

Planning for your community's future in Cumbria



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Planning for your community's future in Cumbria

Introduction

The impetus for this guide came from the Lake District National Park Partnership and the Partnership's Plan, which contained an action to provide further information on neighbourhood planning for local councils in the National Park. But as work on putting the guide together gained momentum we each recognised that it made more sense to produce a document for all town and parish councils in Cumbria. All principal local authorities in Cumbria, the Lake District National Park Authority, ACTION for Communities in Cumbria (ACT) and Cumbria Association of Local Councils (CALC) have worked together to produce this guide.

All parishes will by now be familiar with the concept of neighbourhood planning and the potential benefits that it can bring to a community. So why do we need another guide on neighbourhood planning? The answer is that while a few communities are well advanced in preparing plans – in particular the pilots referred to later – we know that a large number of parishes are just beginning. They are deciding whether it is right for them and, if it is, what footprint should the plan cover – a single parish or a group of parishes.

The four pilots in Cumbria have led the way and a lot of lessons have been learned from their experience about the process, what works well and what could be done better.

Like many of the provisions in the Localism Act 2011 neighbourhood planning is a power, not a duty, and the onus is very much on local town and parish councils to make things happen in the community. So, the purpose of this brief guide is to set out an approach to neighbourhood planning in Cumbria, to describe the steps parishes will need to follow to develop a Neighbourhood Plan, and to signpost the help and support available if you want to find out more or get started.

The onus is very much on local town and parish councils to make things happen in the community

Preparing any plan involves a lot of hard work, dedication and commitment, and the process is not to be entered into lightly. The time from start to finish can be measured in many months rather than just a few weeks, and at certain points specialist advice of one kind or another is likely to be required. In that context now is a good time to think about getting started because, at the time of writing (February 2013), the Government has set up a fund to which your planning authority can apply for funding to support a parish or a group of parishes that want to start the journey. It's not clear yet whether the funding will be available in years to come.

We hope you find the guide useful in thinking about whether neighbourhood planning would be right for your parish. As ever, there's a wealth of



free information available on the web. We've given some suggestions for further reading at the end of this guide together with links to just a few of the many websites providing information and advice. If you have any suggestions for what would be of particular further help please let us know.

If you decide to get started good luck, and do get in touch if you think we can help.

David Claxton – Cumbria Association of Local Councils

Julia Wilson – ACTion with Communities in Cumbria

February 2013

Community playground in Great Asby

*Heversham and Hincaster residents
at a Neighbourhood Planning
Consultation event*



Background

Neighbourhood Planning is one of the provisions in the Localism Act 2011. Communities, led by town and parish councils in parished areas, can prepare Neighbourhood Plans if they wish but there is no legal requirement to do so.

Until the Localism Act provided this new power the focus for planning at parish level has been through Community Led Plans (also known as Parish Plans, Village Plans or Community Plans). Neighbourhood planning provides an additional way for communities to plan which focuses on land use or spatial planning.

Whichever type of plan is produced, it will need to be based on community engagement, finding out the views of local residents and translating them into a plan for action. Community Led Plans and Neighbourhood Plans can be distinguished as follows.

Community Led Plans

A Community Led Plan (CLP) is a plan for the community, by the community. It sets out a vision for the future of a locality, based on widespread local consultation, and contains an action plan which sets out how that vision can be achieved. CLPs can cover anything from more notice boards around the village, through to the creation of affordable housing. The plan is usually initiated by a parish or town council and can cover one or more parishes.

Neighbourhood Plans

A Neighbourhood Plan (also known as a Neighbourhood Development Plan) is a community led, spatial plan given statutory backing by the Localism Act 2011. It's a statutory document, limited to issues controlled by the local planning authority. A Neighbourhood Plan can:

- decide where and what type of development should happen in an area
- promote more development than is set out in the Local Plan/Development Framework
- include policies, including design standards, which take precedence over existing local planning policies
- can be prepared by a parish or town council or, in unparished areas, a 'neighbourhood forum' set up for the purpose

Whether your community feels that it needs to produce a Neighbourhood Plan will depend to a large extent on whether the Local Plan/Development Framework (LDF) produced by your district planning authority – your borough or district council or the National Park Authority for parishes within the National Park – reflects local needs and aspirations. The NALC\CPRE booklet *How to shape where you live: a guide to neighbourhood planning*, as well as providing a good general overview, contains a lot of useful tips on things you should be thinking about in the initial exploratory stages. The booklet is available from the CALC website (www.calc.org.uk).

If the local planning authority says that an area needs to grow, then communities cannot use neighbourhood planning to block the building of new homes and businesses. They can, however, use neighbourhood planning to influence the type, design, location and mix of new development.

Once a Neighbourhood Plan is in force, it carries real legal weight. Decision-makers will be obliged, by law, to take what it says into account when they consider proposals for development in the neighbourhood.

The flowchart on page 10 should help you to decide whether a Neighbourhood Plan will help you plan for the future of your community. Under the Localism Act, there are three approaches that communities can take:

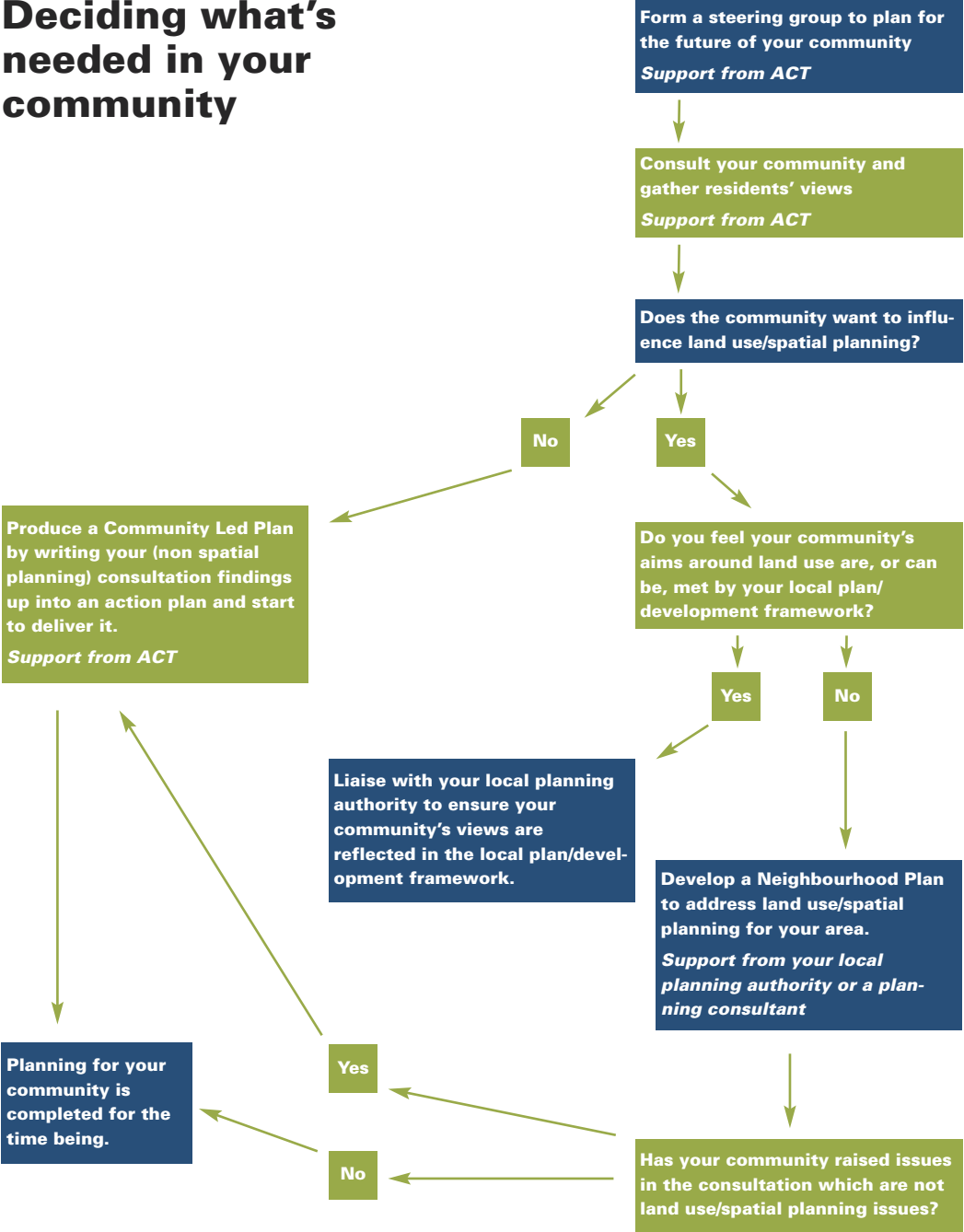
Neighbourhood Plans

Communities can establish general planning policies for the development and use of land in a neighbourhood. They can say, for example, where new homes and offices should be built within the strategic context of the Local Plan/LDF, and what they should look like. The Neighbourhood Plan will set a vision for the future. It can be detailed, or general, depending on what local people want.

Neighbourhood Development Orders

A community can grant planning permission for new buildings it wants to see go ahead. Neighbourhood Development Orders will allow new homes and offices to be built without the developers having to apply for separate planning permission. Local people can choose to draw up either a plan, or a development order, or both. They must

Deciding what's needed in your community



be in line with local and national planning policies and other laws.

A neighbourhood order will grant planning permission for development that complies with the order. Where people have made clear that they want development of a particular type, it will be easier for that development to go ahead.

Community Right to Build

The Community Right to Build is also one of the powers in the Localism Act and gives groups of local people the power to deliver the development that their local community wants, with minimal red tape. If communities wish to build new homes or new community amenities, providing they can demonstrate overwhelming local support, the Community Right to Build will give them the powers to deliver this directly. The process will work in the following way:

Members of a community will come together and decide that they would like to take forward development – be it homes, shops, businesses or facilities. They will set themselves up as an incorporated organisation and once a project proposal has been finalised, community buy-in has been secured and assuming that there are no legal bars to the project, the community organisation will then hold a referendum. It's anticipated that the district council will be able to do this on the community organisation's behalf.

Following a successful referendum the community organisation will submit their proposal to the local authority for checks for conformity with set criteria.

Planning Your Neighbourhood Step-by-Step

Step 1 Getting started

Build a team; engage your community; prepare and plan; define the neighbourhood

Advice could be available from ACTION with Communities in Cumbria (ACT) for Step 1. ACT has experience of helping communities form Community Led Planning groups and to plan projects. This stage could also contribute to a Community Led Plan.

This stage is a statutory requirement. First, local people will need to decide how they want to work together. In areas with a parish or town council, the local council will take the lead on Neighbourhood Planning. In areas without a parish or town council, a 'neighbourhood forum' will need be formed. The area included within the Neighbourhood Plan should be defined. It might cover one or more parishes or an urban neighbourhood.

Local councils and community groups will then need to apply to the local planning authority. It's the local planning authority's job to keep an overview of all the different requests to do neighbourhood planning in their area. They will check that the suggested boundaries for different neighbourhoods make sense and fit together.

Nobody should feel excluded from the Neigh-

bourhood planning process and you will need to find ways to gather the views of local people. If your wider community is on board from the start, then it will be easier to achieve the support that is needed to adopt a Neighbourhood Plan at the referendum stage. Consultation and communication with the community is vital throughout the whole process.

Identifying the issues to address in your Neighbourhood Plan

Step 2

What changes would improve your community's way of life?

Advice could be available from ACTION with Communities in Cumbria (ACT) for Step 2. ACT has experience of supporting community groups to engage with the wider community. This stage could also contribute to a Community Led Plan.

This stage will identify the issues that you want your Neighbourhood Plan to address. If you don't already have a Community Led Plan, you will need to consult as many people as you can about the area; what they like and what could be improved.

You will have to demonstrate how you have consulted the community and how they have participated when you submit your proposed Neighbourhood Plan.

You will need to decide which of the issues your Neighbourhood Plan can address, and which are outside the scope of a Neighbourhood Plan. For example, a Neighbourhood Plan cannot address the frequency of dustbin collections, or where people get their energy supplies from. But they can



identify land to be used for community recycling facilities, where renewable energy generation should be encouraged, or where school buildings should be expanded. Anything which is important to local people, which can't be included in the Neighbourhood Plan can be included in a Community Led Plan for your area.

Remember that your Neighbourhood Plan will have to generally conform with the strategic policies in the Local Plan/Development Framework. You will therefore need to check the Local Plan/Development Framework and identify those parts that are relevant to your Neighbourhood Plan. This may include, for example, policies on the amount and type of housing and employment land to be developed, which neighbourhoods have been identified as retail or service centres and earmarked for growth, and policies about open space, nature conservation and the environment.

Develop a vision and objectives

Step 3

Clarify what your Neighbourhood Plan is aiming to achieve.

Advice could be available from ACTION with Communities in Cumbria (ACT) for Step 3. ACT has experience of supporting communities to agree visions and objectives for their area.

If, when you have consulted the community, you find that local people want land use addressed in a way which won't be covered by your Local Plan/Development Framework you can start to draw up a Neighbourhood Plan.

There is no requirement to develop a vision or objectives, but you may find it useful to have one or the other, or both, to help guide the preparation of your Neighbourhood Plan. A vision and clear objectives can help to make it easy to identify what your Neighbourhood Plan is aiming to achieve.

A good vision does not have to be very long but will:

- Be long term, for example looking forward 15–20 years, or the period that is covered by the Local Plan.
- Be strategic, setting out a broad picture of your aspirations for your neighbourhood but will not include lots of details.
- Describe what you want your neighbourhood to look like, so people can form an image of the homes, businesses, shops, community facilities and open space it will contain.

-
- Consider what land use and development challenges will need to be addressed over the period covered by your Neighbourhood Plan.

Objectives are more specific and set out what the Neighbourhood Plan aims to achieve. If you have a vision, look at each part of the vision and decide what needs to be done to achieve it.

You may find it useful to consult your local community on the draft vision and objectives to find out if everybody agrees with them, whether there is anything crucial missing, or whether they can be improved in any way.

Step 4 **Generating options for your draft Neighbourhood Plan**

What different types of development or ways of using land would benefit your community?

Advice could be available from independent planning consultants or your local planning authority for Step 4.

Take advice at this stage from your local planning authority about whether you need a Sustainability Appraisal for your Plan. If your local planning authority has advised you that your Neighbourhood Plan requires a Sustainability Appraisal, you will need to consider different options to include in the plan (also known as ‘reasonable alternatives’ in a Sustainability Appraisal). Even if your Neighbourhood Plan does not require a Sustainability Appraisal, the consideration of different options can help you decide what works well and what doesn’t, and to gather people’s views on which option they would prefer to see happen.

Options can be generated from ideas developed by the parish or town council, by the neighbourhood forum, or from other consultation exercises that you may have held involving the wider community. If you have developed a vision and/or objectives, consider which options are most likely to achieve them.

The sort of options you want to consider could vary depending upon the type of Neighbourhood Plan that you are preparing, for example whether it is general and broad-brush, or narrow and detailed. Examples of types of options include:

The scale, type, mix and location of development (e.g. if a need for affordable housing has been identified – where might it be located, how many houses or flats are needed, and should the scheme also include market housing, the provision of community facilities, space for businesses, and open space for recreation, play areas and wildlife).

Alternative ways of using land that the local community has identified as being appropriate for development or other uses such as open space, tree planting or environmental improvement

Different ‘conditions’ that might be applied to development, such as how development should look (its design), how transport issues should be incorporated, or what standards to include with respect to issues such as renewable energy, landscaping and the inclusion of waste and recycling facilities.

When considering options include a ‘do nothing’ option (also known as ‘business as usual’). This is what would happen to the plan area and sites in question if a Neighbourhood Plan were not to be prepared. In which case, the Local Development Framework/Local Plan would take precedence.

Step 5 Drafting your Neighbourhood Plan

Deciding on the detail and bringing your plan together.

Advice could be available from independent planning consultants or your local planning authority for Step 5.

You will already have described the issues and problems that your Neighbourhood Plan is aiming to address and you may have agreed the vision and/or objectives for your Neighbourhood Plan. It's recommended that these form the 'upfront' sections of your draft Neighbourhood Plan.

You now need to decide the detail to include in your draft Neighbourhood Plan. This would normally be the options that have the most support, and perform best against the sustainability objectives and criteria if you have carried out a

Sharing your plans with as wide an audience as possible will be necessary to win any referendum



Sustainability Appraisal, unless there is good reason to choose another option (e.g. there may be a piece of land that would be ideal for development of a community centre, but the landowner is unwilling to use the land for that purpose).

If you are undertaking a Sustainability Appraisal as part of preparing your Neighbourhood Plan, the ‘effects’ of the policies and proposals in your draft Neighbourhood Plan should be appraised against sustainability objectives and criteria.

If your Neighbourhood Plan area includes or is close to a wildlife site that has been designated as being of international importance – known as Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites – your Neighbourhood Plan may need to be subject to Habitats Regulations Assessment, sometimes known as Appropriate Assessment. You should take advice on this from your local planning authority

Before completing your Neighbourhood Plan, it is recommended that you carefully check it to make sure that what you are proposing stands a realistic chance of actually happening. You may find it useful to add a section on ‘implementation’ or prepare a separate implementation plan.

Consultation and submission

Consulting the public and responding appropriately

Advice could be available from independent planning consultants or your local planning authority for Step 6.

Once your draft Neighbourhood Plan has been prepared a formal round of public consultation is

Step 6

required. If you have prepared a Sustainability Appraisal report this will need to be consulted upon at the same time.

Some bodies must be consulted on your draft Neighbourhood Plan if it proposes development that could affect their interests. Your local planning authority should be able to provide you with a full list of these statutory consultees.

It is recommended that the following bodies are also formally consulted, again not just on the draft Neighbourhood Plan but where appropriate also on your Sustainability Appraisal and Habitats Regulations Assessment where relevant:

- neighbouring local authorities, including parish and town councils
- landowners and community organisations that will be affected by your Neighbourhood Plan

You will also need to consult the wider public. This could be done through a variety of means, including written consultations, events, meetings and so on. The consultation process will need to be carefully designed with clear questions asked, and with people given easy-to-understand instructions to identify which parts of the draft Neighbourhood Plan or the accompanying documents they are commenting upon. Your local planning authority may be able to advise on how best to go about this.

You may need to revise your draft Neighbourhood Plan as a result of comments made during the consultation. In submitting your proposed Neighbourhood Plan you will need to include information on how you consulted the wider public, what responses you received and how you took any comments on board in revising the draft.

You may, therefore, find it useful to prepare a ‘consultation comments schedule’ which sets out who the comment is from, what part of the Neighbourhood Plan the comment refers to, and your response to the comment (e.g. changes that will be made to your Neighbourhood Plan).



Your local planning authority will carry out a final check to ensure that your Neighbourhood Plan and all accompanying documents comply with legal requirements. Once your local planning authority is satisfied that everything is in order, they will formally publicise that you have submitted a proposed Neighbourhood Plan to the local planning authority. At this point those who live, work or carry on business in the area covered by your Neighbourhood Plan can submit further comments to the local planning authority who will pass them on to the person undertaking the independent examination.

Step 7 Independent examination

An independent examiner will evaluate your plan

This is a statutory requirement. Your local planning authority will arrange for the independent examination of your Neighbourhood Plan.

The examiner is appointed by the local planning authority but only with the agreement of the body responsible for preparing the Neighbourhood Plan. The arrangements for the examination will be decided by the examiner in consultation with your local planning authority and your parish or town council, or neighbourhood forum. The main purpose of the examination is to ensure that your Neighbourhood Plan:

- Meets European obligations.
- Has regard to national planning policies.
- Is in general conformity with the strategic policies of the Local Plan.
- Is compatible with adjoining Neighbourhood Plans.
- Contributes to the achievement of sustainable development.



It's likely that the examiner will wish to consider written representations (comments objecting to or supporting your plan) rather than hearing comments in person, but a public hearing may be called if the examiner feels this is required. Once the examination is over, the examiner will issue a report that is likely to include one of the following recommendations:

- That your draft Neighbourhood Plan should proceed to a referendum.
- That your draft Neighbourhood Plan should proceed to a referendum, subject to certain amendments.
- That your draft Neighbourhood Plan should not proceed.

Referendum and adoption

Your finished plan must be accepted by a majority of votes in your area before it can be adopted.

The local planning authority will organise a referendum on any plan or order that meets the basic standards. Within a National Park it is expected that the District Council would organise the referendum. This ensures that the community has the final say on whether a Neighbourhood Plan or order comes into force. However, if at this point your parish and the local planning authority agree that the Neighbourhood Plan could be taken forward as part of the Local Plan/Development Framework, or as a supplementary planning document then a referendum may not be necessary.

People living in the neighbourhood who are registered to vote in local elections will be entitled

Step 8

to vote in the referendum. In some special cases – where, for example, the proposals put forward in a plan for one neighbourhood have significant implications for other people nearby – people from other neighbourhoods may be allowed to vote too.

If more than 50 per cent of people voting in the referendum support the plan or order, then the local planning authority must bring it into force.

Assuming a simple majority is achieved, your local planning authority will adopt your Neighbourhood Plan as part of the development plan. This may include policies in your Neighbourhood Plan taking precedence over policies in the Local Plan/Development Framework, where they apply to the specific area covered by your Neighbourhood Plan.

The local planning authority will publish the Neighbourhood Plan on its website and tell those who commented on the proposed Neighbourhood Plan. A hard copy may also be made available in the nearest public library.

Once your Neighbourhood Plan has been adopted, planning applications will still be determined by the local planning authority in the normal way, but taking into account policies in your Neighbourhood Plan as well as the Local Plan/Development Framework.

Cumbria's Neighbourhood Plan Pilots

The Upper Eden Neighbourhood Plan covers 17 parishes and has passed the Independent Examination stage. Eden District Council put the Plan to a referendum in March 2013.

<http://uecp.org.uk/upper-eden-neighbourhood-development-plan/>

Cockermouth Town Council has worked with Allerdale Borough Council and others to draft four Neighbourhood Development Orders covering aspects of development in Cockermouth.

Heversham Parish Council and Hincaster Parish Meeting have embarked on the preparation of a Neighbourhood Plan in partnership with South Lakeland District Council.

Coniston and Torver Parish Councils are working with the Lake District National Park Authority to produce a Neighbourhood Plan.

Coniston Neighbourhood Plan Group is currently working up draft aspirations and objectives for its Neighbourhood Plan. The next stage will be to send them out for comment.

The Torver Group has agreed a list of topics, based on the Torver Parish Plan, for inclusion in its Neighbourhood Plan. The text is being drafted for consultation in 2013.

Further Information

There are several sources of advice and support for Cumbrian communities who are interested in doing neighbourhood planning. Your local planning authority is obliged to get involved in:

- the formal designation of the neighbourhood area
- carrying out a final check that the submitted Neighbourhood Plan and accompanying documents comply with legal requirements and are policy compliant
- arranging and paying for independent examination outside the national parks
- considering the examiner's report, whether its recommendations should be considered, and publish the Councils' decision
- arranging and paying for a referendum outside the national parks
- the adoption of the Plan

Not all planning authorities have designated support for neighbourhood planning but they may also be able to offer advice on:

- what neighbourhood planning is
- deciding whether a Neighbourhood Plan is needed
- how to go about preparing a Neighbourhood Plan – signposting advice, resources and what

the planning authority can and can't offer

- how to seek the views of the community and stakeholders and if necessary undertake additional Community Led Planning work
- current development plan documents – what they cover already and key policies in them which the Neighbourhood Plan will need to comply with
- Sustainability Appraisal and appropriate assessment under the EU Habitats Regulations (if the area is near a Special Area of Conservation) and how to go about undertaking these
- how to consult at formal consultation stages

The planning authority is unlikely to be able to resource or undertake the above tasks on behalf of Parish Councils. It won't develop proposals, visions and options on behalf of Parish Councils, nor will it undertake public consultation, or prepare bespoke evidence on their behalf.

Planning Authorities in Cumbria – Contacts

Allerdale Borough Council

www.allerdale.gov.uk

Steve Robinson, Planning officer tel: 01900
702765

email: steve.robinson@allerdale.gov.uk

Barrow Borough Council

www.barrowbc.gov.uk

Local Development Framework office

email: ldf@barrowbc.gov.uk

Carlisle City Council

www.carlisle.gov.uk

Zoe Sutton, Rural Support Officer tel: 01228
817312 email: ZoeS@carlisle.gov.uk

Copeland Borough Council

www.copeland.gov.uk

Chris Hoban, Planning Officer

Tel 01946 598439; email

chris.hoban@copeland.gov.uk

Cumbria County Council

www.cumbria.gov.uk

Francesca McEnaney, Planning Officer tel: 01228
221027 email:

Francesca.McEnaney@cumbria.gov.uk

Eden District Council

www.eden.gov.uk

Paul Fellows, Head of Planning Policy, tel: 01768
212168 paul.fellows@eden.gov.uk

Lake District National Park Authority

www.lakedistrict.gov.uk

Helen Houghton, Policy Planner tel: 01539 792603

helen.houghton@lakedistrict.gov.uk

Lake District National Park Partnership

www.lakedistrict.gov.uk/partnership

South Lakeland District Council

www.southlakeland.gov.uk

Alastair McNeill, Development Strategy tel: 01539

717490; email: a.mcneill@southlakeland.gov.uk;

Emma Nichols, Community Engagement Officer

01539 797596 email

e.nichols@southlakeland.gov.uk

Yorkshire Dales National Park Authority

www.yorkshiredales.org.uk

Peter Stockton, Head of Sustainable Development

tel 0300 456 0030; peter.stockton@yorkshiredales.org.uk

[shiredales.org.uk](http://www.yorkshiredales.org.uk)

Other sources of help and information

ACTion with Communities in Cumbria

ACT champions community and rural issues and helps communities to: Plan for their future; Develop projects; Work with others; Influence and change policy

www.cumbriaaction.org.uk tel: 01768 840827

Cumbria Association for Local Councils

CALC is the Association of Town and Parish Councils and Parish Meetings in Cumbria. The association assists local councils in their day-to-day work and represents their interests.

www.calc.org.uk tel: 01768 812141

Cumbria Rural Housing Trust

Researches the housing needs in rural areas of Cumbria and campaigns for affordable housing to be provided where it is needed. www.crht.org.uk tel: 01768 210265

Planning Help

A Campaign for Protection for Rural England project that provides guidance on planning matters and has useful information on neighbourhood planning. www.planninghelp.org.uk tel: 020 7981 2800

Department of Communities and Local Government

This document contains frequently asked questions on neighbourhood planning.

[www.communities.gov.uk/
documents/planningandbuilding/pdf/2099152.pdf](http://www.communities.gov.uk/documents/planningandbuilding/pdf/2099152.pdf)

Locality

A network of community led organisations. Website contains information and resources on neighbourhood planning. www.locality.org.uk tel: 0845 458 8336

Planning Aid

Provides free, independent and professional town planning advice and support to communities and individuals who cannot afford to pay planning consultants.

The website below is for people who want to share experiences around neighbourhood planning. www.ourneighbourhoodplanning.org.uk

RTPI

The RTPI Directory of Planning Consultants is a source of information on consultancy firms providing the services of chartered town planning professionals. www.rtpiconsultants.com/search



Researched and written by Julia Wilson (ACT) and David Claxton (CALC) with support from officers of Cumbria's local authorities and the Lake District National Park Authority

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