

Caversham and District Residents' Association (CADRA) AGM & Open Meeting May 2014

	lead speaker	minutes
7.30pm - Formal AGM Business and introduction	HL	20-30
.....		
8pm - Underlying principles of English Planning System	LB / GP	5-10
National Policy - the main influences on local planning		
Local Policy - Formation of LDF: strategy, sites allocation, area plans, local consultation, relevance for individual applications.	LB	5 -10
Questions		5-10
.....		
Planning Applications		
What is permission needed for? The issues considered, local consultation, PAC/delegated, Planning Conditions.	LB	15
Enforcement	LB	5
Questions		10
.....		
Recent changes and Neighbourhood Planning		
What is Neighbourhood planning?	GP	20
What are the potential benefits locally? How might it apply to Caversham/North Reading		
Questions		10
.....		

Outline of Planning & Neighbourhood Planning

Prof Gavin Parker

University of Reading





PERMISSION IMPOSSIBLE: BRITAIN'S PLANNERS



Outline

- Outline of Planning – principles, national policy
- Neighbourhood Planning and the stages:
 - Statutory responsibilities
 - The Basic Conditions
 - Funding and Support



Outline of the Planning System



'AVAILABLE IN ALL GOOD BOOKSHOPS'

Some principles:

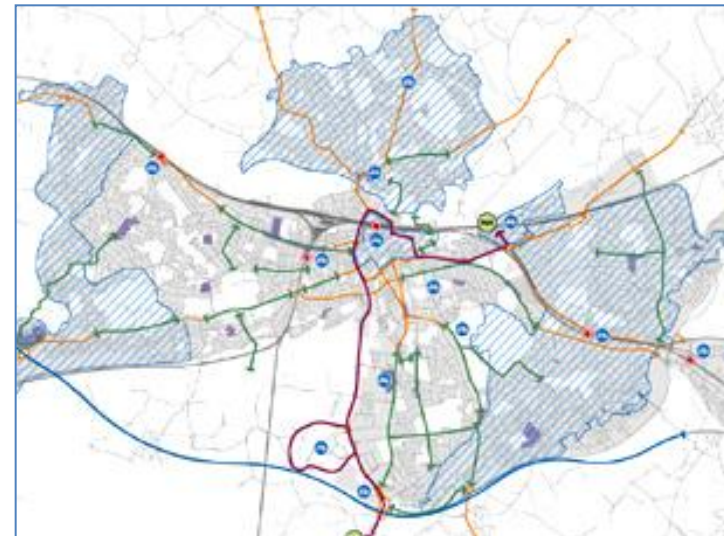
- Democratic
- Discretionary
- Plan-led
- Efficiency, long-termism
- Spatial / joined-up
- Principle of Sustainable Development



Outline of the Planning System (2)

- NPPF – one document
- Local Plan – each Local Authority
- Neighbourhood Plans – voluntary (but statutory).

- Influenced by EU level directives
- National legislation
- Legal rulings



Achieving Sustainable Development:

- 1. Strong, competitive economy
- 2. Vitality of town centres
- 3. Prosperous rural economy

- 4. Promoting sustainable transport
- 5. Supporting high quality communications infrastructure
- 6. Delivering a wide choice of high quality homes

- 7. Requiring good design
- 8. Promoting healthy communities
- 9. Protecting Green Belt land

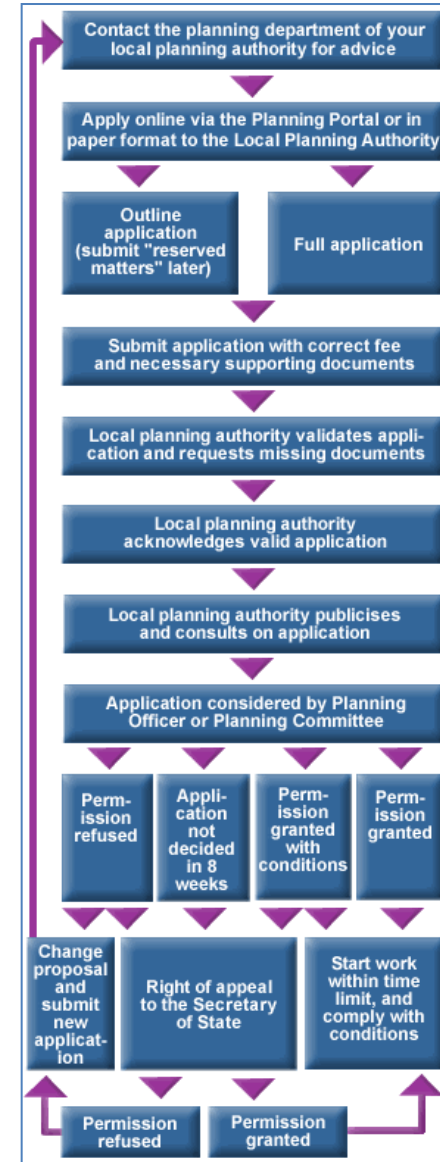
- 10. Climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment

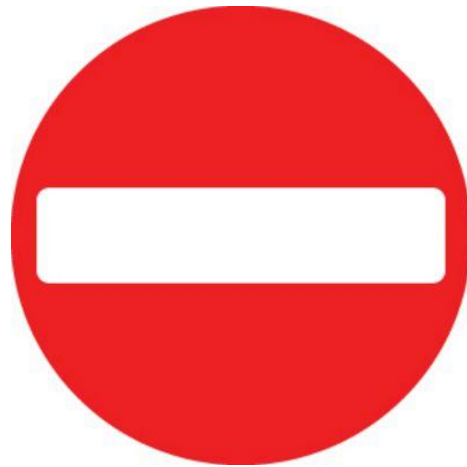
- 13. Facilitating the sustainable use of minerals



Outline of the Planning System (3)

- Decisions:
 - Local Authority (Planners / Cllrs)
 - PINS (Appeals)
 - Secretary of State (Call-ins)





THANK YOU



Neighbourhood Planning

National Policy and Guidance & NP

- National Planning Policy Framework (NPPF)
 - Presumption in favour of sustainable development
 - NP Policies must not conflict with provisions of NPPF
 - Important to have detailed understanding of NPPF
- NP policies should enable the delivery of sustainable development in accordance with the policies in the Framework
- NP should plan positively to support local development, shaping and directing development in the neighbourhood area that is outside the strategic elements of the Local Plan



Background

- The Localism Act (2011) introduced Neighbourhood Planning in England.
- Enables communities to draw up a statutory Plan (NDP) for their area (and NDO / CRtB).
- Intended to give communities more of a say in the development of their area (within certain limits).
- Neighbourhood Plans used to decide future of the places and giving opportunities to:
 - choose where new homes, shops & offices are built
 - have a say on what new buildings should look like
 - grant planning permission for the new buildings go ahead.



Role and Impact



- Why was Neighbourhood Planning introduced?
 - Localism
- What is it seeking to achieve?
 - Growth
 - Local empowerment



- The Steps...



NP & The Basic Conditions



- Must have appropriate regard to national policy
- Must be in general conformity with strategic elements of the Local Plan
- Contributes toward sustainable development
- Has special regard to desirability of preserving character and setting of listed buildings (NDO only)
- Has special regard to desirability of preserving character and appearance of conservation areas (NDO only)
- Compatible with EU obligations



Role of the Local Authority



- ‘Duty to support’
- Decision maker:
 - Applications for designation
 - Plan compliance
 - Screening opinions
- Facilitator
- Holder of information
- Examination organiser/funder
- Referendum organiser/funder



Cases and progress



- Woodcote, Oxon
 - ‘Project planning and engagement’
 - See:
<http://www.ourneighbourhoodplanning.org.uk/case-studies/view/313>
- East Coker, Somerset
 - ‘Working with the LPA effectively’
 - See:
<http://www.ourneighbourhoodplanning.org.uk/case-studies/view/304>



PAE Contact Details

Neighbourhood Planning Support:

info@planningaid.rtpi.org.uk

mycommunityrights.org.uk/neighbourhood-planning/

Advice Line: 0330 123 9244

E-mail: advice@planningaid.rtpi.org.uk

www.rtpi.org.uk/planningaid





THANKS



Defining the Neighbourhood

Define the “Neighbourhood Area”



Submit to the LPA:

- a plan/statement identifying the land in question
- a statement of why this land should be designated
- a statement of why your group is capable of being a “qualifying body”



The LPA will then:

- publicise the name of the proposed area
- invite comments for a minimum of six weeks
- make a decision



Defining the Neighbourhood

Neighbourhood Forum OR Parish/Town Council



If no parish/town council exists; a neighbourhood Forum is designated:

A forum must be at least 21 people

An application must be made to LPA consisting of:

- the name of the forum
- a written constitution
- the name of the neighbourhood area
- contact details
- a statement outlining how they meet the conditions

Publicising the Forum



LPA then:

- publicise details of the forum application;
- allow 6 weeks for comments and rival applications
- make a decision



Preparing The Neighbourhood Plan



Plan Making

- A plan can be a single policy or a hundred policies
- It **must** meet the “Basic Conditions” – more on these later
- it is essential that there is wide & inclusive community engagement
- Planning Aid offer support and guidance



Publicising The Plan

- NP group publicise draft to people who live, work or carry out business in the area
- Minimum of six weeks to be given for comments
- Consult statutory bodies (LPA advise)
- Submit a draft to the LPA

Submission to the LPA



Information to be submitted with the Draft

- Plan/statement showing the area
- Title of the plan
- Evidence in support of the plan
- Basic Conditions Statement
- Consultation statement detailing:
 - who was consulted;
 - how they were consulted;
 - a summary of the main issues and concerns;
 - how these issues have been addressed



Independent Check

WHEN RED
LIGHT SHOWS
WAIT HERE

An **INDEPENDENT EXAMINER** will check the Plan to see if it meets the “basic conditions”

WHEN RED
LIGHT SHOWS
WAIT HERE

The examiner must:

- be appointed by LPA with the consent of the relevant parish council/forum
- be independent from both parties
- have no interest in the land
- have suitable qualifications and experience



Role of the Examiner

- Light touch review of NDP/NDO
 - To ensure NDP/NDO meets the “basic conditions”
- To recommend if the referendum boundary should be extended
- To recommend to the LPA if the Plan should go to referendum
- To recommend any changes that may need to be made

How Much Evidence and What Type?



- Will vary from Plan to Plan
- No prescriptive checklist.
- Sufficient evidence to demonstrate compliance with the Basic Conditions.



After the Check

The Examiner's Report

The examiner will submit a report recommending either:

- proposals are submitted for referendum;
- modifications are made prior to referendum; or
- the proposals are refused

Modifications can only include:

- those needed to meet the “basic conditions”
- those needed for convention rights compatibility
- spelling/grammar

Significant Changes Needed?

If the examiner recommends big changes, the Forum or Parish or Town Council may need to go back out to the local community and consult again on these changes.



What Else Does the Examiner Look At?

- Appropriateness of a Public Hearing
 - Default position is written representations
 - May be a need to ensure that everyone's views are heard
 - All questioning should be led by the Examiner unless Examiner agrees to questioning by a third party
- Whether or not to extend the referendum
 - Default position is to those who live within the Neighbourhood Area
 - Provisions to extend to those who would be directly affected by proposals
- Compliance with S38A and S38B of 2004 Act (NDP)
- Compliance with 61E(2), 61J and 61L 1990 Act (NDO)



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Community Referendum



Referendum

- Organised and funded by LPA
- Outlines the importance of securing wider community support



Extending the Referendum

- The independent examiner can extend the scope of the referendum.
- Only if proposal has wider effects beyond neighbourhood area



The 50%+ rule

- Require simple majority (+50%)
- If successful, LPA is compelled to 'make' the plan



Financial Support for LPA's

- For 2013/14 LPA resources are:
 - 1,000 area designations paid for (£5K each)
 - £5K at start of Examination
 - £20K per successful Examination
- Available to all areas



Core Principles of the NPPF (1)

- Genuinely plan-led
- Promote sustainable development
- Seeking high quality design and standard of amenity
- Take account of different roles/character of areas
- Support the transition to a low carbon future
- Contribute to conserving/enhancing natural environment



NPPF Continued...(2)

- Encourage the effective use of land
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable



More on the NPPF (3)

- Not all of the NPPF will be relevant.
- Relevant parts dependant on plan proposals.
- Professional judgement must be applied!
- Key thing is the Core Principles.
- Para 154...
 - Aspirational but realistic
 - Clear policies on what will and will not be permitted
 - Must provide clear indication to the decision maker on how to react



Strategic Elements of the Local Plan

- What are strategic policies? These could include:
 - Housing targets
 - Employment targets
 - Strategic designations
 - Green Belt
 - Site allocations
 - Conservation Area designation
- Can be in conflict with “detailed” elements
- NDP Policies that would undermine the strategic elements of the Local Plan will not “pass” the examination
- Relevant policies depend on content of NDP



NP & What if there is no up-to-date Local Plan?

- Will have to comply with ‘saved’ policies
- No legal requirement to be tested against emerging policies
 - Groups may ensure their plans comply with emerging policy in order to ‘future proof’ their plans
- Will default to the NPPF requirements
- May have implications for amount of evidence that needs to be produced



Supporting Communities in NP

- Two strands:
 - Grant payments – up to £7,000 per neighbourhood area (budget to help over 500 areas)
 - Direct support – advice and support, tailored to meet the needs of neighbourhoods
- Also opportunities to share learning, including through Planning Camp events, workshops and online forums



The Report

- The Examiner's report is non-binding
- The Report must...
 - Give a reason for each of its recommendations
 - Contain a summary of its main findings
- Copy must be sent to both the qualifying body and LPA
- LPA will then publicise the report



Listed Buildings/Conservation Areas

- Will not be relevant to all NDOs
- Only relevant where one will be affected
- Uses existing statutory test applied to planning applications
- Essentially ensures proposal is assessed as a LBC application would be
- English Heritage are a statutory consultee



Not just about promoting development...

- NDPs can be used to protect green space (Local Green Space) where:
 - the green space is in reasonably close proximity to the community it serves;
 - where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - where the green area concerned is local in character and is not an extensive tract of land.



Sustainable Development

- Sustainability Appraisal (SA) - not necessarily needed
- Sustainability of the Plan will have to be measured
 - sustainability appraisal
 - Sustainability Appraisal (SA)
 - Sustainability checklist
 - Appraisal of sustainability
- Do the policies promote sustainable development?
- Basic Conditions Statement should cover this



EU Obligations

- Strategic Environmental Assessment (NDP)
- Environmental Impact Assessment (NDO)
 - Not all NDP/NDOs will require one
 - Only if the policies/development will give rise to significant environmental effects
 - Good practice is for policies/development to be screened by LPA
- Habitats Regulations
- Human Rights Act compatibility
 - Articles 1, 6, 8 and 14 of most relevance



What Isn't Tested?

- Non land use policies/designations
- “Soundness” of the Plan
- Whether or not a **Sustainability Appraisal** has been undertaken (but sustainability of the plan is tested).
- Anything that does not relate to compliance with the Basic Conditions!



Question to be asked at referendum

- Do you want [insert name of local planning authority] to use the neighbourhood plan for [insert name of neighbourhood area] to help it decide planning applications in the neighbourhood area?
- Do you want the type of development in the neighbourhood development order for [insert name of neighbourhood area] to have planning permission?
- Do you want the development in the community right to build order for [insert name of neighbourhood area] to have planning permission?



Neighbourhood Development Plan

- Is the Plan from a “qualifying body”?
- Does it deal with land use planning policies?
- Does it specify the period for which it will have effect?
- Does it include “excluded development”?
- Does it relate to more than one Neighbourhood Area?



Neighbourhood Development Order

- Is it an Order that grants planning permission?
- Does it grant permission for “excluded” development?
- Has planning permission been granted for what is proposed in the Order?
- Does the Order relate to more than one Neighbourhood Area?

