourhood\\_planning/neighbourhood\\_planning\\_toolkit.aspx](http://www.cheshirewestandchester.gov.uk/your_council/policies_and_performance/council_plans_and_strategies/planning_policy/neighbourhood_planning/neighbourhood_planning_toolkit.aspx)

**Bath and North East Somerset Council's Neighbourhood Planning Protocol and Character Assessment Toolkit:**

<http://www.bathnes.gov.uk/services/planning-and-building-control/planning-policy/neighbourhood-planning-protocol-my-neighbourh>

**Neighbourhood planning on Pinterest:**

<https://www.pinterest.com/nplanning/neighbourhood-plans/>

### Recent Examinations

**Malmesbury, Wiltshire – August 2014**

<http://www.wiltshire.gov.uk/neighbourhoodareadesignations>

**Marsh Gibbon, Aylesbury Vale – September 2014**

<http://www.aylesburyvaledc.gov.uk/planning-policy/neighbourhood-planning/marsh-gibbon-neighbourhood-plan/>

**17 Neighbourhood plans, Cornwall – 2014**

<http://www.cornwall.gov.uk/environment-and-planning/planning/neighbourhood-planning-toolkit/neighbourhood-plan-examiners-reports/>

**Lympstone, East Devon – November 2014**

<http://www.eastdevon.gov.uk/planning-lympstone>

**Backwell, North Somerset – October 2014**

[http://www.n-somerset.gov.uk/Environment/Planning\\_policy\\_and-research/Pages/Neighbourhood-plans.aspx](http://www.n-somerset.gov.uk/Environment/Planning_policy_and-research/Pages/Neighbourhood-plans.aspx)

### Selection of Plans Made in 2014

**Broughton Astley, Harborough – 20 January 2014**

<http://broughtonastley.leicestershireparishcouncils.org/the-big-plan-for-broughton-astle.html>

**Cringleford, South Norfolk – 24 February 2014**

<http://www.cringlefordparishcouncil.gov.uk/neighbourhood.php>

**Norland, Kensington and Chelsea – 27 February 2014**

<http://www.rbkc.gov.uk/planningandconservation/neighbourhoodplanning/norlandneighbourhoodplan.aspx>

**Arundel, Barnham & Eastergate, Bersted, Felpham, Littlehampton and Yapton, Arun District Council - April to November 2014**

<http://www.arun.gov.uk/main.cfm?type=MADEPLANS>

**Bembridge, Isle of Wight – 28 July 2014**

<http://www.iwight.com/Residents/Environment-Planning-and-Waste/Planning-Policy-new/Neighbourhood-Planning/Bembridge-Neighbourhood-Development-Plan>

**Woburn Sands**, Milton Keynes – 16 July 2014

<http://www.milton-keynes.gov.uk/planning-and-building/planning-policy/woburn-sands-neighbourhood-plan>

**Much Wenlock**, Shropshire – 17 July 2014

<http://shropshire.gov.uk/planning-policy/much-wenlock-neighbourhood-plan/>

**Winsford**, Cheshire West and Chester – 19 November 2014

[http://www.cheshirewestandchester.gov.uk/your\\_council/policies\\_and\\_performance/council\\_plans\\_and\\_strategies/planning\\_policy/neighbourhood\\_planning/winsford\\_neighbourhood\\_plan.aspx](http://www.cheshirewestandchester.gov.uk/your_council/policies_and_performance/council_plans_and_strategies/planning_policy/neighbourhood_planning/winsford_neighbourhood_plan.aspx)

**Tettenhall and Healthfield Park**, Wolverhampton – 17 September 2014

<http://www.wolverhampton.gov.uk/neighbourhoodplanning>