

Guidance on
Neighbourhood Planning in Torbay

September 2011

Neighbourhood Planning: A Summary

A New Approach to Planning

Neighbourhood Plans, and all that goes into their preparation, provide a fantastic opportunity for local people to shape and build their communities. It is an opportunity that we should make the most of in Torbay.

Neighbourhood planning is about letting the people who know about and care for an area plan for it. It is led by the residential and business community, not the council, and is about building neighbourhoods – not stopping growth.

(Neighbourhood planning: a guide for ward councillors Planning Advisory Service)

The emerging **Localism Bill** devolves greater powers to councils and neighbourhoods. It gives local people more control, for example over housing and planning decisions, in order to deliver community and strategic (Bay-wide) aspirations. A key element of this objective is '**Neighbourhood Planning**' that encourages the creation community based plans at a local level.

The Bill encourages local communities to set up a **Neighbourhood Forum** to lead the preparation of a **Neighbourhood Plan**. It has already been agreed, by Community Partnerships and the Council, that three Neighbourhood Plans will be produced – one for each of Brixham, Paignton and Torquay. Once agreed, a **Neighbourhood Plan** will form part of the **Development Plan for Torbay** and will be a key factor in making development decisions.

The Bill also promotes **Neighbourhood Development Orders (NDOs)**. An **NDO** grants planning permission for all or certain uses in a specific location within the Neighbourhood Plan area. In addition '**Community Right to Build Orders**' could be available as a means of providing community-led site development.

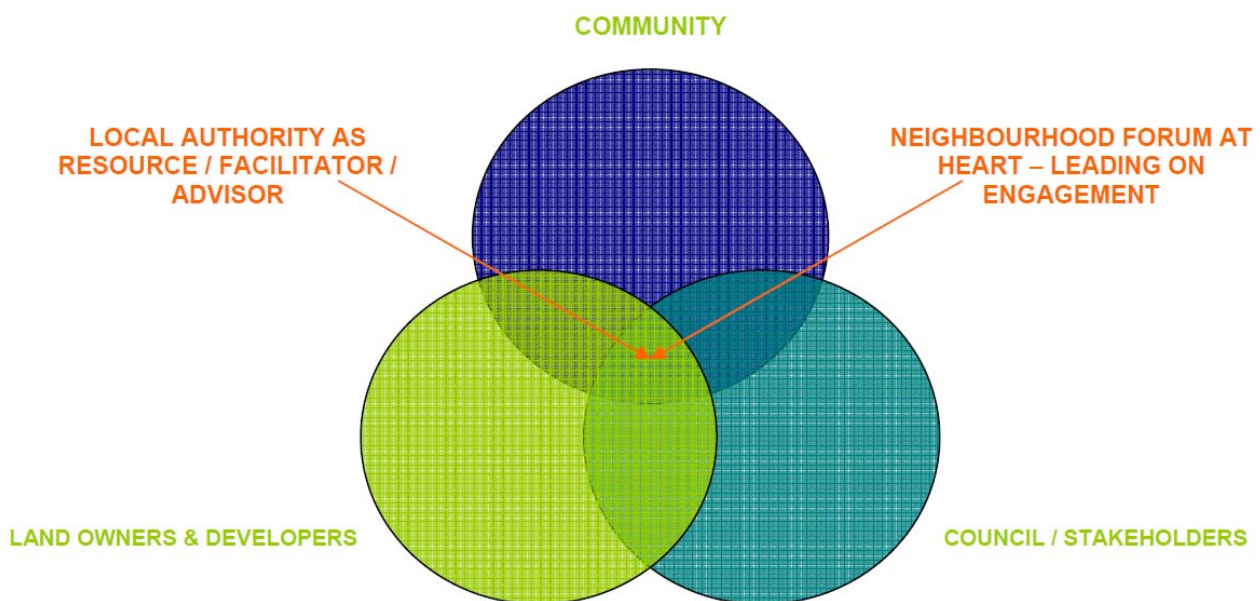
Opportunities: What's in it for you?

Producing a Neighbourhood Plan will help your community play a greater role in shaping the future of your area. It will help ensure local priorities and aspirations are factored into the broader planning system and development decisions.

The new planning approach brings together communities (resident, business, Interest groups), landowners, and the Council to build a consensus about the needs and aspirations of an area and what is needed to meet those. This process will create lasting partnerships both within and outside the community. This 'tripartite' approach is illustrated in the diagram below.

Neighbourhood Plans provide and opportunity to do things differently, involving all the key stakeholders from the beginning, with the **Neighbourhood Forum** leading the content and engagement process.

Figure 1: Tripartite approach to delivering neighbourhood plans



What Neighbourhood Plans do....

Neighbourhood Plans (NPs) add detail to the Core Strategy – Planning for a Successful Torbay. They deal with the **development and the use of land** in the Neighbourhood Planning area, which might relate to education, health, employment, housing, infrastructure etc. When adopted, they will form part of the **Development Plan** for Torbay

and will therefore need to be compatible (in 'conformity') with the Torbay-wide **Development Plan (Core Strategy)** and National Policies.

Communities are not being forced to produce a Neighbourhood Plan. Government advice is that Core Strategies will provide an over-arching plan for dealing with development proposals, protecting the environment etc.

So, Neighbourhood Plans not need to repeat everything in the **Core Strategy** at a local level. Neighbourhood Plans and the Core Strategy should be symbiotic, complimenting and working alongside each other. It is important for people to engage with, and signed up to, the overall visions, principles and strategic aspirations the Core Strategy will establish (see www.torbay.gov.uk/ldf). Producing a Neighbourhood Plan is a good way of engaging with the Core Strategy, ensuring it reflects the needs and aspirations of local people.

Neighbourhood Plans will ensure future change and development meets the needs and aspirations of the community and Council. A Neighbourhood Plan must help secure at least the level of development identified in the Core Strategy. Each Neighbourhood Plan is likely to include a vision and objectives, detailed policies and actions that will seek to achieve this. It will go into more detail than the Core Strategy and identify land allocations and development management policies or perhaps include particular design details that will influence planning applications. It may also identify areas subject to a Neighbourhood Development Order.

As Neighbourhood Plans will form part of the Development Plan, they have to conform to legal and environmental duties set out by law, such as sustainability appraisal.

The production of neighbourhood Plans must be inclusive. All aspects of the local community (including businesses and landowners) must be given opportunity to be involved in or have commented on the Neighbourhood Plan. **Community consensus** is required before a Neighbourhood plan can be adopted.

Progress and Timescales

Neighbourhood Plans should be accompanied by a project plan, showing a programme of anticipated key tasks and target dates, identifying associated activities, resources, and

events. The current estimates for Neighbourhood Plan production is two years from start to finish, but many could take less, with a minimum cost of around £20,000.

Key Points:

Neighbourhood plans give communities direct power to plan the areas in which they live. Parishes and **Neighbourhood Forums** can use neighbourhood plans to:

- develop a **shared vision** for their neighbourhood
- set **planning policies** for the development and use of land; and
- give planning permission through **Neighbourhood Development Orders** and **Community Right to Build Orders**

Getting on with it: The legislation for Neighbourhood Plans has not yet been put in place, but one of the key messages from Government is ‘get on with it’. The emerging Localism Bill emphasises the need for communities to be actively engaged at a local level; a key part of the reforms are to make the planning system less complex and more accessible, and to promote sustainable growth, principles that can be acted on now. Torbay Council is keen to ‘get on with it’, working closely with community representatives. The Council believes there are significant advantages to communities and to the Council in moving forwards quickly with Neighbourhood Plans.

The ambition is to develop Neighbourhood Plans in tandem with continued development of the Core Strategy ‘Planning for a Successful Torbay’. Government suggests Neighbourhood Plans are annexed to the Core Strategy. Torbay Council wants Neighbourhood Plans to sit side by side, complimenting each other, setting out very clear statements for the future of the Bay, the three towns and rural areas.

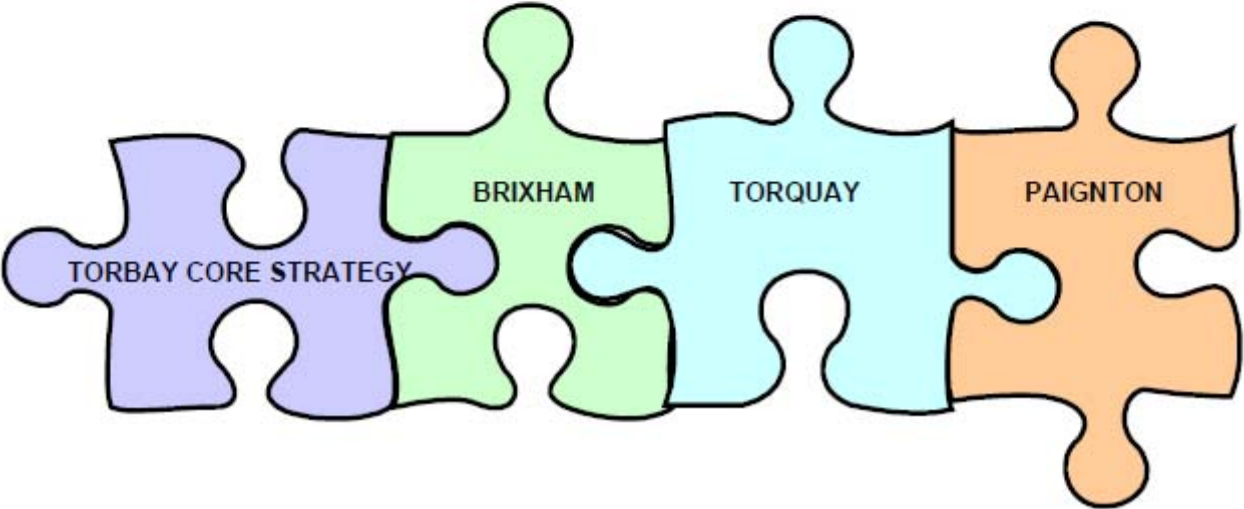
This is a challenging task, but is do-able. The timeframe for producing Neighbourhood Plans is tight, but there are resources, skills and knowledge in communities to ensure Neighbourhood Plans are developed over the next 12 – 15 months. The Core Strategy is due to be examined in public towards the end of 2012. There are huge advantages to the Core Strategy and three Neighbourhood Plans sitting side by side at that time.

Figure 2 : Relationship between Core Strategy and Neighbourhood Plans

Government Proposed Approach:



Torbay Proposed Approach:

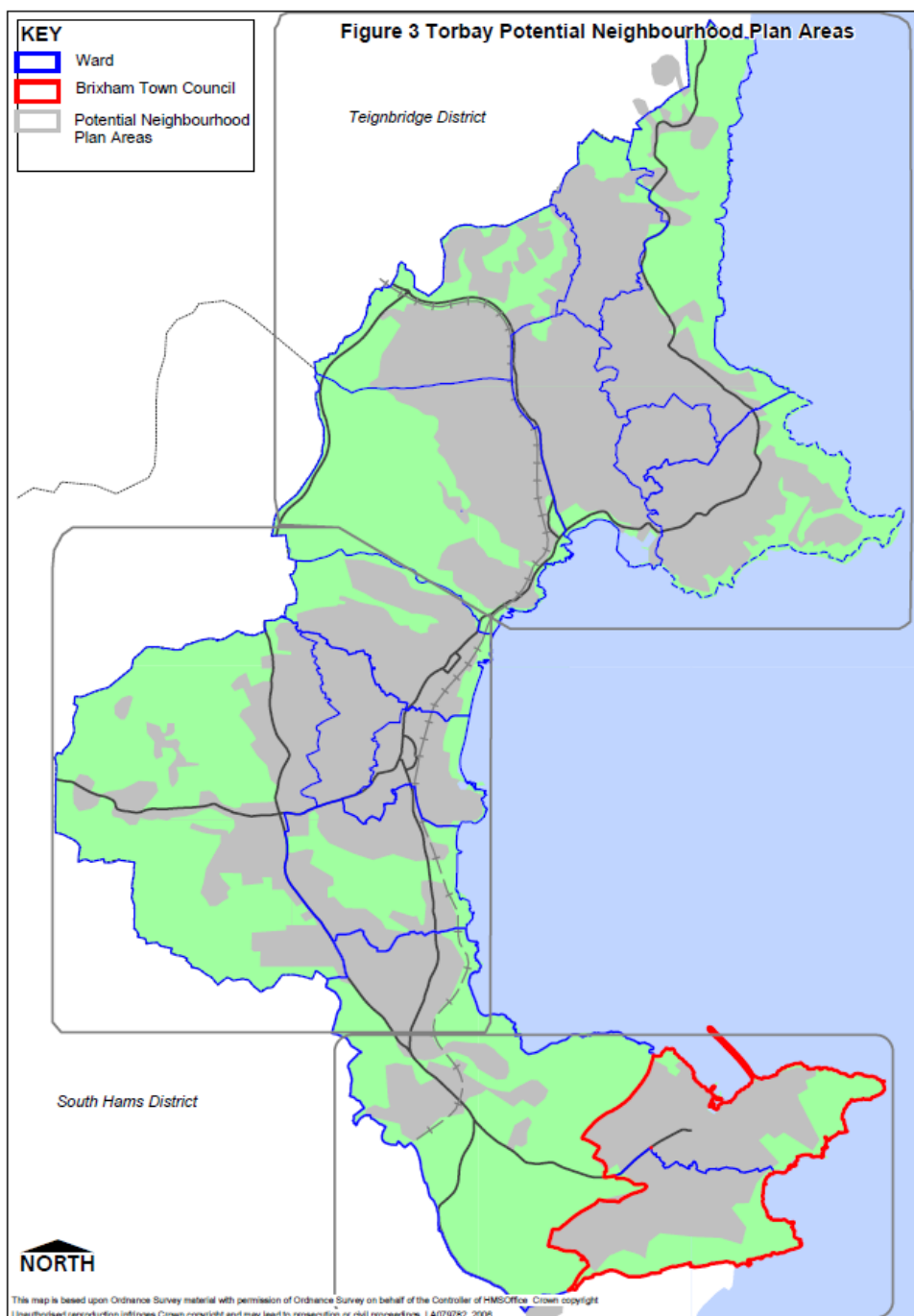


Neighbourhood Planning in Torbay – the details

Where will the Neighbourhood Plans in Torbay be?

The Torbay Community Partnerships and Torbay Council have agreed that three Neighbourhood Plans will be prepared for Torbay, one each for **Torquay**, **Paignton** and **Brixham**.

Neighbourhood Plan areas cannot extend beyond our Local Authority boundary, although Neighbourhood Forums may well include want to engage with communities outside the plan area and will consider cross-boundary issues. Figure 3 shows the current Brixham Town Council and Ward boundaries in Torbay.



Neighbourhood Forum.

Government views on the composition of a Neighbourhood Forum is changing as the Localism Bill evolves. On the 'get on with it' principle, Torbay Council is very keen to set a Forum set up for Paignton and Torquay, learning lessons from Brixham Peninsula and other Neighbourhood Planning areas, such as Dawlish.

Neighbourhood Forums: Who should get involved?

Neighbourhood Plans should reflect the vision of the entire community. The Forum will lead the development of Neighbourhood Plan, but must not develop a plan in isolation. A broad range of stakeholders will strengthen community support for the plan but should seek to involve:

- Residents, including young people
- Community organisations
- Elected representatives
- Businesses
- Landowners
- Developers
- Hard to reach groups of people

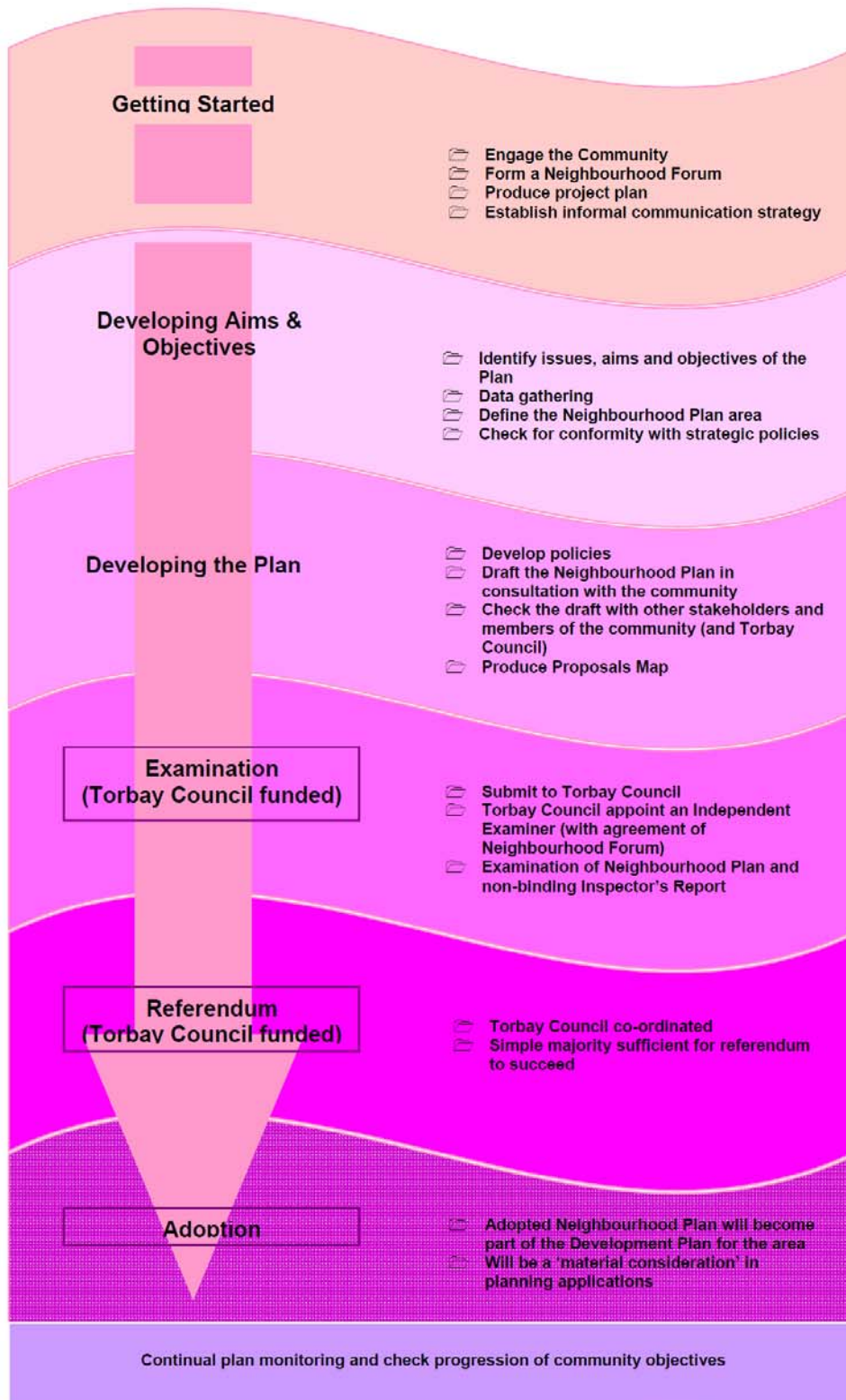
Skills Audit and responsibilities:

Communities include people with knowledge, skills and capacity to help produce Neighbourhood Plans. It is important to identify the range of skills, knowledge and experience that may be required and who can provide these. Some people may want to be directly involved in the Forum, others will prefer to be 'commissioned' to do work on behalf of the Forum. A selection process that is inclusive and open will ensure a greater level of community support.

The Council will advise, assist and facilitate as appropriate, specifically on technical issues. It will be necessary to involve various council officers and other organisations (adjacent Planning Authority, the Health Authority etc) at different stages to provide guidance, advice or comment on specific issues.

Putting the Plan Together:

At present there is no set process for producing a Neighbourhood Plan, but there are statutory duties (such as sustainability appraisal) that will need to be undertaken and the plan making process must be inclusive. Figure 4 outlines the main stages of the Neighbourhood Plan Process.



The Stages:

Getting the community involved:

A neighbourhood plan should be community led. It will depend on leadership and participation to be successful. If there is not community support at the beginning of the process it could be extremely difficult to develop a document that truly represents their aspirations for the area and ultimately receives support at the final referendum stage.

The wider community and local organisations should be informed and given an opportunity to get involved from the very beginning. Communities may want to identify the particular physical characteristics and qualities that define their area and identify the local issues and priorities for this area. This could be via public events or meetings. These also provide an opportunity to recruit volunteers to the Forum or to do specific pieces of work.

The Forum should be properly constituted: appoint a chairperson, vice chairperson, secretary, treasurer etc., as well as some simple terms of reference or constitution.

The Process:

Once established, it will be important for the Forum to develop a strategy, budget and programme or **Project Plan** of how it is going to undertake the plan. The programme will set out key tasks, timescales and responsibilities during the process. This may include major stages, and associated:

- activities (such as surveys, workshops, meetings and public events),
- resources (event locations, people, officers, consultants, funding, materials) and
- timescales (project management, and monitoring progress).

This programme can be changed or adapted and will help the Forum to establish what can be achieved in the time that they have and with the resources available. It should also highlight funding, knowledge and evidence gaps.

At this early stage it will also be useful to establish an informal '**communication strategy**'. This should set out the 'who, what, when' of when the Forum need to communicate with stakeholders or the wider community and the methods used to do this.

Torbay Council has significant experience, knowledge and skills in plan making, community support, Governance and so on. The Council is expected and willing to provide

necessary support and advice, but this is very unlikely to include financial support. It will not be able, nor would it be advisable, for the Council to provide all the resources required to deliver a neighbourhood plan. A Neighbourhood Forum with financial resources, for example through the Neighbourhood Plan Frontrunner Fund, may wish to commission the Council to do specific / technical pieces of work.

Setting the Scene:

Part of the process of establishing a vision and objectives for a neighbourhood plan will involve gathering and collating the data for your area. This will help to clarify your community's history, characteristics and profile. It will also be helpful to identify **community assets** and their condition.

A lot of information will already be held by the Council or other public bodies on planning, health, housing, transport and economic strategies. That can be used to supplement local knowledge. This also presents an opportunity to engage with different members of the community in which events, walks and talks can be arranged to gather the information, photos or stories of the area.

Information gathering will establish links with businesses, landowners and organisations that operate in the area to understand other plans or objectives that may need to be incorporated into the plan. Engagement with these people will help ensure the Neighbourhood Plan is deliverable and specific actions are viable.

As part of the preparation process, it will also be useful to engage with the community to identify the area's strengths and weaknesses. This may be gathered via a public event, focus group or survey.

Wider social issues may come to light that will not be suitable for inclusion in the Neighbourhood Plan but these aspects can still be 'captured' and may be addressed through the Town Council or Community Partnership.

Planning for Success: Developing a vision or objectives for your area

It is important for the Forum to develop a Vision and Objectives for their area, to ensure clarity about what the community wants to achieve and to provide a point of reference for proposals as they emerge. This could described what the community may look like in 20 years and what objectives need to be realised to attain this vision. It may also identify the social and economic aspirations, what local facilities will be available to the community and their quality. It may also include the protection or enhancement of certain features.

The overarching development Plan for Torbay will include a long term aspiration for the Bay and it's three component towns. The councils Plan for Sustainable Growth and Regeneration. It will be important that the Forum is engaged with the area's wider growth strategy.

A more detailed set of actions or polices are likely to emerge once these objectives have been established.

Example Issue: A shortfall family (2/3 bedroom) housing and affordability of housing for local workers and a need for supported housing for older people in an ageing population.

Example Objective:

To provide a good range of adaptable housing that can accommodate families and other household types and will attract and retain new workers.

Checking the Plan and the Role of Torbay Council.

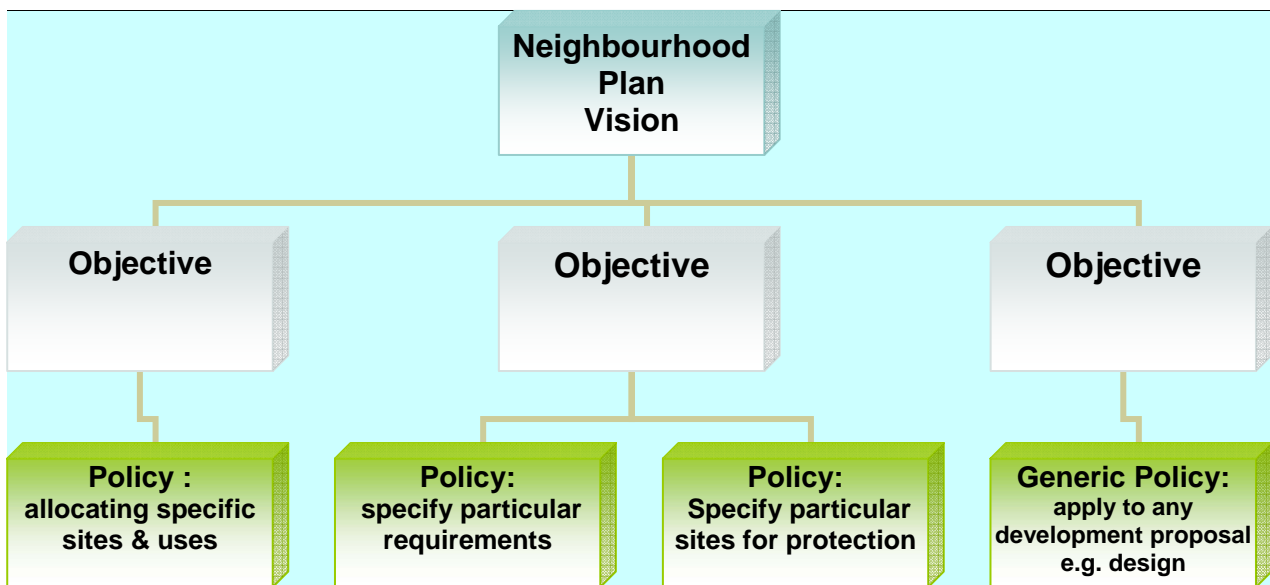
The vision and objectives should be checked against the Core Strategy and National Policies, and with the Council. .They should also be checked against what evidence suggests are key issues for the area.

When a draft vision and objectives have been produced it will be important to secure support for these from the community, using the various methods described above. This will allow for changes to be made before developing detailed aspects of the plan as well as ensure community engagement at an early stage.

Developing the details:

At this stage the Forum will be setting out actions and policies to address the objectives. A number of different policies may arise to best suit desired outcomes. **Policies should be credible, justifiable and achievable.** There are a range of policies and proposals that can be used, ranging from site specific proposals providing for particular type and scale of development to generic policies that may set out local design criteria that apply to a wide range of developments. This is illustrated in Figure 4 below:

Figure 5 The possible structure of a Neighbourhood plan.



Using the example objective The Forum will need to determine whether a specific policy is needed. Using the example issues above:

Example Issue: A shortfall family (2/3 bedroom) housing and affordability of housing for local workers and a need for supported housing for older people in an ageing population.

Example Objective:

To provide a good range of adaptable housing that can accommodate families and other household types and will attract and retain new workers.

Example Policy to deal with one aspect of this objective:

At least 60% of dwellings on the following identified housing sites will consist of three bedroom houses or larger.

A policy such as this would need to be based on evidence of need and whether this is **deliverable**, for example by identifying sites on which this form of housing could be delivered. Site related policies should be drawn up in partnership with the landowners, who should have been involved in the initial evidence gathering stage. It will be important to check with the Council that the policies are appropriate, in conformity with the Core Strategy and National Policy and achievable (issues such as viability may come into play).

Other considerations include the preparation of a **Proposals Map** showing the Neighbourhood Plan boundary and related site proposals. This will also form a useful point at which to consult the community.

Legal Requirements for a Sustainability Appraisal and Appropriate Assessment.

As the neighbourhood plan develops and before it can be adopted, the plan will need to have a **Sustainability Appraisal** to examine the possible economic, environmental, and social impacts of the emerging plan. The appraisal may recommend changes to maximise positive impact and minimise negative impacts. The earlier this appraisal is started the earlier it can inform the process and emerging policies, but ideally Sustainability Appraisal should be built in from the beginning of the plan making process.. In addition, the **Appropriate Assessment** procedure is required to consider the wider impacts of a any policies on a particular ecological site of European importance. These are technical documents that will need technical work by the Council or consultants.

Final Draft of the Neighbourhood Plan

There are currently no rules specifying what a Neighbourhood Plan should look like. However it will need to contain clear actions and policies (and proposals where relevant) accompanied by a Proposals Map or maps. It will also need to be accompanied by a Sustainability Appraisal and (where necessary) Appropriate Assessment. There may be other documents which support the Plan such as a report detailing the consultation that has been undertaken or an Implementation Plan setting out specific actions for the Forum, and its partners, to help deliver the Neighbourhood Plan policies.

This will provide a further opportunity to check the 'Neighbourhood Plan' against EU Regulations, National Policies and the Core Strategy. Community engagement at this stage will be important.

Independent Examination

When the final draft Neighbourhood Plan has been produced. The Neighbourhood Forum should '**submit**' the plan to be formally considered by Torbay Council. The Council will assess the Neighbourhood Plan against a number of criteria (identified in this guidance). If the Council is happy with the Neighbourhood Plan it will arrange an **independent examination**.

The Council will appoint an independent **examiner** with the agreement of the **Neighbourhood Forum**. The examiner will not consider the specific 'planning merits' of the plan, but will need to assess whether it:

- responds positively to community needs and aspirations,
- responds to evidence,
- is deliverable
- appropriate having regard to EU obligations, national policy and in general conformity with the strategic policies of the development plan¹.

The Examiner's Report and Referendum

The Independent Examiner will be able to recommend that the plan is put to referendum, or that it is modified, or that the Plan is refused. The Council, working with the Neighbourhood Forum, will then decide what should be done in the light of the Examiner's Report. The examiner's report **will not be binding**. However, where the Inspector recommends modifications, it is expected that the Council will invite the Neighbourhood Forum to make **modifications to the plan**. Where the Examiner recommends that the plan be **refused**, the Council is likely to do so.

If the Council agrees, a Draft Neighbourhood Plan will go to a **Public Referendum**. This will normally include any individual registered to vote in the area. However the Examiner can recommend the area that should be covered by the referendum that may extend beyond the neighbourhood plan area (if he/she considers those parties are likely to be

¹ The Government is expected to produce Regulations to provide further detail of the matters to be considered at examination

affected by proposals in the plan). The **referendum** may be organised and paid for by the Torbay Council.

A **simple majority** will be sufficient for the referendum to succeed. The Neighbourhood Plan will then be **adopted by Torbay Council (the planning authority)**, and will become part of the **development plan** for the area. This Process is illustrated in Figure 2 above.

Adoption of the Neighbourhood Plan

When the Localism Bill has been passed (anticipated in late 2011/early 2012) , adopted Neighbourhood Plans will form part of the Development Plan for the Area and be a 'material consideration' in the determination of planning applications.

Implementation and Monitoring

The Neighborhood Forum will find it valuable to maintain a Steering Group/standing Committee in order to monitor the plan and check progress with the community's objectives. This may include certain actions by stakeholders to help deliver parts of the Plan (such as landowners or developers).

Neighbourhood Plans: Next steps, support and advice

Funding, Support and Advice:

After establishing the Neighbourhood Forum and Plan area it will be important to seek any **extra support** you may need.

As identified throughout the guidance, the Council will provide a certain level of assistance, largely through the Spatial Planning Team. This is likely to form planning and technical advice, assistance with stakeholder engagement and limited provision of plans / materials. Neighbourhood Forums may find the services of an independent facilitator very helpful in ensuring community support for the process.

The Government (Department for Communities and Local Government, DCLG) has introduced grants under the **Neighbourhood Planning Front Runners**. Each Local Authority 'Front Runner' will receive **£20,000** towards developing their plan (see Appendix 1). A successful bid was made by Torbay Council and Brixham partners, in Spring 2011, to help deliver the Brixham Peninsula Neighbourhood Plan. The Council can front a bid for

Paignton and Torquay, as well as assisting with funding bids from other sources. The closing dates for the receipt of further applications for Front Runner funding is **Friday 4 November 2011**

Support has also been made available for facilitating the neighbourhood planning process, not the production of the plans themselves. Government has awarded funding to four main organisations: The Princes Foundation; Royal Town Planning Institute (Planning Aid); 'Locality' and The National Association of Councils in partnership with the Campaign to Protect Rural England.

It may be appropriate to seek funding from local landowners or developers, perhaps to 'match fund' particular projects with grants from other sources. This may seem a controversial approach, but it has been shown to work elsewhere.

Conclusions:

This is an exciting time for planning and communities, with fantastic opportunities for local people to shape and build their communities, in partnership with other organisations. But, in order to be productive and effective, Neighbourhood Planning needs commitment, good will and resources. Some things you may want to ask your selves before starting on a Neighbourhood Plan are:

- **Can you identify your community and who needs to be involved?**
- **Can you assess and identify issues for your area?**
- **Are you aware of and supportive of Torbay's overall vision and goals?**
- **Do you know the Strategic Vision for your area?**
- **Is there something missing from 'Planning for a Successful Torbay' that needs to be specifically dealt with at a local level?**
- **Are you clear about the process and the time and resources you will need?**

Further advice:

Further advice can be provided as the Localism Bill emerges and as experience of Neighbourhood Plans grows. The Council's **Spatial Planning Team** will continue to provide support and advice. Please us contact to discuss anything raised in this guide.

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Place and Environment

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Appendix 1

DCLG Neighbourhood Planning Front Runners Scheme:

[www.communities.gov.uk/planningandbuilding/planningsystem/neighbourhoodplanningvan
guards /](http://www.communities.gov.uk/planningandbuilding/planningsystem/neighbourhoodplanningvan
guards/).