

Report for: INFORMATION
Item Number: 5



Contains Confidential or Exempt Information	NO – Part I
Title	Review of progress of the various groups preparing neighbourhood plans on behalf of their local communities
Responsible officer(s)	Chris Hilton, Director of Development and Regeneration
Contact officer, job title and phone number	Laura Rheiter, Senior Planning Officer, 01628 685750
Member reporting	Cllr Mrs Christine Bateson, Lead Member for Community Partnerships (and Neighbourhood Planning)
For consideration by	Planning and Housing Overview and Scrutiny Panel / Cabinet
Date to be considered	Scrutiny Panel 18 February 2015 Cabinet 26 February 2015
Implementation date if not called In	Immediately
Affected wards	All, except Cookham Parish
Keywords/Index	Neighbourhood planning; Borough Local Plan

<p>Report Summary</p> <ol style="list-style-type: none"> 1. This report provides an update on the progress of the various groups preparing neighbourhood plans on behalf of their local communities. 2. It recommends that the Cabinet notes the progress to date and reiterates support for the future.

If recommendations are adopted, how will residents benefit?	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
1. Neighbourhood plans, produced by local communities, will be key to local decision-making in response to planning applications. Local communities will be fully involved in plan preparation as a consequence of consultation and the process of public examination, referendum and adoption.	Following the plans being made part of the development plan in the area that they live or work.

1. Details of Recommendations

RECOMMENDATION: That Cabinet:

Notes the positive progress made to date on neighbourhood planning within the borough and reiterate support for the future

2. Reason for Recommendation(s) and Options Considered

Background to Neighbourhood Plans

- 2.1 Neighbourhood plans are community-led frameworks which enable local people to draft policies for future development, specific to the area that they live and work in. Together with the strategic policies of the emerging Borough Local Plan, these policies will be used to determine future planning applications in the Royal Borough. A neighbourhood plan is subject to formal procedure including examination and referendum. Typically a neighbourhood plan takes approximately 18 – 24 months to prepare.
- 2.2 The neighbourhood plan must be in general conformity with the strategic policies as set out by the Borough Local Plan, and officers in the Royal Borough are supporting emerging neighbourhood plans to ensure this.

The Neighbourhood Planning Process

- 2.3 Through the Localism Act (2011) and the National Planning Policy Framework local communities were given direct power to develop a shared vision for their neighbourhood, to deliver the sustainable development they need. The neighbourhood planning process is guided by the provisions of the Localism Act 2011, the Neighbourhood Planning (General) Regulations 2012, the Neighbourhood Planning (Referendums) (Amendment) Regulations 2013 and the Neighbourhood Planning (General) (Amendment) Regulations 2015 (expected to come into force on 9 February 2015).
- 2.4 Neighbourhood plans are prepared by a parish or town council, or a local group designated as a neighbourhood forum. Local authorities have a statutory duty to provide support and advice during the preparation of neighbourhood plans. This may include giving technical and professional planning advice, making information available from evidence collected at a borough level, processing neighbourhood area applications, keeping an up to date neighbourhood planning webpage, attending meetings and advising on community engagement.
- 2.5 Within the legislation, there is detail about the statutory processes required to be undertaken during the production of a neighbourhood plan. An overview is as follows:
 - Once a draft neighbourhood plan has been received, the borough council must check that the neighbourhood plan meets “basic conditions”. These conditions include the requirement for the neighbourhood plan to be in general conformity with the strategic policies of the local plan, to have appropriate regard to national policy, to contribute towards sustainable

development, be compatible with human rights requirements and compatible with EU obligations.

- Two rounds of consultation must be carried out on the draft neighbourhood plan prior to its submission to examination. A pre-submission consultation is carried out by the group preparing the neighbourhood plan, and a further consultation publicising the plan is carried out by the borough council.
- An examiner is then selected, and the neighbourhood plan and associated documents are submitted by the borough council to examination.
- Following a successful examination, the referendum is organised and held by the borough council.
- Finally, should the neighbourhood plan pass the referendum by receiving more than a 50% “yes” vote, the plan is brought into effect by the borough council.

Neighbourhood Planning in the Royal Borough

- 2.6 The Royal Borough is a vanguard authority for Big Society and localism and supports neighbourhood planning across the borough. There are currently 11 designated neighbourhood plan areas in the borough. In April 2014, the Ascot, Sunninghill and Sunningdale Neighbourhood Plan was the first neighbourhood plan within the borough to be made part of the development plan for the area.
- 2.7 Five of the 10 neighbourhood plans currently being prepared are government frontrunners. Ascot also was a frontrunner neighbourhood plan. A total of eight neighbourhood areas including Maidenhead and Cox Green; Bray; Ascot, Sunninghill and Sunningdale; Bisham; Datchet; Horton and Wraybury, Old Windsor and Hurley and the Walthams were designated in March 2013. The Eton and Eton Wick neighbourhood area in October 2013 and Central Windsor and Windsor and their accompanying neighbourhood forums were both designated in August 2014. The Central Windsor forum is a business forum, giving both residents and businesses a vote in the referendum.
- 2.8 An overview of the progress of the various groups preparing neighbourhood plans on behalf of their local communities is indicated below. Appendix A also shows the progress in a table.
- Ascot Sunninghill & Sunningdale
Neighbourhood Plan made at the meeting of Council on 29 April 2014. At the public referendum held on 27 March 2014, the Ascot, Sunninghill and Sunningdale Neighbourhood Plan received overwhelming support with a 91% Yes vote, the highest Yes vote received until then for any Neighbourhood Plan.
 - Bisham
The steering group is drafting a vision, considering options and potential policies, preparing for a consultation in early 2015.
 - Bray
Draft neighbourhood plan complete and the group is planning to go out on consultation in the Summer.

- Central Windsor Business Forum
The forum has held a vision consultation, currently analysing results and is going to draft aims, objectives and policies in early 2015. The forum is working together with the Windsor Forum.
- Datchet
The group is currently analysing questionnaires. The parish is still looking for local volunteers who would like to be involved in the preparation of the neighbourhood plan.
- Eton and Eton Wick
The group is preparing a householder questionnaire for Spring 2015 and is working with Planning Aid towards a vision and objectives.
- Horton & Wraysbury
The group has held a public consultation in Autumn 2014 and is working, together with Planning Aid, on a vision and objectives.
- Hurley & the Walthams
The group is working with a planning consultant to put together a first draft of a neighbourhood plan for the area, informed by the results from its last survey of residents.
- Maidenhead & Cox Green
The group is working with a consultant to refocus the group, looking at a vision and topics.
- Old Windsor
The group is working with a consultant on a vision and objectives. Work is informed by the responses to a consultation weekend held in Spring 2014.
- Windsor Forum
The forum is working with Planning Aid and has consulted on a vision, priorities and objectives and is now drafting policies. The forum is working together with the Central Windsor Forum for Business.

Option	Comments
To continue with support for neighbourhood plans groups. Recommended.	This will enable local people and businesses to continue with preparation of neighbourhood plans in their area.
No further support for neighbourhood plan groups.	Local communities will not be able to prepare local neighbourhood plans and will not be able to engage in local decision making in response to planning applications.

3. Key Implications

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
Submission of draft neighbourhood plans	0-3	4	5	6+	October 2015

Neighbourhood plans submitted for examination	0-3	4	5	6+	January 2016
Referendum held for neighbourhood plans	0-3	4	5	6+	April 2016

4. Financial Details/Financial impact on the budget

There are no significant financial implications anticipated as a result of noting this report. There will be cost implications for the council when plans are going to referendum and examination.

The council qualifies for government grants at three stages of the neighbourhood plan. The first stage is designation of the area and forum for which £5000 is available. At publication of the plan the council can apply for a further grant of £5000 and another £20,000 is available should the neighbourhood plan pass the examination. In the case of a business neighbourhood plan there is an extra £10,000 available after examination.

This funding is on top of the total £120,000 previously received from the government by six neighbourhood plan groups. These six neighbourhood plan groups were part of the first 17 areas in the country that received £20,000 each towards developing their plan from a £1m fund set up to help communities eager to trial neighbourhood planning. These funds have been used to help meet costs related to printing, publicity, distribution and holding events. The council has contributed considerable officer time to date in advising and supporting neighbourhood planning groups, including arranging and attending meetings, providing technical input and assisting with consultation. A neighbourhood planning event for all groups is organised twice a year.

In November 2014 the council decided to ensure that all groups should have access to that same original amount of funding of £20,000. Letters were sent out explaining that the council will make up the difference to that figure, from the amount of frontrunner grant that has been available to some of the groups. The additional funding comes from the neighbourhood planning grants the council receives from the government. This grant, which is not ring fenced, is to help the council meet the cost of arranging the examination and referendum on the neighbourhood plan. The council invited groups to set up a bank account to ensure all groups have direct control over and responsibility for their financial affairs. This is also in the interests of transparency. This recognises that those engaged in producing a key policy document for their local community can and should also be entrusted to manage their own financial affairs in respect of it. For groups that do not want to open a bank account the council can hold the money for them. To date three groups have set up a bank account and another two are looking to open a bank account.

	Year1 (2014-2015)	Year2 (2015-2016)	Year3 (2016-2017)
	Capital £000	Capital £000	Capital £000
Addition	£20,000	not known	not known
Reduction	-	-	-

5. Legal Implications

Neighbourhood Development Plans and Neighbourhood Development Orders are prepared in accordance with the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011), the Neighbourhood Planning (General) Regulations 2012, the Neighbourhood Planning (Referendums) (Amendment) Regulations 2013 and the Neighbourhood Planning (General) (Amendment) Regulations 2015 (expected to come into force on 9 February 2015).

Amendments to the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 introduced by the Localism Act, allow for a third party to make a claim for a judicial review in certain circumstances. This claim can be made to a neighbourhood development plan or neighbourhood development order, or to the consideration of recommendations made by an examiner. There is also the entitlement for a claim to be made to anything relating to the referendum.

To determine whether an environmental assessment of the effects of a neighbourhood plan is necessary, a screening will be carried out at the early stages of its preparation by the Council. This will be in accordance with the Conservation of Habitats and Species Regulations 2010 and the Environmental Assessment of Plans and Programmes Regulations 2004. There are no legal implications as a result of noting this report.

6. Value for money

Neighbourhood plans can help to expedite development which would provide additional funds from developer contributions (to support the provision of infrastructure) and deliver income to the council from New Homes Bonus from the government.

It would strengthen the council’s position on planning appeals as it would provide up to date policy in the area.

7. Sustainability Impact Appraisal

Each neighbourhood plan will be screened assessing whether they need a Strategic Environmental Assessment (SEA). Regulations are expected to come into force on 9 February 2015 regarding requirements for SEA screening. When plans are submitted they must either be accompanied by an environmental assessment (SEA) or a statement as to why an assessment is not required.

8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
Reduction in support and encouragement for communities to prepare neighbourhood plans.	Medium	Effectively monitor progress through support of Lead Member.	Low

9. Links to Strategic Objectives

If neighbourhood plans are prepared and made, there will be a positive impact on the following objectives.

Residents First

- Encourage healthy people and lifestyles
- Improve the environment, economy and transport
- Work for safer and stronger communities

Value for Money

- Invest in the future

Delivering Together

- Strengthen Partnerships
- Deliver Effective Services

10. Equalities, Human Rights and Community Cohesion

Neighbourhood plans have to meet the Basic Conditions required by legislation. One of these conditions is that it must be compatible with human rights requirements. The Basic Condition statement needs to be submitted by the neighbourhood group and checked by officers. An Examiner will consider whether the neighbourhood plan meets the Basic Conditions.

11. Staffing/Workforce and Accommodation implications:

None.

12. Property and Assets

None.

13. Any other implications:

There are no other implications to note.

14. Consultation

The report will be taken to Housing and Planning Overview Scrutiny Committee on 18 February 2015.

15. Timetable for implementation

Four to seven neighbourhood plans are expected to be submitted in 2015 and three in 2016. Depending on resources, three neighbourhood plans are expected to go to referendum in early 2016. The remaining neighbourhood plans are expected to go to referendum later in 2016.

16. Appendices

Appendix A.

17. Background Information

- National Planning Policy Framework (2011)
- Planning Practice Guidance, DCLG
- Localism Act (2011)
- Cabinet reports on Neighbourhood Planning (March 2013, July 2013, April 2014 and August 2014)

18. Consultation

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				

Cllr Burbage	Leader of the Council	30/1/15	3/2/15	4.
Cllr Bateson	Lead Member for Community Partnerships (and Neighbourhood Planning)	23/1/15	29/1/15	Throughout
Andrew Brooker	Interim Strategic Director of Corporate Services	21/1/15	–	No comments
Chris Hilton	Regeneration and Development Director	21/1/15	29/1/15	No comments
Maria Lucas	Head of Legal Services	21/1/15	22/1/15	No comments
Chris Targowski	Cabinet Policy Manager	21/1/15	23/1/15	3.
Mark Lampard	Finance Partner	21/1/15	22/1/15	No comments
Shared Legal Services	SLS	22/1/15	26/1/15	No comments
Sarah Ball	Planning Policy Team Manager	13/1/15	19/1/15	Throughout

Report History

Decision type:	Urgency item?
For information	No

Full name of report author	Job title	Full contact no:
Laura Rheiter	Senior Planning Officer	01628 685750

Name of neighbourhood planning group	Neighbourhood area designated on	Staged reached in preparation of plan
Ascot Sunninghill & Sunningdale www.ascotandthesunnings.com/	21/03/2013	Neighbourhood Plan made at the meeting of Council on 29 April 2014. Referendum held on 27 March 2014.
Bisham www.bishamparishcouncil.org.uk/	21/03/2013	The Steering Group is drafting a vision, considering options and potential policies, preparing for a consultation in early 2015.
Bray www.brayplan.com/	21/03/2013	Draft neighbourhood plan complete and the group is planning to go out on consultation in the Summer.
Central Windsor Business Forum www.windsor2030.org	21/08/2014	The forum has held a vision consultation, currently analysing results and is going to draft aims, objectives and policies in early 2015. The forum is working together with the Windsor Forum.
Datchet www.datchetparishcouncil.gov.uk	21/03/2013	The group is currently analysing questionnaires. The parish is still looking for local volunteers who would like to be involved in the preparation of the neighbourhood plan.
Eton and Eton Wick www.etoncouncil.org.uk	14/10/2013	The group is preparing a householder questionnaire for Spring 2015 and is working with Planning Aid towards a vision and objectives.
Horton & Wraysbury www.hwnp.co.uk	21/03/2013	The group has held a public consultation in Autumn 2014 and is working, together with Planning Aid, on a vision and objectives.
Hurley & the Walthams hurleyandthewalthams.org/	21/03/2013	The group is working with a planning consultant to put together a first draft of a neighbourhood plan for the area, informed by the results from its last survey of residents.
Maidenhead & Cox Green www.maidenheadplan.com/	21/03/2013	The group is working with a consultant to refocus the group, looking at a vision and topics.
Old Windsor www.owpc.co.uk/npp/	21/03/2013	The group is working with a consultant on a vision and objectives. Work is informed by the responses to a consultation weekend in Spring 2014.
Windsor Forum www.windsorplan.org.uk/	21/08/2014	The forum is working with Planning Aid and has consulted on a vision, priorities and objectives and is now drafting policies. The forum is working together with the Central Windsor Forum for Business.