

Guidance Note - An Introduction to Neighbourhood Planning

What are Neighbourhood Development Plans and Neighbourhood Development Orders?

Neighbourhood Development Plans (also known as Neighbourhood Plans) are Plans prepared by the community that, once adopted, will form part of the Statutory Development Plan for Hastings. They can range in detail and the area that they cover, depending on the issues and development proposed in a particular area. Neighbourhood Plans should:

- Identify a vision and goals for the neighbourhood
- Define where new homes, shops, offices and other development should be built

They could also:

- Identify and protect local green space
- Influence what new buildings should look like
- Include policies relating to design standards

Neighbourhood Development Orders can be used to grant planning permission for specific development, without the need to submit a separate planning application.

The Rules

Local people can choose to draw up either a Neighbourhood Plan or a Neighbourhood Development Order, or both if they wish. Both must follow some ground rules:

- a) They must be generally in line with local and national planning policies
- b) They must be in line with other laws, for example, human rights and environmental protection, and may require a Sustainability Appraisal/Strategic Environmental Assessment to be undertaken
- c) They can promote **more** development than is set in the Hastings Local Plan, but they cannot propose less

The Hastings Planning Strategy was adopted in February 2014 and the Development Management Plan in September 2015. Work is underway on the Town Centre and White Rock Area Action plan. Policies within these documents will be considered when assessing a Neighbourhood Planning application.

All applications for neighbourhood forums and the procedures for preparing a Neighbourhood Plan must be in accordance with the requirements of the Localism Act 2011, the Neighbourhood Planning (General) Regulations 2012, and any further legislation that may be published¹.

¹ Available from www.legislation.gov.uk

The Process

Stage 1 - Define the neighbourhood

Local people will need to decide how they want to work together, and decide which organisation will lead on coordinating local debate. This could be an existing or new community group, although certain standards must be met in order to become a 'Neighbourhood Forum'. The group must:

- be established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood concerned
- have a membership of a minimum of 21 individuals; each of whom: i) lives in the neighbourhood area concerned, (ii) works there or (iii) is an elected member of the County or Borough Council
- have a written constitution
- submit a proposed name of the neighbourhood forum
- submit a name of the neighbourhood area to which the neighbourhood forum application relates
- supply contact details of at least one member of the proposed neighbourhood forum

The application to become a neighbourhood forum must include a written statement that fully responds to these requirements².

The Council's role

In determining whether to accept a neighbourhood forum application, and to designate an organisation or body as a neighbourhood forum for a neighbourhood area, we will have regard to whether the organisation or body has:

- i) secured (or taken reasonable steps to attempt to secure) a membership that includes at least one individual falling within each of the three categories specified above (living or working in the town, or an elected member of the Borough or County Councils;
- ii) a membership drawn from different places in the neighbourhood area concerned, and from different sections of the community in that area
- iii) a purpose that reflects in general terms the character of that area.

We are only able to designate one organisation or body as a neighbourhood forum in each neighbourhood area. We will keep an overview of the different requests and check that the suggested boundaries for different areas make sense and fit together. As a starting point, we would suggest that Planning Focus Area boundaries are used to define your neighbourhood area as established in the Hastings Planning Strategy. A map showing these boundaries is available to view at our officers, or online at <http://www.hastings.gov.uk/planning/policy/neighbourhood/>

We have the ability to say "no" if we do not agree with the boundaries proposed because for example, they overlap with another existing neighbourhood forum, or if

² Full details set out in The Localism Act 2011 and The Neighbourhood Planning (General) Regulations 2012

the requirements to become a Neighbourhood Forum are not met. If we do refuse an application however, we are required to notify the body or organisation of the reasons why.

Stage 2 – Prepare the Plan

Once the neighbourhood boundaries and forum have been established, the plan preparation process can begin. The forum will need to establish a vision and set policies for the area. We are keen to work with Neighbourhood Forums throughout the entire process, although it is suggested that the basic framework is as follows:

- a) Identify the issues that you would like to address (it may be useful to review issues already identified in the Hastings Planning Strategy, Development Management Plan or other Local Plan documents)
- b) Develop a vision and objectives to focus and guide the preparation of the Plan – how would you like the area to develop over the next 15 years?
- c) Develop various options to meet this vision, and test them through consultation to inform a final plan
- d) Include a map showing areas where development will take place or where protection is needed
- e) Consider developing an implementation plan to show who will be responsible for delivering the policies, funding and timescales

The Neighbourhood Plan or Development Order will have to be prepared in accordance with the procedures set out in the Neighbourhood Planning (General) Regulations 2012. This includes publicising and consulting on the final Plan before submitting it to the Council. Please be aware that depending on the scale and potential effect of the Plan, a Sustainability Appraisal may also need to be undertaken at this stage.

Stage 3 - Independent Check

The Localism Act requires us to appoint an independent examiner to ensure that Neighbourhood Plans and Neighbourhood Development Orders meet the requirements of the Regulations, and have been prepared in accordance with strategic policies. It is at this stage where other parties' interests, e.g. landowners, will be examined, if that landowner is not part of the forum.

The examiner appointed will recommend changes where appropriate, and Hastings Borough Council will decide whether to make those changes before proceeding to Stage 4 – The Referendum.

Stage 4 – Referendum

It is important that the whole community has the opportunity to be involved in a Neighbourhood Plan, and a referendum is a way of ensuring this and providing democratic legitimacy. Running a referendum will be the responsibility of Hastings Borough Council.

People living in the neighbourhood area to which the Plan relates, who are registered to vote in local elections will be entitled to vote in the referendum. If more than 50% of people voting in the referendum support the plan or order, then the Council will bring it into force. Full details will be set out in regulations relating specifically to the

referendum stage, although these are currently only in draft form. We will update our website and this guidance note with further information when it is available.

Further Information

The National Planning Policy Framework and Neighbourhood Planning (General) Regulations 2012, provide the regulatory framework for preparing Neighbourhood Plans and Neighbourhood Development Orders. The following guidance and information will also be useful to support you in the process.

Guidance

National Planning Policy Framework (CLG, 2012)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

The Neighbourhood Planning (General) Regulations 2012 (HMSO, 2012)

<http://www.legislation.gov.uk/ukxi/2012/637/made>

How to shape where you live: a guide to neighbourhood planning (CPRE, 2012)

<http://www.cpre.org.uk/resources/housing-and-planning/planning/item/2689-how-to-shape-whereyou-live-a-guide-to-neighbourhood-planning>

An Introduction to Neighbourhood Planning (Locality)

<http://locality.org.uk/wp-content/uploads/Neighbourhood-planning-an-introduction.pdf>

DIY SA: Sustainability Appraisal of Neighbourhood Plans (Levett-Therival, 2011)

<http://www.levett-therivel.co.uk/DIYSA.pdf>

Other useful websites

Planning Portal - <https://www.planningportal.co.uk/info/200127/planning>

Department for Communities and Local Government -

<https://www.gov.uk/neighbourhood-planning>

Planning Aid – <http://www.rtpi.org.uk/planning-aid/>

Planning Advisory Service - <http://www.pas.gov.uk/neighbourhood-planning>

Talk to a Planning Officer

Please seek advice from the Planning Policy team before making a proposal for the creation of a neighbourhood forum or a Neighbourhood Development Order. You can phone, email or write to us on the following details:

Planning Policy Team
Aquila House
Breeds Place
Hastings
East Sussex
TN34 3UY

Telephone: 01424 451098

Email: fplanning@hastings.gov.uk

Please also see our website: www.hastings.gov.uk/planning/policy/neighbourhood/