Neighbourhood Planning in South Oxfordshire

November 2012
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What is neighbourhood planning?

1. Neighbourhood planning is part of a new approach to planning introduced by the Localism Act 2011. The new system is designed to be more collaborative and gives communities more powers to shape the future of the places where they live and work.

2. Neighbourhood plans are designed to foster more positive support from local communities in favour of development and to help ensure the benefits of development are enjoyed more directly by the local community. Neighbourhood planning is part of a new localism approach, whereby local authorities, communities and businesses work more closely together to plan for areas in a more ‘bottom up’ way. There are three new types of planning document introduced through the Localism Act:

Neighbourhood Development Plans

3. A neighbourhood development plan can set out planning policies for the development and use of land for a given neighbourhood area (usually a town or parish area). The plan might specify, for example, where new homes and offices should be built, and what they should look like. The plan could also set a vision for the future, and can be detailed or quite general depending on what local people might want.

Neighbourhood Development Orders

4. A neighbourhood development order grants planning permission for certain types of development, which are defined by the order, within the neighbourhood plan area. The permission could be full or outline, could have conditions attached and could be site specific or grant more general development rights across the whole area.

Community Right to Build Orders

5. The community right-to-build process is instigated by a ‘community organisation’ where the community decides to bring forward specific development proposals for the benefit of the community. This might include community facilities and affordable housing.
6. This document is designed to provide a simple introduction to neighbourhood planning for communities in South Oxfordshire. Further information is available from the council’s website, which includes other guides to neighbourhood planning and other supporting information. See also the ‘Where can we get further information’ section below:


**What is community led planning and how is this different to neighbourhood planning?**

7. Community led planning, sometimes referred to as Parish Plans, is a long established approach to action planning for local communities. It is not part of the formal planning system and may address a wide range of issues affecting the community as a whole (which could vary from car sharing to tackling local crime). Community led plans can be very effective in helping communities to identify actions they can take with others to improve their local communities. By contrast, neighbourhood plans are a formal part of the planning system and will mainly consist of planning policies to shape new development.

8. Community led planning follows a well established nine step approach and further details can be found at the South East Rural Community Councils web page:

http://www.clp-se.org.uk/

**What are the main stages of preparing a neighbourhood development plan?**

**Getting Started**

9. In South Oxfordshire, it will be town and parish councils who lead the preparation of neighbourhood plans. However, it is very important the plan represents the whole community and so it will be necessary to involve the wider community from the outset.

10. It is recommended that a steering group is formed to be led by the town or parish council and include representatives from a wide range of community organisations. These could include local businesses, chamber of commerce, schools, health centres, local residents and other community groups. The steering group will lead each stage of preparing the neighbourhood plan. An example terms of reference for the steering group is available from the council’s website:

Once the steering group is established: what next?

11. There are a number of formal stages to preparing a neighbourhood plan and these are briefly summarised by the diagram on page 6. More detailed guides to the stages of neighbourhood planning are available, see the ‘where can we get further information’ section below.

12. However, there are a number of different types of planning document and a different approach may be more or less appropriate for different communities. We want to help communities plan effectively and cost effectively for their areas and we advise against making assumptions at the outset about what sort of plan to prepare.

13. Some work at the beginning of preparing a plan is needed to establish what the community hopes to achieve. This will help to inform what type of plan is needed, such as a neighbourhood plan or a community led plan. This initial work is called ‘scoping’:

Stage 1: Scoping

14. The aim of this stage is to identify the key issues and opportunities, which the community want to address and start to consider how they might be tackled. This could be summarised by the following three questions:

   1. Where are we now?
   2. Where to we want to be?
   3. How do we get there?

15. To answer these questions you might need to:

   • gather information about your area.
   • assess your area’s strengths and weaknesses.
   • draft a vision statement for your community.
   • identify a series of objectives.

16. The scoping work will help to identify the best way to address the issues or opportunities facing the community. This may warrant the preparation of a neighbourhood plan. However, other types of plan including a community led plan could also help you to achieve your objectives. It is important to remember that not all issues relate to the planning system and in some communities more than one approach may be appropriate.
17. The district council will be able to help communities to understand the different options that may be available to them in more detail to help you to choose the best and most cost effective route for you.

**Stage 2: Delivery**

18. Once the community have identified what type of plan needs to be prepared, work can start on developing this. The diagram on page 6 helps to summarise the formal steps for preparing a neighbourhood plan and more detailed guides are available (see the ‘where can we get further information section’ below).

**Defining the neighbourhood area**

19. Once a decision is made to prepare a neighbourhood plan, you will need to designate the plan area. The town/parish council will need to make an application to the district council who will then publish the plan area for a six week period. Depending on the outcome of the publication period the district council’s Cabinet will formally decide whether to designate the plan area. This is a formal step in preparing a neighbourhood plan and must be completed before the other formal steps can be undertaken.

20. Although each application to designate a plan area will need to be considered on its own merits, it is unlikely that applications would be turned down, apart from in very exceptional circumstances.

21. The steering group should consider what an appropriate plan area is and this may be informed by the scoping work described above. If more than one town or parish council area is to be included then all of the town/parish councils involved will need to formally agree to the plan proposals.

22. Applications must include:

- a map which clearly identifies the proposed neighbourhood area.
- a statement which considers why this area is considered appropriate to be designated as a neighbourhood area.
- a statement that the application is made by a town/parish council.
Answering some important questions

Is neighbourhood planning compulsory?

23. Neighbourhood planning is optional not compulsory. It is important that communities think carefully about whether preparing a neighbourhood plan will actually achieve what they want for their area, to avoid abortive work and unnecessary costs associated with neighbourhood plans.

Who leads on neighbourhood planning?

24. Neighbourhood plans can only be prepared by ‘qualifying bodies’. In parished areas, like in South Oxfordshire, the ‘qualifying bodies’ must be town or parish councils.

25. It is however very important that neighbourhood plans are prepared with a wide range of community involvement. For this reason, it is recommended that a steering group is formed with representatives both from the town or parish council and from across the wider community, including representatives of key organisations within the community (possibly including business and voluntary groups).

26. It is hoped that a council officer can be identified as an informal member of the steering group to provide technical guidance and support to the group.

How is development managed if we don’t have a neighbourhood plan?

27. Planning applications will be determined in accordance with the up to date ‘development plan’ for the area. Adopted neighbourhood plans will form part of the development plan for their area.

South Oxfordshire Development Plan

28. This consists of the following documents:

- South East Plan
- South Oxfordshire Core Strategy
- Other planning documents such as Supplementary Planning Documents or adopted neighbourhood plans

1 Although the Government have signalled their intention to remove the Regional Strategies, it is currently unclear when this decision will take effect.
What is the relationship between a neighbourhood plan and a local plan?

29. The development plan sets out the statutory planning policies for the whole of the districts as set out above. Local Plans (currently referred to as a core strategy in South Oxfordshire) are prepared by the district councils and set out policies for the whole of the district.

30. Neighbourhood plans, once adopted, form part of the development plan at a local level. However, they must be prepared to be in conformity with the local plan on strategic matters. It is therefore important that communities work closely with the district council when developing their neighbourhood plans.

What is the status of an emerging neighbourhood plan?

31. Before neighbourhood plans are adopted, they can be treated as a ‘material consideration’, in determining planning applications. The nearer the neighbourhood plan is to adoption; the more weight it can have. However, a plan will only be formally part of the development plan after it is adopted, following a successful referendum. Until this time, the plan should not be relied upon.

How much does it cost to prepare a neighbourhood plan?

32. The cost of preparing a neighbourhood plan will depend on the size of the plan area, what the plan is seeking to do, and who is preparing it. The government has estimated that each plan could cost between £17,000 and £63,000. Based on our experience so far, preparing a neighbourhood plan for a smaller market town or larger village, should be at the lower end of this price range in Oxfordshire.

33. The district council is responsible for some aspects of the plan (see ‘what is the district council’s role in neighbourhood planning’ section below).

34. The town or parish council will be responsible for preparing evidence, consultation, printing/distribution and conducting some of the statutory stages like completing a sustainability appraisal.
What is the district council’s role in neighbourhood planning?

35. Local authorities have a duty to support neighbourhood planning at key stages of the process, these include the following:

- confirming the geographical area of the neighbourhood plan.
- undertaking the formal consultation on the draft neighbourhood plan prior to the independent examination.
- arranging the independent examination.
- holding the referendum.
- adopting neighbourhood plans where all legal requirements have been met.

36. A more detailed guide to the stages of preparing a neighbourhood plan where the local authority has a statutory role is shown by Annex 1.

37. South Oxfordshire District Council will seek to provide informal guidance and support where this is practical. This will include providing policy guidance to support neighbourhood planning steering groups. The council will also make a financial contribution towards the costs of preparing a neighbourhood plan. Further details are available on the council’s website (follow link to 18 October 2012 meeting).

http://www.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=CommitteeDetails &ID=381&MEETINGS=Y

Where can we get further information?

38. A number of national organisations are able to offer support to neighbourhood planning. These include:

Prince’s Foundation  
http://www.princes-foundation.org/content/planning-brighter-future-your-neighbourhood

Locality  

The Royal Town Planning Institute  
http://www.rtpi.org.uk/planning-aid/neighbourhood-planning/

National Association of Local Councils in Partnership with the Campaign to Protect Rural England  
39. Other useful information can be found at the following websites:

- **Communities and Local Government**
  http://www.communities.gov.uk/planningandbuilding/planningsystem/neighbourhoodplanningvanguards/

- **Planning Advisory Service**
  http://www.pas.gov.uk/pas/core/page.do?pageId=1089058

40. Other guides to neighbourhood planning include:

- **Broadlands District Council**

- **Wiltshire Council**

- **Locality**
  http://locality.org.uk/projects/building-community/

**Frequently Asked Questions**

41. The Planning Advisory Service (PAS) website is a useful source of information and guidance about neighbourhood planning.

42. It includes a comprehensive guide to **frequently asked questions** and is regularly updated.

43. This information can be found at the following website:

- **Planning Advisory Service**
  http://www.pas.gov.uk/pas/core/page.do?pageId=1802659
Glossary

Community Led Plan

Community led planning, sometimes referred to as Parish Plans, is a long established approach to action planning for local communities. It is not part of the formal planning system, but can address a wide range of issues (non-planning issues) affecting the community as a whole.

Local Development Framework

The Local Development Framework (LDF) is the name given to the collection of local planning documents introduced by the Planning and Compulsory Purchase Act 2004.

Local Plan

An example of a Development Plan Document (DPD) which sets out the spatial vision and strategic objectives for the district and usually allocates large-scale (strategic) development sites. This type of plan was previously referred to as a ‘Core Strategy’.

Local Planning Authority

A local planning authority is the local authority or council that is empowered by law to exercise statutory town planning functions for a particular area of the United Kingdom.

Localism Act

The Localism Act includes five measures that underpin the government’s approach to decentralisation.

- Community rights.
- Neighbourhood planning.
- Housing.
- General power of competence.
- Empowering cities and other local areas.

The full act can be viewed online at:

Neighbourhood Planning in South Oxfordshire

National Planning Policy Framework

The National Planning Policy Framework (NPPF) is a key part of the governments planning reforms and is designed to make the planning system less complex and more accessible. It sets out the governments planning policies for England and how they should be applied. It is designed to promote sustainable growth.

Neighbourhood Area

A neighbourhood area is the area covered by a neighbourhood plan. It has to be formally designated by the local planning authority (see page 6).

Neighbourhood Development Plan

A neighbourhood development plan can set out planning policies for the development and use of land for a given neighbourhood area (usually a town or parish area). The plan might specify, for example, where new homes and offices should be built, and what they should look like. The plan could also set a vision for the future, and can be detailed or quite general depending on what local people might want.

Neighbourhood Development Order

A neighbourhood development order grants planning permission for certain types of development, which are defined by the order, within the neighbourhood plan area. The permission could be full or outline, could have conditions attached and could be site specific or grant more general development rights across the whole area.

Statement of Community Involvement

A document setting out how the authority will consult and involve the public at every stage in the production of the Local Development Framework.

Strategic Environmental Assessment/ Sustainability Appraisal

Strategic Environmental Assessment (SEA) and Sustainability Appraisals (SA) are assessments of certain plans (including neighbourhood plans) and policies on their affect on the environment and whether they will contribute towards delivering sustainable development. SEA and SA are a requirement of European Legislation.

44. A more comprehensive glossary of planning terms is available from the Planning Portal website

Planning Portal
http://www.planningportal.gov.uk/general/glossaryandlinks/glossary/
Annex 1: Summary of the main stages of preparing a Neighbourhood Development Plan for which the District Council has a responsibility. Yellow shading denotes areas which are not the responsibility of the District Council.

### Scoping

Although the District Council has no statutory role to support the scoping work, we will seek to provide assistance to help the parish council to identify the most appropriate type of plan for their area.

### Designation of a Neighbourhood Area

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<thead>
<tr>
<th>Task</th>
<th>Instructions</th>
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<tbody>
<tr>
<td><strong>Publishing the application for the NDP area</strong></td>
<td>The Council should, as soon as possible after receipt of the application for area designation, publicise the application and invite representations for a period of 6 weeks. The information to be publicised is:</td>
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<td>1. a copy of the area application</td>
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<td>2. details of how to make representations</td>
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<td>3. details of the deadline for representations, not less than 6 weeks after the date of publication</td>
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<td><strong>Determining the application criteria for a neighbourhood area</strong></td>
<td>The Council should be sure that parish councils applications cover part or all of the parish. In determining the application, the Council must consider:</td>
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<td>1. how desirable it is to designate the whole of the parish area as a neighbourhood area, and</td>
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<td>2. how desirable it is to maintain the existing boundaries of areas already designated as neighbourhood areas (as areas designated as neighbourhood areas must not overlap), as well as</td>
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<td>3. whether they should designate the area as a business area</td>
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<td><strong>Publicising a designation of a neighbourhood area</strong></td>
<td>If the Council approves the application it should publicise its decision and:</td>
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<td>1. the name of the neighbourhood area</td>
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<td>2. a map identifying the area</td>
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<td>3. the name of the parish council who applied for the designation.</td>
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<tr>
<td><strong>Refusal of a proposal for a neighbourhood area</strong></td>
<td>If the Council refuses the application for a neighbourhood area then it must publicise:</td>
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<td>1. the decision and statement of reasons for making the decision (called a ‘decision’ document)</td>
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<td>2. the details of where and when the decision document can be inspected</td>
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2 Derived from: Planning Advisory Service (October 2012): Draft guide to councils to meet the legal requirements for neighbourhood development plans.
## Plan preparation

Although the District Council has no statutory role to support plan preparation, we will seek to provide planning guidance to assist the parish council in preparing a plan and ensuring it is fit for purpose and meets the regulatory requirements.

### Pre submission consultation and publicity by the parish of the proposed Neighbourhood Development Plan

**Consultation by the parish council**

Before submission to the Council the parish council should:

1. publicise in a way that is likely to bring to the attention of people who live/ work or carry on business in the area details of:
   a. the proposals
   b. when and where they can be inspected
   c. how to make representations
   d. the deadline for making representations – not less than 6 weeks from first publicised
2. consult any consultation bodies whose interests they consider may be affected by the proposals for a NDP
3. send a copy of the NDP to the Council

### Receipt of a draft Neighbourhood Development Plan by the Council

**Receipt of a draft NDP by the Council**

The draft plan should include:

1. a map or statement identifying the area to which the plan relates
2. the consultation statement – which contains details of those consulted, and how they were consulted, summarises the main issues and concerns raised and how these have been considered, and where relevant addressed in the proposed NDP
3. the proposed NDP
4. a statement explaining how the NDP meets the ‘basic conditions’
5. appropriate information relating to the Habitats Regulations Assessment

**Publicising the NDP proposal**

The Council is required to publicise:

1. the details of the plan
2. where and when it can be inspected
3. how to make representations on the plan proposals
4. that a representation can include a request to be notified of the council decision on the plan proposal
<p>| 5. the deadline for receipt of representations on the proposals | The Council is required to notify the bodies referred to in the parish councils consultation statement that the plan has been received as soon as possible |
| Criteria that the Council must consider when assessing an NDP | The Council must consider: |
| 1. whether the parish council is authorised to act | |
| 2. whether the proposal and accompanying documents: | |
| a. comply with the rule for submission to the Council | |
| b. meet the definition of an NDP | |
| c. meet the scope of NDP provisions | |
| 3. whether the parish council has undertaken the correct procedures in relation to consultation and publicity | |
| Notification of the Council’s decision | The Council must notify the parish council whether or not they are satisfied that the proposal complies with the criteria for a neighbourhood plan. Where it is not satisfied the Council can refuse to proceed to examination and must notify them of the reasons. It must also publicise its decisions in a decision statement. |
| Appointment of examiner | Once the Council is satisfied that the neighbourhood plan meets the requirements of the 1990 Act, the Council appoints an independent inspector which is agreed by the parish council. |
| Council submits plan for examination | The Council submits the plan to the independent examiner for examination as soon as possible after receipt with any representations and any other documents submitted with the plan. This should include: |
| 1. map identifying the area to which the plan relates | |
| 2. consultation statement | |
| 3. the proposed plan | |
| 4. a note stating how the plan meets the basic conditions, how it contributes to sustainable development, general conformity with the strategic policies of the development plan, compatibility with EU obligations | |
| 5. the SEA of the plan if required | |
| 6. a Habitats Regulations Assessment if required | |
| 7. any other relevant evidence | |</p>
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<th>Examination of NDP</th>
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<td>The Council role in examination</td>
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<th>The examiners report on an NDP</th>
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| Recommendation to go to referendum | The examiner cannot recommend the plan goes to referendum if it does not meet the basic conditions or comply with the definition of an NDP or the provisions that can be made by an NDP.  
If a recommendation to go to referendum is made it must be accompanied by a recommendation as to whether the area for the referendum should go beyond the neighbourhood, and if so what the extended area should be. |

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<th>Action the Council can take following consideration of the examiners recommendations</th>
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| Action the Council can take following consideration of the examiners recommendations | Once the Council has considered each of the examiners recommendations and determined its response it can:  
1. make modifications to correct errors, or to make the plan meet the conditions listed above  
2. extend the area to which the referendum is to take place  
3. decide that they are not satisfied with the plan proposal with respect to meeting the conditions listed above |

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<th>Publication of the examiners report and the Council decision on NDP</th>
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<td>Decision to take the plan forward</td>
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<td>Responsibility for the referendum</td>
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<th>Following the referendum on a NDP</th>
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<td>Referendum results</td>
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