

# Appendix 2: Neighbourhood Planning Protocol Updated June 2020

## South Lakeland District Council Neighbourhood Planning Protocol: A Statement of District Council support to town and parish councils (outside the National Parks)

### Purpose of this Protocol

Neighbourhood development plans are normally led by the Parish and Town Councils, or, outside of parished areas, neighbourhood forums (qualifying bodies). The whole of South Lakeland District is parished, so in most areas, neighbourhood plans will be led by the relevant town or parish council(s). There are however different arrangements for parish meetings<sup>1</sup>. Neighbourhood plans need not be funded by the town or parish council - they can be funded in other ways, for example by a developer wishing to promote land through a neighbourhood plan.

Under the Localism Act, South Lakeland District Council (SLDC), as the local planning authority for the District outside the National Parks, has a statutory duty to provide advice and assistance to communities choosing to undertake a neighbourhood development plan.

Additionally the provisions of the Neighbourhood Planning Act 2017 and 2018 Regulations<sup>2</sup> require SLDC, as local planning authority, to set out in its Statement of Community Involvement, the advice and assistance that it will provide to Parish and Town councils in preparing or modifying neighbourhood plans and neighbourhood development orders. The Council is also required to set out its policy for involving interested parties in the preliminary stages of plan making. The 2018 Regulations also require the Council to notify neighbourhood plan groups (Parish and Town councils) of planning applications or

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<sup>1</sup> Some parishes in South Lakeland are not covered by parish councils, but are led by parish meetings. Parish meetings do not have the same status as parish councils and if they wish to undertake neighbourhood planning, would need to make arrangements to create a neighbourhood forum unless they are working jointly on a neighbourhood plan with a neighbouring parish led by a parish council.

<sup>2</sup> Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018 (SI 2018 No 38 (C.7)).

alterations to applications<sup>3</sup>, unless the neighbourhood plan group indicate otherwise in writing.

This Protocol outlines the services that SLDC will offer to town and parish councils (or neighbourhood forums in areas covered only by parish meetings where relevant) in South Lakeland outside (or partly within) the National Parks, in order to fulfil these statutory duties and support and guide the preparation of neighbourhood development plans, neighbourhood development orders and proposals to modify neighbourhood development plans. It also sets out what SLDC expect from town or parish councils (or parish meetings/neighbourhood forums where relevant) in the process.

Of particular importance is the need for any community that is considering taking steps toward preparing a neighbourhood development plan or order, or are proposing to modify a neighbourhood development plan, to get in touch with the Council's Strategy Team as early as possible, so that we can assist in deciding whether a neighbourhood development plan or order is the right way forward for that community or whether other options might be more appropriate. We can also advise about the neighbourhood plan modification process.

This protocol should be read in conjunction with the current Parish Charter for South Lakeland. This can be found on the Council's website.

## General Support

SLDC will:

- 1.1 Maintain a neighbourhood planning page on its website that identifies and provides links to key information and guidance about neighbourhood plan making, including Neighbourhood Development Orders and other provisions of the Localism Act.
- 1.2 Provide advice and information to help communities understand the neighbourhood planning process and the funding, resources and skills that are available to support the process.
- 1.3 Offer advice on alternative options available to communities, such as Community Plans, to help local people decide which approach(es) is/are right for their area. We recommend that communities interested in undertaking neighbourhood planning get in touch with SLDC's Strategy Team at the earliest opportunity and prior to any neighbourhood area designation application being made, to discuss the issues and approach being considered. It is also recommended that communities who are interested in making a neighbourhood development order or that propose to modify a

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<sup>3</sup> For the full provision see Regulation 3(a) – (brings into force Section 2 of the '2017 Act'), contained in the Neighbourhood Planning Act 2017 (Commencement No.3) Regulations 2018. (SI 2018 No 38 (C.7).

neighbourhood development plan, contact SLDC's Strategy Team at the earliest opportunity for advice and to discuss any issues.

- 1.4 Provide advice relating to effective consultation, including ensuring that interested parties are involved in the preliminary stages of neighbourhood plan making. The Council will also provide advice and guidance on questionnaire design and how to maximise responses from all groups in the community, including access to our online survey site. We will, where resources permit, attend consultation events, if requested.
- 1.5 Provide a GIS mapping service and the provision of electronic versions and up to five printed copies of key maps for use at consultation events and workshops and for inclusion within draft and final plan documents. Parish councils will need to be aware of the Ordnance Survey user agreement prior to this work.
- 1.6 Provide the most up-to-date available evidence base, including the Strategic Housing Market Assessment (SHMA) and other evidence information supporting the South Lakeland Local Plan, by making them available on the Council's website.
- 1.7 Provide contact details of statutory consultees and other relevant groups.
- 1.8 Seek to foster a positive and ongoing relationship with town and parish councils throughout the neighbourhood planning process.

## Supporting the Designation of Neighbourhood Areas/Business Areas

SLDC will:

- 2.1 Meet local communities who contact us expressing an interest in neighbourhood planning, in order to provide initial advice and information and discuss options. Wherever possible, this should take place in advance of a Neighbourhood Area application being submitted.
- 2.2 Check and confirm receipt of any neighbourhood area application it receives and advise the applying qualifying body of any requirements omitted.
- 2.3 Map neighbourhood area boundaries required for the designation of the neighbourhood area or business area.
- 2.4 Publicise, in accordance with the Neighbourhood Planning (General) Regulations 2012, the application for a neighbourhood area or business area in a manner considered likely to bring the application to the attention of people who live, work or carry on business in the area to which the application relates. This includes through;

SLDC's website, local and social media, local libraries/inspection points and by writing to relevant organisations, businesses and individuals as appropriate.

- 2.5 Carry out statutory consultation on the proposed neighbourhood area in accordance with the Regulations.
- 2.6 Consider, in accordance with the Regulations, the boundary of the proposed neighbourhood area. In cases where a whole Parish area is not being proposed, and where the boundary is not considered 'coherent, consistent and appropriate in planning terms'<sup>4</sup>, as set out in the Regulations, SLDC will work with the town/parish council to come to a suitable resolution and a decision will be made at a scheduled meeting of the Council's Cabinet.
- 2.7 Determine the application within specified timescales in accordance with the Regulations.
- 2.8 Publish details of all adopted neighbourhood plan areas or business areas on SLDC's website and through other appropriate means as soon as practicable following formal designation.

## Supporting the Preparation of Neighbourhood Development Plans

SLDC will:

- 3.1 Provide advice on which issues are considered to be relevant planning matters and thus, are suitable for inclusion in neighbourhood plans.
- 3.2 Provide information on relevant European and national legislation and policies, and adopted and emerging Local Plan policies with which any neighbourhood plan will need to be in general conformity.
- 3.3 Share existing information and evidence base work held by the local planning authority as appropriate (subject to any data protection or confidentiality issues) and provide advice on any areas where new evidence may be required or beneficial to support the preparation of the Plan.

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<sup>4</sup> This might be where areas of the parish have a more of a connection such as, but not exclusively, catchment area of services and facilities, location of main settlements or areas of population, physical connections, transport links with a neighbouring parish or where parts of the parish fall within a neighbouring urban area whilst others are rural, but there are many possible permutations and any such issues can be discussed at an early stage.

- 3.4 Help communities communicate with local partners and/or organisations where required, including in the preliminary stages of neighbourhood plan making
- 3.5 Provide constructive comments on the emerging plan and other supporting documents prior to formal submission.
- 3.6 Carry out screening / scoping to identify and provide an opinion and advice on the need for a Strategic Environmental Assessment, Sustainability Appraisal or Habitats Regulations Assessment, except where consultants have been employed to prepare the neighbourhood plan.

SLDC will not:

- 3.7 Undertake consultation exercises, distribute consultation questionnaires, collect, collate or analyse responses on behalf of communities for consultation arising from requirements placed on qualifying bodies in the Regulations.
- 3.8 Provide project management services for the production of the neighbourhood plan.
- 3.9 Draft the neighbourhood plan or any part or policy therein, although we can identify examples in which similar plans or policies have been prepared and which may be helpful points of reference and can provide advice on wording.
- 3.10 Undertake the Strategic Environmental Assessment, Sustainability Appraisal, Habitats Regulations Assessment or Appropriate Assessment, even if these are required. Consultants will be expected to undertake these.

## Independent Examination

SLDC will:

- 4.1 Validate a neighbourhood plan on receipt, checking that all of the necessary supporting documents have been submitted.
- 4.2 Review the plan to ensure that it is in general conformity with the Local Plan and offer comments and suggestions as appropriate.
- 4.3 Publicise the neighbourhood plan on the Council's website for a minimum of six weeks in line with the regulations.
- 4.4 Appoint and fund the independent examiner, who will check that the plan meets the material considerations. The selection of examiner will be agreed with the relevant town or parish council.
- 4.5 Provide an examination venue, if a venue is required and if no suitable parish venue can be provided.

- 4.6 Following the recommendations of the examiner, provide written confirmation of the Council's position. This will cover any amendments that may need to be made to the plan before it proceeds to referendum and any extension of the referendum area beyond the designated neighbourhood area boundaries.

## Referendum

SLDC will:

- 5.1 Fund and organise the public referendum (two referendums will be required for business areas – one for residents and one for businesses).

## Adoption

SLDC will:

- 6.1 If the neighbourhood plan receives support at referendum from more than 50% of those that vote, then SLDC will formally adopt the neighbourhood plan and publish it on its website in accordance with the Regulations.
- 6.2 Once adopted the Plan will form part of SLDC's Development Plan. It will be a primary consideration in determining the outcome of planning applications relating to the neighbourhood or business area.

## Obligations for Town and Parish Councils

In order to receive the support from SLDC outlined above, Town and Parish Councils should:

- 7.1 Ensure that they get in touch with SLDC's Strategy Team at the earliest opportunity (for instance, as soon as any decision is made that neighbourhood planning might be considered for the area) and prior to any neighbourhood area application being made, to discuss the issues and approach being considered. This will enable SLDC to programme and plan their support work and help the qualifying body come to a decision on whether neighbourhood planning is for them or whether another option might be more effective and appropriate.
- 7.2 Establish a steering group to develop the neighbourhood plan with a clear link to the parish council by way of an agreed Terms of Reference.
- 7.3 Arrange an initial meeting of the parish council and/or steering group and invite relevant SLDC officers to attend.
- 7.4 Prepare a project plan for the preparation of the neighbourhood plan, including an indicative timetable.

- 7.5 Provide SLDC with regular progress updates, especially at any key stages and when any decisions are made that will influence the content, aims and objectives of the plan.
- 7.6 Seek to foster a positive and ongoing relationship with SLDC throughout the neighbourhood planning process, including discussions at key stages such as preparation of the draft plan.
- 7.7 Provide SLDC with the final plan in electronic and paper format.
- 7.8 Provide SLDC with the results of any primary research and evidence gathered that would be beneficial to them.
- 7.9 Seek to accord fully at all times with the requirements in the relevant regulations and guidance for neighbourhood planning.

## Plans in the National Parks

SLDC will:

- 8.1 If the proposed neighbourhood planning area is intended to cover an area that is wholly in a National Park, the application for designation of the neighbourhood area should be made to the relevant National Park authority. Similarly, support for the work will be provided by the relevant National Park authority and completed plans will be adopted by the relevant National Park authority and not SLDC. However, SLDC hold responsibility for funding and running the referendum on plans for areas within the Parks (i.e. 5.1 will still apply).
- 8.2 If the proposed neighbourhood planning area is intended to cover an area that falls partially within and partially outside a National Park boundary, SLDC and the relevant National Park authority will agree how the process will be supported. A joint approach may be agreed. Unless there are other overriding considerations, the location of the largest settlement will determine which authority will provide the primary support to the community in the neighbourhood planning process. Both authorities will publicise the proposed neighbourhood area and the draft plan. It will however remain SLDC's responsibility to fund and run the referendum (i.e. 5.1 will still apply). Following a positive referendum result they will, each adopt the plan in as far as it relates to their own part of the area.

## General

The content of this statement is subject to change as a result of experience, new information, changes in process requirements and the availability of resources.

## Contact

For further information please contact:

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