

Neighbourhood Planning Policy Statement

This Statement provides an introduction to Neighbourhood Planning and the policy context. The Statement is also intended to set out clearly what the council's role is in Neighbourhood Planning and how decisions will be made in relation to the Council's responsibilities for Neighbourhood Planning.

Introduction

The role of Strategic Planning is to ensure that future needs are planned for sustainably. To ensure that enough homes are built, enough employment land is available, that community needs are met and that we protect and enhance our environment taking into account climate change.

When developing the Local Plan we aim to engage communities as far as practicable. The Statement of Community Involvement (SCI) sets out our commitment and method to engaging with communities. We have a Local Plan mailing list that members of the public, businesses, organisations etc can join if they wish to receive consultation notifications from Strategic Planning.

However the Government has acknowledged that communities often feel that it is hard to have a meaningful say. In response to this the Government introduced Neighbourhood Planning through the Localism Act 2011 to give control and power to communities. Neighbourhood Planning is optional. Communities either through a Parish Council or establishing themselves as a Neighbourhood Forum can choose to prepare a Neighbourhood Plan and / or Neighbourhood Development Orders.

What is Neighbourhood Planning?

Neighbourhood Plans

Parish Councils or neighbourhood forums can develop a shared vision and planning policies through a Neighbourhood Plan. A Neighbourhood Plan is a plan prepared by a community guiding future development and growth. The plan may contain a vision, aims, planning policies, or allocation of key sites for specific kinds of development. Neighbourhood Plans should address the use and development of land and relate to social, economic and environmental issues with the aim of promoting sustainable development.

A Neighbourhood Plan should support the strategic development needs set out in the Local Plan and must be based on evidence. Neighbourhood plans must be deliverable if they are to be implemented as intended.

A Neighbourhood Plan is subject to public examination and referendum and once in place forms part of the Local Plan and is used to determine planning applications alongside the Local Plan for that neighbourhood area. The planning policies in a neighbourhood plan take priority over non-strategic policies of a local plan for that neighbourhood area.

Neighbourhood Development Orders

The Localism Act has also given communities the ability to grant planning permission through Neighbourhood Development Orders (NDOs). A NDO can grant planning permission for specific types of development in a specific neighbourhood area. NDO's can:

- apply to a specific site, sites, or wider geographical area;
- grant planning permission for a certain type or types of development; and
- grant planning permission outright or subject to conditions.

A NDO can be used to permit:

- building operations (e.g. structural alterations, construction, demolition or other works carried out by a builder);
- material changes of use of land and buildings; and/or
- engineering operations.

NDOs only grant planning permission, and do not remove the need to comply with other relevant legislation and regulations. NDOs cannot include:

- development normally dealt with by a county planning authority, for example minerals and waste related development;
- development that requires an Environmental Impact Assessment; and
- development of nationally significant infrastructure projects.

A Community Right to Build Order is a form of NDO 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.

Legislation / Policy Context

The legislation and policy context for Neighbourhood Planning are set out in the following documents:

Localism Act 2011:

Schedule 9 of the Localism Act amends The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004 to make provisions for Neighbourhood Planning.

The Localism Act:

- Empowers communities to prepare NDOs and Neighbourhood Plans and sets out responsibilities of the Local Planning Authority;
- Gives powers to communities to act in relation to a neighbourhood area. This can be a Parish Council or an organisation or body can be designated as a neighbourhood forum;
- Sets out what a NDO can permit and what is excluded from the order;
- Sets out what a Neighbourhood Plan must include; and
- Makes provisions for a type of NDO called Community Right to Build Order (CRBO).

The Neighbourhood Planning (General) Regulations 2012 (as amended):

The Neighbourhood Planning Regulations set out in detail the provisions made by the Localism Act on Neighbourhood Planning. Local Planning Authorities and Parish Councils / neighbourhood forums must ensure that the regulations are met when preparing Neighbourhood Plans and NDOs / CRBOs.

The Regulations set out:

- Responsibilities of the Local Planning Authority;
- Responsibilities of the Parish Council or neighbourhood forum;
- Process for preparing a Neighbourhood Development Plan or NDO / CRBO, including consultation requirements and undertaking supporting assessments; and
- Details on the revocation or modification of a neighbourhood development plan or NDO / CRBO.

National Planning Policy Framework (2012):

The National Planning Policy Framework (NPPF) sets out planning policies at the national level which local authorities and Parish Councils / neighbourhood forums in England are expected to apply to their frameworks when preparing local and neighbourhood plans.

Paragraphs 183-185 of NPPF explain in relation to Neighbourhood Planning that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.

The Planning Practice Guidance is a web based resource that is updated regularly and provides guidance on Neighbourhood Planning.

<http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/>

Process

The National Planning Practice Guidance sets out the key stages of neighbourhood planning:

- Step 1: Designate a neighbourhood area and if appropriate neighbourhood forum;
- Step 2: Preparing a draft neighbourhood plan or order;
- Step 3: Pre-submission publicity & consultation;
- Step 4: Submission of a neighbourhood plan / order proposal to the Local Planning Authority;
- Step 5: Independent Examination;
- Step 6: Referendum; and
- Step 7: Making the neighbourhood plan or order (bringing it into force).

If you are interested in preparing a neighbourhood plan please contact a member of Strategic Planning on 016 770 1670 or 8175 for more information.

Basic Conditions

A draft neighbourhood plan or order must meet each of the basic conditions if it is to proceed to a referendum before it can be brought into force.

The basic conditions are summarised below:

- must be appropriate having regard to national policy;
- NDOs must be appropriate having regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest;
- NDOs must be appropriate having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area;
- Must contribute to the achievement of sustainable development;
- Must be in general conformity with the strategic policies contained in the development plan for the area of the authority;
- Must be compatible with EU obligations; and
- Must not be likely to have a significant effect on a European site and must be appropriate having regard to all material considerations where a NDO proposal is an Environmental Impact Assessment development.

Neighbourhood plans or orders must not have negative effects on a European site. A Strategic Environmental Assessment (SEA) screening is required to determine whether significant environmental effects are likely and whether therefore a SEA is required. A Habitats Regulations Assessment screening should feed into the determination. Environmental Impact Assessments may be required.

Oldham Council's role in Neighbourhood Planning

Under Schedule 4B of the Town and Country Planning Act 1990

"A local planning authority must 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 in relation to neighbourhood areas within their area.

Nothing in this paragraph is to be read as requiring the giving of financial assistance."

The Neighbourhood Planning (General) Regulations 2012 (as amended) sets out the Local Planning Authority specific responsibilities with regards to neighbourhood planning at the various stages. The Planning Practice Guidance also offers advice on our role in assisting Parish Councils and neighbourhood forums. However beyond the regulations it is at the council's discretion as to how we support communities to prepare neighbourhood plans or orders.

The council must take decisions at key stages in the neighbourhood planning process and provide advice or assistance to a Parish Council or neighbourhood forum when preparing a neighbourhood plan or order.

Planning Practice Guidance states:

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; and
- Constructively engage with the community throughout the process.

The following table sets out the steps and the council's role at each of those steps in line with the Neighbourhood Planning (General) Regulations 2012 (as amended). The full regulations should be taken into account alongside the Localism Act and other relevant regulations such as those on Strategic Environmental Assessment. The table below does not cover every regulation – for example voluntary withdrawal of designation. It is intended to be a guide and is not exhaustive.

Where a neighbourhood area covers more than one Local Planning Authority the authorities will agree a lead authority to handle neighbourhood planning in a particular neighbourhood area.

| Step | Oldham Council's role | Regulation |
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| Step 1: Designate a neighbourhood area / neighbourhood forum | <p>Application for designation of a neighbourhood area / forum</p> <p>The Council may meet with a parish council or community group prior to an application being made.</p> <p>The Council will consider the application and check that it meets Regulation 5 and / or Regulation 8.</p> <p>Designation of the whole of the area of a parish council If an application is submitted under Regulation 5A (Designation of the whole of the area of a parish council) the Council must check that the application meets the criteria and designate the specified area as a neighbourhood area.</p> | <p>Regulation 5 Regulation 8</p> <p>Regulation 5A</p> |
| | <p>Publicising an area / neighbourhood forum application</p> <p>The Council will:</p> <p>Publish a copy of the area / neighbourhood forum application on the council's website and publish in other ways viewed appropriate in line with the Regulations, with relevant statement and details of how to make representations and the date by which representations must be made.</p> | <p>Regulation 6 Regulation 9</p> |
| | <p>Prescribed date for determination of an area application / neighbourhood forum application</p> <p>The Council will determine the area / forum application in line with the prescribed dates of 13 weeks (or 20 weeks where the application falls within the areas of two or more Local Planning Authorities) from when the application is first publicised (the beginning of the consultation).</p> | <p>Regulation 6A Regulation 9A</p> |

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| | This will include considering comments received and taking a report with recommendation(s) through the Council's decision making process. | |
| | <p>Publicising a designation of a neighbourhood area:</p> <p>The Council will:</p> <p>Publish the name of the neighbourhood area; a map which identifies the area; and the name of the relevant body who applied for the designation; or a decision document setting out the reasons to refuse to designate the neighbourhood area on the Council's website and publish in other ways viewed appropriate in line with the Regulations.</p> | Regulation 7 |
| | <p>Publicising a designation of a neighbourhood forum</p> <p>The Council will:</p> <p>Publish the name of the neighbourhood forum; a copy of the written constitution of the neighbourhood forum; the name of the neighbourhood area to which the designation relates; and contact details for at least one member of the neighbourhood forum on the Council's website and publish in other ways viewed appropriate in line with the Regulations; Or,</p> <p>Publish a copy of the refusal statement and details of where and when the refusal statement may be inspected on the Council's website and publish in other ways viewed appropriate.</p> | Regulation 10 |
| Step 2: Preparing a draft neighbourhood plan or order | <p>The Council will seek to advise and assist Parish Councils / Neighbourhood Forums through measures such as:</p> <ul style="list-style-type: none"> - Providing advice on requirements for neighbourhood planning; - Providing available relevant evidence; - Establishing the strategic policies in the local plan and emerging Greater Manchester Strategic Framework (GMSF) / local plan review; - Signposting to useful websites and resources; - Providing constructive comments on draft neighbourhood plan / order and supporting documents; - Being available for engagement with the Parish Council / Neighbourhood forum, including participation in meetings and consultation, where appropriate. | Planning Practice Guidance |
| Step 3: Pre-submission publicity & consultation | <p>Pre-submission publicity & consultation</p> <p>The Council will seek to provide comments on the plan / order proposals and supporting documents.</p> | Regulation 14 Regulation 21 |
| Step 4: Submission of a neighbourhood | <p>Plan / Order Proposals</p> <p>The Council will check that the plan / order proposal includes</p> | Regulation 15 Regulation 22 |

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| plan or order proposal to the local planning authority. | <p>all the documents referred to in Regulation 15 (1) and / or Regulation 22 (1).</p> <p>The Council will notify the Parish Council or neighbourhood forum whether or not we are satisfied that the proposal complies with the criteria for a neighbourhood plan / order alongside any reasons.</p> | <p>Town and Country Planning Act 1990 (as amended)</p> <p>Planning Practice Guidance</p> |
| | <p>Publicising a plan / order proposal</p> <p>Once the Council finds that the plan / order complies with legal requirements we will:</p> <p>Publicise the plan / order proposal, including all the information specified in Regulation 16 and / or Regulation 23 on the Council’s website and publicise in other ways viewed appropriate in line with the regulations.</p> <p>Notify any consultation body which is referred to in the consultation statement that the plan / order proposal has been received.</p> <p>Appoint an independent examiner (in consultation with the qualifying body and in the case of Saddleworth neighbourhood area the Peak District National Park).</p> | <p>Regulation 16 Regulation 23</p> |
| Step 5: Independent Examination | <p>Submission of plan / order proposal to examination;</p> <p>The Council will send a copy of the plan / order proposal and all relevant documentation under Regulation 17 and / or Regulation 24 and representations made in accordance with Regulation 16 and / or Regulation 23 to the examiner.</p> <p>Decision on examiner’s recommendations</p> <p>Following receipt of the Independent examiner’s report on the plan / order proposal the Council will decide what action to take in response to the report.</p> <p>Publication of the examiner’s report and plan proposal decisions</p> <p>The Council will:</p> <p>Consider the examiner’s report and come to a view whether to: decline to consider a plan / order proposal; refuse a plan / order proposal; what action to take in response to the recommendations of the examiner’s report; make modifications; extend the area to which the referendum(s) are to take place; decide whether the Council is / is not satisfied with the plan / order proposal</p> | <p>Regulation 17 Regulation 24</p> <p>Regulation 17A Regulation 24A</p> <p>Regulation 18 Regulation 25</p> <p>The Town and Country Planning 1990 Act Schedule 4B</p> |

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| | <p>and decide whether to take the plan / order to referendum.</p> <ul style="list-style-type: none"> - Come to a formal view on whether the draft neighbourhood plan or order meets the basic conditions, is compatible with Convention rights, and complies with the definition of a Neighbourhood development plan / order. - Publish the decision and the reasons for it (decision statement) alongside the examiner's report on the Council's website and publicise in other ways viewed appropriate in line with the regulations. | |
| Step 6: Referendum; and | <p>Referendum:</p> <p>The Council will be responsible for the following:</p> <ul style="list-style-type: none"> - publishing the information statement - publishing the notice of referendum/s - polling takes place (in a business area an additional referendum is held) - results declared | The Neighbourhood Planning (Referendums) Regulations 2012 (as amended) |
| Step 7: Making the neighbourhood plan or order (bringing it into force) | <p>Making a neighbourhood development plan / order; and Decision on a plan / order proposal</p> <p>The Council will (within 8 weeks (unless exceptions apply): Publish a decision statement / document (setting out the Council's decision whether to make or refuse the plan / order and the reasons for making that decision) and details of where and when the decision statement / document can be inspected on the Council's website and publicise in other ways viewed appropriate in line with the Regulations.</p> <p>Send a copy of the decision statement /document to the Parish Council or neighbourhood forum and any person who asked to be notified of the decision.</p> <p>Publicising a neighbourhood development plan / order</p> <p>The Council will: Publish the neighbourhood development plan / order and details of where and when it can be inspected on the Council's website alongside the environmental report where necessary; and publicise in other ways viewed appropriate in line with the Regulations.</p> <p>Where a plan has been subject to a SEA Directive, write to the consultation bodies informing them of the plan and how significant effects will be monitored.</p> | <p>Regulation 18A Regulation 25A Regulation 19 Regulation 26</p> <p>Regulation 20 Regulation 27</p> <p>The Environmental Assessment of Plans and Programmes Regulations 2004</p> |

Decision making

Decisions on neighbourhood planning will be made in line with the Scheme of Delegation. Currently, most decisions on neighbourhood planning are proposed to delegate particular matters to the Cabinet Member in consultation with the Executive Director or delegated to the Executive Director alone (under the provisions of the officer scheme of delegation in the Constitution).