

Planning for Local Communities

Guidance for Town and Parish Councils in Sedgemoor on Neighbourhood Planning and other ways of achieving local priorities



www.sedgemoor.gov.uk/neighbourhoodplanning

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Introduction

The government's Localism Act aims to give more control to communities over their local area. Neighbourhood Plans are one of a range of new powers for local communities and are a key part of the Localism Act.

A Neighbourhood Plan is like a Local Plan or Core Strategy for a neighbourhood, setting out policies 'in relation to the development and use of land', against which planning applications will be judged. Provided it is in general conformity with the Core Strategy, it could, for example, allocate sites for housing or employment use, protect locally valued buildings or green space, set out design criteria for new buildings, and generally add detail to Core Strategy policies.

This sounds attractive to many communities seeking more local control over development. Before deciding on this route, however, the advantages and disadvantages of Neighbourhood Plans should be weighed against other routes open to town and parish councils to achieve identified priorities for their area. This guidance note describes the options available, in order to help town and parish councils decide on the most appropriate route for their community.

Local Development Frameworks (LDFs), Core Strategies and Local Plans

LDFs were introduced as part of the reform to the planning system in 2004. They are a 'folder' of documents that replace Local Plans as the **Development Plan** for a Local Authority district, i.e. the strategic plan against which planning applications must be judged.

The Core Strategy is the key document in this 'folder', setting out how, when and where development should occur across the whole district.

The Coalition Government has now returned to the name 'Local Plan', so while Sedgemoor is still calling its key planning policy document a 'Core Strategy', don't be surprised if the name changes again in the near future!

I've heard that if we don't produce a Neighbourhood Plan, developers will be able to build where they like. Is this true?

The new National Planning Policy Framework gives a 'presumption in favour of sustainable development', which means that where up-to-date development plan policies are not in place, development should be allowed provided it is sustainable according to the definition set out in the document. It is clear that this policy is aimed mostly at those Local Authorities that do not have an up-to-date Core Strategy or Local Plan. We are confident that the recently adopted Sedgemoor Core Strategy provides a strong enough framework to allow us to resist development in inappropriate locations. You can read the National Planning Policy Framework at <http://www.communities.gov.uk/publications/planningandbuilding/nppf>



What's the best way to achieve what we want to do?

We want a document that identifies key issues and broad priorities for our parish, such as affordable housing and improvements in local services, local communications or in pre-school care.



Parish Plan

Page 3

We are concerned about losing the character of our town or village through the inappropriate design of new houses.



Village Design Statement

Page 3

We are a Key Rural Settlement and we want to provide affordable housing for local people, as well as local infrastructure such as a new footpath to the school so that parents and children don't have to walk along the main road.



Core Strategy Policy P4

Page 3

We are an Other Sustainable Settlement and we want to provide affordable housing for local people.

We are an Other Sustainable Settlement and we want to provide local employment opportunities such as some workshops for local craftspeople.



Core Strategy Policy P5

Page 5

We are a KRS/OSS. We want a comprehensive plan for our parish that sets out priorities for the next 20 years and gives us control over what development happens where. We are willing to put in a lot of work to make this happen.



Neighbourhood Plan

Page 6

Parish Plans and Village Design Statements

Many parishes will already have these in place, or be working on one. Parish Plans can highlight local strengths and weaknesses, identify priorities and suggest ways in which the community can best move forward. They can provide the evidence needed to lobby service providers for better services and they feed into the Local Development Framework, helping the District Council devise rural policies.

So Parish Plans are a useful tool to express a community's aspirations for the future, and will be helpful as a clear indication of local priorities if development is initiated using the Core Strategy (see below). However, they have no formal status in the planning system, and cannot allocate land for development or set policies to judge planning applications by.

Village Design Statements do have some weight in the planning system as they are a 'material consideration' in deciding planning applications, but they are limited to giving guidance on how new development should look, and cannot determine what development takes place where.

What's the difference between a Parish Plan and a Neighbourhood Plan?

Unlike a Parish Plan, a Neighbourhood Plan can set policies against which planning applications will be judged. It can allocate sites, protect green space, or even give planning permission in advance for certain types of development. It needs to be independently examined and gain 50% or more votes in a local referendum.

Sedgemoor Core Strategy

The Sedgemoor Core Strategy was adopted by Sedgemoor District Council on 12th October 2011. It contains several policies which can help local communities achieve particular outcomes.

The Place-Making Policies in Chapter 6 are aimed at particular categories of settlement. The two urban areas of Bridgwater and Burnham-on-Sea & Highbridge have their own policies (P1 – P3). After these, seventeen towns and villages are identified as Key Rural Settlements (KRS) that act as service centres for the surrounding rural area, and where existing facilities and services are an appropriate basis for some small-scale development to fulfil local needs. These are Ashcott, Axbridge, Berrow, Brent Knoll, Cannington, Cheddar, East Huntspill, Lymsham, Mark, Nether Stowey, North Petherton, Pawlett, Puriton, Wedmore, Wembdon, Westonzoyland and Woolavington.

Policy P4 – Key Rural Settlements (KRS)

The KRS policy aims to improve self-containment and support local needs by maintaining or increasing existing levels of service provision, allowing infill development for housing, and encouraging small-scale employment development within or adjacent to development boundaries. In addition, the policy allows for Local Priority Housing Sites, as follows:

Outside of the settlement boundaries of the identified Key Rural Settlements (as defined on the Proposals Map), housing proposals on sites specifically released for that purpose will be supported only where it is demonstrated that it meets all of the following:

- *Fulfils an identified local housing need for affordable and market housing as evidenced by a Local Housing Needs Assessment;*
- *The affordable housing provision (notwithstanding the requirements of Policy D6: Affordable Housing) will normally be at least 40% of the total number of housing units provided on the site;*
- *The scale of development should be appropriate to the size, accessibility, character and physical identity of the settlement;*
- *The development will integrate the open market and affordable housing and be well related to and complement the existing built form of the settlement, providing opportunities for walking and cycling to local services and facilities;*
- *Improve access to local job opportunities, including on-site provision where appropriate;*
- *Promotes high design standards and achieves a minimum of Code for Sustainable Homes Level 4 or equivalent;*
- *Contributes to local infrastructure including education, service provision, accessible open space and community facilities;*
- *Incorporates local environmental and landscape enhancement, including where appropriate habitat creation and community woodland planting.*

It will generally be expected that schemes demonstrably accord with relevant parish plans and have the support of the appropriate Town/Parish Council following robust engagement and consultation with local stakeholders. Site proposals will be required to include assessment under the Habitats Regulations and have been informed by its findings.

This policy therefore provides a mechanism by which affordable housing can be funded ('cross-subsidised') by market housing. The requirement for local support means that development is unlikely to go ahead against a community's wishes, and indeed there is opportunity for parish and town councils to initiate development in partnership with a landowner and/or developer.

The Community Infrastructure Levy (CIL)

This is a new way of funding infrastructure. A levy is charged on most new buildings, which is put into a central pot to pay for essential infrastructure such as roads, schools, health centres and green spaces across the District. The Localism Act gives the Government the power to require that some of the money raised goes directly to the neighbourhoods where development takes place.

CIL is expected to be in use in Sedgemoor by the end of 2013.

In addition, it is expected that such sites will help KRS fund infrastructure that is a priority for the local community and may already have been identified in a Parish Plan – for example, road improvements, a new footpath or cycle path or a new playing field. This is likely to be achieved through a Section 106 agreement (a legal agreement attached to a planning permission). There may also be opportunities for new development to fund local infrastructure through the new Community Infrastructure Levy, although the details of how this will work in Sedgemoor are still being developed.

How to use P4

The Town or Parish Council is likely to be aware of any potential development sites in their area, and is in a good position to negotiate with landowners and potential developers. Once a suitable site has been identified, the developer would need to seek advice from

relevant agencies such as Development Management at SDC, the Highways Authority and the Environment Agency, in order to ensure the site was deliverable. The number of houses allowed would largely depend on the proved need in the Key Rural Settlement (SDC Affordable Housing Team can advise on this), provided that the development was proportionate in size to the village. Before planning permission is applied for, SDC would expect to see evidence of robust consultation with the local community, and evidence that agreement has been reached as to what broader benefits for the community the development would provide. The developer would be expected to fund and carry out any consultation, preferably in conjunction with the Parish Council.

If the provision of affordable housing plus one or two definable infrastructure projects is the main priority for a Key Rural Settlement, using Core Strategy Policy P4 will probably be the easiest, least bureaucratic option to achieve this. The onus will be on the developer to carry out most of the work to gain planning permission, but the requirement for consultation and the support of the Parish Council means that the local community retains a significant measure of control over how and where the development takes place.

Policy P5 – Other Sustainable Settlements (OSS)

Eleven other settlements are identified that retain a basic level of services and facilities serving the immediate area. These are Catcott, Chilton Polden, Combwich, Cossington, Edington, Middlezoy, Othery, Shipham, Spaxton, Weare (including Lower Weare), West Huntspill.

Policy P5 aims to help these settlements maintain their services and facilities to meet the needs of the local community and to improve their overall sustainability. It allows for development within development boundaries, provided certain criteria are met that resist loss of amenity, open spaces or harm to the character of the village. Small-scale employment development is allowed within or adjacent to development boundaries and sites for affordable housing are also allowed within or adjacent to development boundaries where they fulfil an identified local need. (See also Policy D7 – Rural Local Needs)

The policy suggests that partnership working, including with Parish Councils, will be important to help deliver these aims, and the District Council would particularly welcome schemes that comply with Policy P5 where they are initiated by Parish Councils. This policy could therefore help deliver affordable housing and employment priorities for Other Sustainable Settlements in a similar way to that in which P4 can be used for KRS, although the opportunities for funding infrastructure through open-market housing will be more limited.

Is doing a Parish Plan, a VDS and progressing a site through Core Strategy Policy P4 going to be more work than doing a Neighbourhood Plan?

Possibly, and almost certainly more confusing for the local community if they are all done at the same time. On the other hand, given there is no need for an examination or a referendum, it will almost certainly be cheaper. Many parishes are in any case likely to already have a Parish Plan or a Village Design Statement in place.

Neighbourhood Plan

A Neighbourhood Plan can potentially provide a more comprehensive plan for a town, village or neighbourhood. It needs to include either a **Neighbourhood Development Order (NDO)** or a **Neighbourhood Development Plan (NDP)**. A Neighbourhood Development Order effectively gives planning permission in advance for certain types of development within a particular area. This might be, for example, micro-renewable installations, minor householder development such as conservatories or to pre-empt multiple applications in a small area such as a business park.

A Neighbourhood Development Plan is more like a Local Plan or Core Strategy for a neighbourhood, setting out policies 'in relation to the development and use of land', against which planning applications may be judged. Following an independent examination and a referendum, it is adopted by the Local Planning Authority (in this case Sedgemoor District Council) and carries the same weight in planning decisions as other Development Plan Documents such as the Core Strategy. It must be in conformity with the 'strategic policies' in the Core Strategy, but

will override the Core Strategy if it has something different to say about non-strategic matters, or purely local matters. The Sedgemoor Core Strategy has four policies clearly labelled as strategic: S1 to S4, but there are also elements of the district-wide policies which may be considered strategic. For advice on this, please speak to a planning policy officer.

Can a Neighbourhood Plan be used to stop development?

A Neighbourhood Plan must be in conformity with the strategic policies of the development plan for the area (in this case, the Sedgemoor Core Strategy). 'Strategic policies' will include those that set the overall distribution of housing across the District. Policy S1 in the Core Strategy requires that 12% of the total housing in the District (1260 new homes) should be provided at KRS between 2006 and 2027 (excluding local priority housing sites as defined in P4). These figures are based on historical rates of infill development within development boundaries. So a KRS Neighbourhood Plan would be unlikely to get through an examination if it did not allow for its fair share of new houses – about the amount that has been built per year within its development boundary over the past decade. A similar principle applies to OSS, although the numbers are much lower.

Add to this the 'presumption in favour of sustainable development' enshrined in the new National Planning Policy Framework, and you will see that the overall intention behind Neighbourhood Plans is to encourage rather than to hinder new development.

A Neighbourhood Development Plan could allocate sites, provide local detail on Core Strategy policies, and provide a comprehensive local framework for development. However, the requirement for a formal examination and referendum means it is likely to be resource-intensive and expensive to produce. The District Council will have a duty to support the production of Neighbourhood Plans, and specifically to pay for the examination and referendum. In order to be found sound at examination, however, the plan will need to be backed up by robust evidence, so there may be a need to engage consultants to carry out studies such as traffic or ecological assessments. If these studies are connected to a suggested development site, it would be fair to expect the developer or promoter of the site to pay for them, since they would have to do similar work for an outline planning application. Other more general studies will need to be paid for by the Parish Council. If the referendum is to be successful, it will also be important for thorough consultation to take place with the local community throughout the plan-making process, and the costs of this shouldn't be underestimated.

The Localism Bill gives local communities other powers that may be relevant to the Neighbourhood Plan:

- the Community Right to Challenge aims to make it easier for community groups to run local services;
- the Community Right to Bid aims to make it easier for local people to buy and maintain local facilities;
- the Community Right to Build allows local groups to bring forward small developments even where the Parish Council is not in agreement, or where the development would be contrary to the Core Strategy.

For more information on these and other measures in the Localism Act, please see <http://www.communities.gov.uk/publications/localgovernment/localismplainenglishupdate>

Although a Neighbourhood Plan can focus on one aspect of the village or even on one site, only one Plan is allowed for each neighbourhood, so it would make sense to ensure that is as comprehensive as possible. A Neighbourhood Plan would normally be expected to cover the same timescale as the Core Strategy – in Sedgemoor’s case up to 2027.

Although there is no one correct way to develop a Neighbourhood Plan, the suggested process plan on the following page gives some indication of the work involved.

SEA, Sustainability Appraisal and Habitats Regulations Assessment

The term Strategic Environmental Assessment (SEA) is used to describe the assessment of environmental effects of certain plans and programmes. This is a European requirement. Sustainability Appraisal (SA) is the term used for an assessment that considers environmental, economic and social effects, and in England it often incorporates the requirements of SEA. The government considers that SA is not legally required for Neighbourhood Plans, but may help create a better plan. SEA may be required, depending on the plan. If so, it is possible to undertake the process for free yourself, or you may wish to employ a consultant to carry out the work.

You may also need to consider undertaking a Habitats Regulations Assessment (HRA) – this looks at the potential for significant impacts on nature conservation sites that are of European importance, also referred to as Natura 2000 sites, and may also include other sites including Ramsar sites, wetlands of international significance.

Please speak to a planning policy officer for advice on SA, SEA and HRA.

What if we're not a Key Rural Settlement or an Other Sustainable Settlement?

Outside KRS and OSS, Core Strategy Policy P6 (Countryside) applies. This policy only allows for development that relates to specific countryside needs, for example dwellings for agricultural workers. A Neighbourhood Plan for such a parish would not be able to allocate housing sites, as this would not be in conformity with the Core Strategy. On the other hand, it would have little need to protect against development, since it would be very tightly controlled here anyway. It's difficult to see a clear role for a Neighbourhood Plan in these circumstances and such parishes may find that Parish Plans will better suit their needs.



What would need doing? A rough sketch of the possible process

STEP ONE

Set up a **Steering Group**: This should include representatives of the Town/Parish Council. It may also include a representative from the District Council and other relevant local organisations, community groups and interested developers.

STEP TWO

Parish Council/Steering Group carries out an **'Issues and Options' Consultation**. Events/leaflet drops to get local opinion on the broad questions e.g.: What are the priorities for the local community? What sort of development is needed where? Are there other issues the Plan should cover (transport, design, education etc.)? Is there a need to develop a Neighbourhood Development Order or is a Neighbourhood Development Plan more appropriate? What are the gaps in knowledge/evidence? What studies need to be done to address this? Who will do them and how?

STEP THREE

Evidence gathering: begin studies to ensure that any suggested sites or policies are feasible e.g. highways studies, ecological surveys, housing surveys. Check if your plan is likely to need Sustainability Appraisal or Habitats Regulation assessment (SDC can advise).

STEP FOUR

Use the evidence and results of consultation to draw up a **Draft Plan**.

STEP FIVE

Draft Plan Consultation: Ensure that the community is fully behind the Plan before it goes any further. Postal polls, drop-in events, workshops etc can all be used. If necessary make further changes.

STEP SIX

Draw up final draft plan and **submit to SDC**. SDC organises **submission for Examination**, followed by a **referendum** if it gains approval.

STEP SEVEN

Assuming the plan gains 50% or more votes at the referendum, **adoption** by Sedgemoor District Council as a **Development Plan Document** and part of the **Development Plan** for the District.

How much will a Neighbourhood Plan cost? Who will pay for it?

How much a Neighbourhood Plan will cost very much depends on local circumstances and the size of your parish. The District Council will be obliged to pay for the examination and the referendum, but the Town or Parish Council will need to find money for administration, consultation (printing, events, advertising etc) and whatever evidence studies are needed, probably from professional consultants. The government are providing funds for Local Planning Authorities (in Sedgemoor the District Council) to help them fulfil their duties in regard to neighbourhood planning, and funding for four organisations to provide support and advice to neighbourhood planning projects (see back page). However, there is no government funding directly available to Town and Parish Councils for neighbourhood planning. Communities may wish to approach local business for sponsorship, or to start discussions with an interested developer at an early stage to see if they are willing to provide any funds. Developers or promoters of a particular site can be expected to pay for evidence studies that are necessary to ensure their site is suitable for allocation in the Neighbourhood Plan (highways assessments, ecological surveys etc) – this is what they would have to do for an outline planning application anyway. It's likely that these kinds of evidence studies would constitute the main expense of a Neighbourhood Plan. However, if Parish Councils do not have the expertise necessary to assess the information provided by a developer, they may need to employ a professional to do this to ensure the evidence is robust enough to support the Neighbourhood Plan at examination.

Advantages and disadvantages of a Neighbourhood Plan

Advantages

- A Neighbourhood Plan could provide an overall strategic framework looking at a village, town or parish 'in the round', giving the community a sense of direction, control and certainty over future development in the village.
- Neighbourhood Plans can build on Parish Plans and Village Design Statements where they exist, which means that some of the necessary work may already have been done.
- The requirement for a referendum means that a successful plan will have a high level of support from the local community.

Disadvantages

- The referendum process could result in divisions within the village.
- The process is resource intensive: Some support will be available in the form of guidance and advice from SDC, and there are other organisations that may be able to help (see page 11). However, the process is still likely to depend heavily on volunteers. Anyone undertaking a Neighbourhood Plan needs to be clear that enough people are available with enough time and commitment to see the process through and that money can be found for consultation and for things such as evidence studies, which may need to be undertaken by professionals.
- The current uncertainties in the new system mean that the process may not always be straightforward.

Your Options

Option	Result	Benefits and Risks
Do nothing	Planning applications will continue to be judged against the Core Strategy.	<p>The Core Strategy contains strong enough policy to control inappropriate development. The local community will have some control, especially over 'Local Priority Housing Sites' in Key Rural Settlements (Policy P4), but will not have a strong voice over other development.</p> <p>It is far more difficult to locally influence design or the nature of development once a site-specific planning application has been received.</p> <p>Elements important to the community have to be negotiated against tight timescales</p>
Develop a Parish Plan	The community is consulted over a broad range of priorities which are then set out in one document.	<p>Builds community participation, and harnesses volunteers for community-led initiatives.</p> <p>Can provide a starting point for negotiations with developers over the provision of local priority infrastructure and evidence for requesting improvements to services from service providers.</p> <p>Does not have statutory status. Does not give any control over development.</p>
Develop a Village Design Statement	The community is consulted over how their town or village should look. Clear guidelines are set out which can influence the design of new buildings.	<p>VDSs are a 'material consideration' in deciding planning applications, so they can have a real effect on design.</p> <p>Does not give any control over if or where development happens.</p>
Use Core Strategy	Policies P4 and P5 can be used proactively to provide affordable housing and fund key infrastructure in Key Rural Settlements and Other Sustainable Settlements	<p>A simple route to ensure that new development is in line with community priorities and helps achieve community aspirations, particularly where a Parish Plan is already in place. Requires few resources on the part of the Parish Council.</p> <p>Will not provide an overall plan for the Parish. Will not provide control over small 'infill' development.</p>
Neighbourhood Plan	A comprehensive plan for the parish for the next 20 years, setting out exactly how and where new development should happen.	<p>Gives communities detailed control over development.</p> <p>Must be in conformity with the strategic policies in the Core Strategy.</p> <p>Very resource intensive and potentially expensive to produce.</p> <p>Of limited use to parishes that do not include a KRS or an OSS.</p>

Support and advice

Sedgemoor District Council is able to give general support and advice to those communities considering preparing a Neighbourhood Plan. Contact Mandy Goddard 01278 436436 or amanda.goddard@sedgemoor.gov.uk, who can put you in touch with the relevant person.

A webpage for Neighbourhood Planning has been set up at <http://www.sedgemoor.gov.uk/neighbourhoodplanning>.

Four organisations have received government grants to provide support for Neighbourhood Planning. They are:

The Prince's Foundation for the Built Environment

Contact name: Sebastian Knox

Tel: 020 7613 8587

Email: sebastian.knox@princes-foundation.org

Website: <http://www.princes-foundation.org/our-work/supporting-communities-and-neighbourhoods-planning>

Locality

The Building Community Consortium

Contact name: David Chapman

Tel: 0845 458 8336

Email: neighbourhoodplanning@locality.org.uk

Website: www.buildingcommunity.org.uk

CPRE in partnership with NALC

Contact name: Nigel Pedlingham

Tel: 020 7981 2832

Email: Nigelp@cpre.org.uk

Website: www.planninghelp.org.uk; www.cpre.org.uk; www.nalc.gov.uk

RTPI

Planning Aid

Contact name: Joanna Widdecombe

Tel: 07813029113

Email: e:joanna.widdecombe@planningaid.rtpi.org.uk

Website: www.rtpi.org.uk/planningaid

The Somerset, Devon and Dorset Community Land Trust Project is also able to help with Neighbourhood Planning, particularly where a community is interested in forming a Community Land Trust.

Contact name: Steve Watson

Tel: 01761 241291

Email: steve.watson.cltpproject@gmail.com

Website: www.wessexca.co.uk/sdcltp_index.html

The Community Council for Somerset can help with developing Parish Plans and with consultation for Neighbourhood Plans.

Website: www.somersetccc.org.uk

The Somerset Market Towns Forum may also be able to help with Neighbourhood Planning, particularly for towns

Contact: Matt Day

Tel: 01458 259077

Email: matt@somersettownsforum.org.uk

Website: www.somersettownsforum.org.uk