

GROWTH, INFRASTRUCTURE AND RESOURCES SCRUTINY PANEL

15 June 2017

NEIGHBOURHOOD PLAN WORKING GROUP FINAL REPORT

Report of the Director for Places (Development and Economy)

Strategic Aim:	Sustainable Growth		
Exempt Information	No		
Cabinet Member(s) Responsible:	Mr O Hemsley, Deputy Leader and Portfolio Holder for Growth, Trading Services and Resources		
Contact Officer(s):	Paul Phillipson, Director for Places (Development and Economy)	Tel: 01572 722577 pphillipson@rutland.gov.uk	
	Roger Ranson, Planning Policy Manager	Tel: 01572 758238 rranson@rutland.gov.uk	
Ward Councillors	N/A		

DECISION RECOMMENDATIONS

1. That the Scrutiny Panel considers the report and recommendations of the Neighbourhood Plan Working Group (Appendix 1) and provides feedback on the toolkit (Appendix 2);
2. That the Scrutiny Panel notes the changes to Government Regulations for Neighbourhood Plans which came into force in October 2016 detailed in Paragraph 2.7 of Report No. 118/2017 and provides feedback on the draft decision flow chart (Appendix 3).

1. PURPOSE OF THE REPORT

- 1.1 To consider the progress made and the conclusions of the Neighbourhood Plan Working Group contained in the final report and the proposed recommendations regarding the policy to provide advice and guidance for designated Neighbourhood Plans in the form of a toolkit and flowchart.
- 1.2 To present a draft flow chart which clarifies the stages of the Neighbourhood Plan and the corresponding RCC decision making process, including delegations to officers.

1.3 Following feedback from the Growth, Infrastructure and Resources Scrutiny Panel recommendations regarding the guidance, revised processes and delegations will be finalised and presented to Cabinet for approval.

2. BACKGROUND AND MAIN CONSIDERATIONS

2.1 The Places Scrutiny Panel agreed the establishment, membership and terms of reference of the Neighbourhood Plans working group.

2.2 The role of the working group has been to develop policy in support of the Council's statutory obligation to provide advice and guidance for designated Neighbourhood Plans within Rutland.

2.3 The final report of the working group is attached to this report as Appendix 1.

2.4 As part of its approach to this scrutiny review, the working group has reviewed good practice elsewhere and have undertaken some customer feedback through a questionnaire survey of Neighbourhood Plan bodies in Rutland.

2.5 A central product from the working group is the production of a toolkit to help provide relevant advice and guidance to Neighbourhood Plan bodies. This is attached as Appendix 2.

2.6 The working group have recommended that in providing advice and guidance, Officers should stress to Neighbourhood Plan bodies the importance of good governance, inclusion and wide engagement in the process of developing Neighbourhood Plans. Advice and guidance should also highlight to these bodies that it is the specific planning policies within the Neighbourhood Plan which will have real weight in planning decisions, rather than more general community aspirations which may be included in the plan.

2.7 The working group has reviewed existing decision making processes within the Council and have also reflected on new Government Regulations for Neighbourhood Plans which came into force in October 2016. The key changes introduced by the new Regulations are:

- Timeframes on designating neighbourhood areas: Local Planning Authorities (LPAs) must designate all of the neighbourhood area applied for, with no discretion to amend the boundary when: a parish council applies for all of the parish area to be designated, or applies to enlarge an existing designation of part of the parish to include all of the parish; or when an LPA has not decided on an area designation within the established timeframes. (Exception: if any of the area has already been designated (other than where a parish want to enlarge an existing designated area), or if there was an outstanding application for designation)
- Designation of neighbourhood forums: LPAs must make a decision on a forum designation application within 13 weeks, or 20 weeks when the application must be submitted to more than one LPA. (Exception: when more than one application has been made in the same or overlapping areas)
- Consideration by an LPA of the recommendations made by an independent examiner: LPAs must decide whether a referendum should be held within five weeks of the date it receives the examiner's report. (Exceptions: LPA proposes to make a decision

which differs from examiners recommendations; or LPA and neighbourhood planning group agree that more time is required)

- Notifications where the decision differs from that recommended by the examiner: The following groups need to be notified and consulted where LPAs decision differs from that of the examiner: the NP group; anyone who made representations during the period the plan was publicised by the local authority; and the statutory bodies (i.e. Natural England, Historic England and the Environment Agency)
- Consultation period for further representations: Further representations should be made within six weeks. LPA should issue its final decision within five weeks of the end of that period (unless it refers the issue to independent examination)
- Setting the referendum date: LPA must hold a referendum within 56 working days of the decision that a referendum should be held, or 84 working days when: there is also a business referendum; the area falls within more than one LPA; the LPA is not the “principal authority” responsible for arranging the referendum. (Exceptions: the referendum can be combined with another poll that is due to be held within three months of the end of the 56 or 84 working day period; there are unresolved legal challenges on the decision to hold a referendum; the LPA and the NP group agree an alternative time frame)
- Bringing neighbourhood plans into force: LPAs must ‘make’ the neighbourhood plan within eight weeks of the date of the referendum. (Exception: there are unresolved legal challenges to the decision to hold a referendum or on the conduct of a referendum)

2.8 Taking account of these changes, the working group has set out a draft decision flowchart (Appendix 3) which clarifies the approval processes that would be put in place subject to any further approval as necessary and timeframes where the Council will be required to make decisions regarding a Neighbourhood Plan. This is included as a recommendation in their final report but is presented as a draft in order that final amendments can be made following feedback from Scrutiny and review of governance considerations. The flowchart also details delegations to officers to facilitate the decision making process.

3. CONSULTATION

3.1 A questionnaire was undertaken by the working group – the results from this have informed the final report.

4. ALTERNATIVE OPTIONS

4.1 The statutory requirement on the Council is to provide advice and guidance to Neighbourhood Plan bodies, but there is no prescription on how to do this. The recommendations and guidance documents are based on examination of good practice from other local authorities and Neighbourhood Plans.

5. FINANCIAL IMPLICATIONS

5.1 The Council receives a grant from the Government to undertake its duty to provide advice and guidance. Whilst the criteria triggering the payment of grant changed in March 2016, this has been sufficient to date to establish a dedicated post within the planning policy team to support Neighbourhood Plans. There is sufficient budget to maintain this post to March 2018, and it will then need to be kept under review pending further Government grant awards to the Council.

6. LEGAL AND GOVERNANCE CONSIDERATIONS

6.1 A local planning authority must:

- take decisions at key stages in the neighbourhood planning process within the time limits that apply;
- provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan or Order as required by paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 (as amended); and
- Any changes to decision making processes or delegations would be reflected in the RCC Constitution subject to relevant approval.

7. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

7.1 A thorough review has been undertaken by the working group. Their recommendations reflect good practice from other local authorities, is based on customer feedback and takes account of changing regulations introduced by the Government, particularly regarding speeding-up decision making on Neighbourhood Plans.

8. BACKGROUND PAPERS

8.1 None

9. APPENDICES

9.1 Appendix 1 – Neighbourhood Plan Working Group Final Report

9.2 Appendix 2 – Neighbourhood Planning toolkit

9.3 Appendix 3 – Draft Neighbourhood Plan Decision Making Flowchart

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.