

BABERGH and MIDSUFFOLK DISTRICT COUNCILS

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| From: Head of Economy | Report Number: M16 |
| To: Strategy Committee | Date of meeting: 10 May 2012 |

NEIGHBOURHOOD AND PARISH PLANS – BDC / MSDC RESPONSE

1. Purpose of Report

- 1.1 The Localism Act 2011 makes provision for Neighbourhood Development Plans (NP). A significant level of formality and complexity is involved in the Neighbourhood Planning process from establishment of a Forum through Plan making to the making of a Development Order. This report proposes exploring a joint BDC / MSDC approach to Neighbourhood Plans and other community level plans which achieves a balance between formality/ complexity, cost and community empowerment.

2. Recommendations

- 2.1 That the content of this report be noted.
- 2.2 That the exploration of alternative options for a joint BDC / MSDC approach to Neighbourhood Plans and other community plans through the joint Development Team project group be endorsed.

The Committee is able to resolve this matter.

3. Financial Implications

- 3.1 No financial support has been allocated by government or announced in the March 2012 budget to assist 2nd tier Councils to support this process beyond the approved pilot projects which received £20,000 for each NP.
- 3.2 The NP making process will require staff time and financial resources to deliver appropriate support including during [a] the preparation of a draft NP by the Neighbourhood Forum and [b] when making the NP as soon as reasonably practicable after a formal proposal to do so. As part of recent benchmarking work, with Planning Advisory Service on planning application fee setting, expected officer hourly rates have been established and these would inform detailed resource consideration. The Localism Act gives powers to the Secretary of State by which he may make regulations providing for the imposition of charges to meet expenses incurred by local planning authorities in connection their NP functions but at the time of writing no regulations have been made.
- 3.3 The Localism Act formalities include the requirement to hold an Independent NP Examination and subsequently a referendum. For comparison purposes the daily rate charged by The Inspectorate in relation to the MSDC Core Strategy Examination was circa £1000. It is expected that Examination costs will largely depend upon the qualification requirements for an Examiner.

- 3.4 As a potential benchmark for the cost of a Neighbourhood referendum, if not conducted concurrently with elections, the cost of a casual contested Parish by-election in MSDC is typically in the range £700 - £3500 although the cost of such a by-election in Stowmarket would be of the order of £13000.
- 3.5 The direct costs to the Council of supporting either NP or other community plans in staff time and resources are likely to largely depend upon the extent of time involvement and the take up amongst Parishes. Further work will be needed to estimate cost expectations and this will be informed by recent joint benchmarking work on officer hourly rates for planning application fee setting.

4. Risk Management

- 4.1 This report is most closely linked with Babergh District Council's Significant Business Risk Nos 4 – Capacity; 7 – Localism and Community Engagement and Mid Suffolk District Council's Significant Business Risk G1 – Strategic Task Group Objectives. Key risks are set out below:

| Risk Description | Likelihood | Impact | Mitigation Measures |
|--|------------|---------------------|--|
| Lack of staff and financial resources leads to failure to provide support to NP process; raised local expectations go unmet; negative PR | High | Marginal / Critical | Support Locality workstream in BMI project. Prioritise requests balancing need against resources and other commitments Manage expectations through good communications with Neighbourhoods |

5. Consultations

- 5.1 Cross-authority officer discussions and joint work to develop this paper stemmed from the joint Development Team. This paper was seen and discussed by BDC Political Leaders Group in April 2012. It has been added to as a result of discussions at that meeting. This paper was also considered by Environment Policy Panel at MSDC on 17 April 2012.

6. Equality Analysis

- 6.1 There are potential Equality and Diversity implications from the preparation of NP or Parish Plans. The consideration of Equality discrimination aspects will not, however, emerge until NP or other community plans are being prepared and these issues will need to be addressed when the Council engages with the Neighbourhood Forums / Parishes preparing those documents to support that exercise.

7. Shared Service / Partnership Implications

- 7.1 See section 5 above. A joint BDC / MSDC approach to the delivery of Localism through NP and other community level plans should, with effective communication, enable a consistency of expectation and delivery across the 200 parishes of both Districts as localism emerges within planning. A joint approach will enable a shared officer team operating across both Districts to deliver consistent use and consideration of these plans in planning policy and decision making. Joint Member steering also needs to be considered.

8. Key Information

- 8.1 The Localism Act 2011 empowers Neighbourhood Forums (which may include Parish Councils) to prepare Neighbourhood Plans to form part of the “development plan” under The Planning Acts and thus to derive statutory weight in the planning decision making process. Where a Parish or Town Council is in place for a locality, the expectation is that this would be the appropriate Neighbourhood Forum.
- 8.2 The extent of likely uptake by localities across the two Council areas (with 200 Parishes) is uncertain and needs consideration. In Mid Suffolk some communities facing a measure of development pressure are believed to wish to explore Neighbourhood Planning powers but some are concerned at their own cost and the volunteers’ time that will be needed. In Babergh it is known that both Sudbury and Hadleigh will wish to pursue NP.
- 8.3 Anecdotal experience by officers suggests there may be some misconceptions within Parishes and communities about the “positive” role of NP and the extent to which individual localities may be able to pursue their own development restrictive policy objectives. Allied with this are potential misunderstandings about expertise, capacity and financial resourcing.
- 8.4 Firstly there is a need to manage realistic expectations of NP through an effective educational role. A County wide working group has been working together to produce some practical guidance, building upon and improving existing sources of guidance. This will go some way to inform communities about NP.
- 8.5 Secondly there is a need to provide appropriate support to Neighbourhood Forums in their preparation work on NP. Further work by officers is needed to establish what would be an appropriate and resilient level of support, balancing resources and responsibilities, to ensure that the Council can deliver meaningful empowerment to communities. In this way the Council can look to safeguard the successful delivery of NP. Appropriate support may be expected to include providing information, helping to gather evidence and helping with consultation. The extent to which the Council can provide discretionary support requires more detailed consideration by officers before a preferred approach can be recommended.

- 8.6 Within this role local communities can also be signposted to [a] related powers including Neighbourhood Development Orders, Community Right to Build Orders and [b] other options including Parish Plans or Village Design Statements. In the latter respect there is likely to be a continuing role for community level plans which, for reasons of cost / complexity / formality, may well be preferred by communities to that of NP. Here too officers will need to identify and establish an appropriate and resilient level of support for those communities. The related options of local communities feeding into and influencing Local Plans produced by the 2 Councils remain available of course, as well as their ability to engage and influence major or other local planning applications of interest. In these various ways, it is worth recognising that NP is only one of many ways that local communities can play an active part in local planning and related matters and a full NP may well not be appropriate or beneficial for all.
- 8.7 Past uptake and use of Parish Plans or Village Design Statements in BDC and MSDC has revealed some inconsistency of approach within planning decisions over time. In part this reflects varied formality with only a very small number having been adopted by MSDC as Supplementary Planning Guidance. In appropriate cases they have nevertheless provided a valuable local evidence base for both planning policy and decision making. The indications are that communities have previously had greater expectations of the status of Parish Plans than planning decisions have reflected.
- 8.8 In the circumstances Parish Plans or Village Design Statements still appear to represent a credible alternative by which communities may express, in a relatively formal way, both their planning aspirations and other “non-planning” aspects that are important for their locality. In broad terms officers consider that in future Parish Plans and Village Design Statements would warrant some enhancement and focus within the planning content of these documents.
- 8.9 In principle it may be that the preparation of joint BDC / MSDC Development Management policies may provide the chance to build-in some planning policy recognition of Parish Plans, as material considerations, if appropriate criteria for that can be set out. It is usual that the greater the formality of preparation, including consultation and publicity, the greater the weight a consideration may be given.
- 8.10 It may also be opportune to explore the extent to which communities can contribute to the preparation of Conservation Area appraisals. With focused planning support and realistic expectations these documents could help to inform planning considerations under Development Plan policies in an affordable way. Whilst these would not have formal statutory weight as part of the Development Plan they could nevertheless meaningfully contribute to District evaluation of matters such as “local distinctiveness” amongst others.
- 8.11 The joint Development Team has established an officer project group to evaluate the options for a preferred joint BDC / MSDC approach to NP and other community level plans. This work will need to include consideration of resource and budgetary aspects. It would also be appropriate to engage with stakeholders, including Suffolk ACRE and Suffolk Association of Local Councils, to explore alternatives and mutual expectations.

- 8.12 Formal endorsement of a joint corporate approach will be sought from Members once appropriate options have been identified. This group will also develop a detailed project plan to deliver the preferred options across both Councils. Officers therefore expect to make formal recommendations to this Committee in due course. The group will also need to explore resource implications, including the complex questions around financial and staff resources in a highly constrained context.
- 8.13 In the interim, officers will continue to actively contribute to, and draw upon, the County wide Localism Group with a view to promoting a joint, resource sharing, approach that realises the benefits of best practice. Concurrently the BDC / MSDC project group will develop a communications strategy for local communities in Babergh and Mid Suffolk and will review whether it is appropriate for BDC / MSDC to lobby the coalition government for improved financial support for the Neighbourhood Planning process.
- 8.14 In the short term, it is recommended that some standard website information is made available quickly for both Councils' websites on a Frequently Asked Questions basis, as already largely available through the Planning Advisory Service (PAS) and others. Another practical option is to consider designating a single officer point of contact for all enquiries on this matter across the 2 Councils. This would follow recommended best practise by an existing Neighbourhood Plans pilot frontrunner leading authority. In that vein, although the Planning service needs to be involved, it is important to recognise that this is a broad, corporate agenda that needs to be thought through and approached across many of our services and activities.
- 8.15 There is also a need to consider Member involvement / steering of this process, which could be done through an existing, designated member forum or members designated for related work areas, such as the substantial project to design the new, integrated planning service with PAS. That process, over the coming year, will also need to consider how the new planning service is to respond to this agenda in future and the resource implications.
- 8.16 There is a convincing case for lobbying central Government for financial support / other resources or assistance to take forward this agenda, with no funding currently available. Others, such as the Royal Town Planning Institute, are already doing this. Finally, probably the most business critical point is that of the pressing need for both Councils to continue to prioritise putting the parent Local Plans in place first, that is our new Core Strategies (and the Stowmarket Plan for MSDC). These provide the overarching framework for all subsequent Plans, both those that BDC / MSDC will produce and any Neighbourhood or similar Plans to be produced by local communities.

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