

Background to the neighbourhood planning process

Neighbourhood planning is a new way for communities to decide the future of the places where they live and work.

Neighbourhood Development Plans (“NDPs”) are plans which set out policies in relation to the development and use of land in a particular Neighbourhood Area (“NA”). Neighbourhood Development Orders (“NDOs”) grant permission for specific uses or types of development within a specific area.

The Neighbourhood Planning (General) Regulations 2012 set out a number of functions and decision for local planning authorities in relation to neighbourhood planning. These are:

Designating a Neighbourhood Area (NA)

Before a NDP or NDO can be submitted for consideration, a NA needs to have been designated. Only a “relevant body” can apply for a NA to be designated. Where an area is parished, as is the case throughout Milton Keynes, the relevant body is the Parish or Town Council for the area concerned

In most cases it is anticipated that the decision to accept an application for an NA and then to designate it is unlikely to be controversial. It is therefore recommended that the decision should be delegated to the Assistant Director for Planning, Economy and Development following consultation with the relevant Cabinet portfolio holder and local ward members.

Making an application for a Neighbourhood Development Plan/Order

The procedures for making NDPs and NDOs are very similar. In each case specific pre-submission consultation and publicity must be carried out by the Parish Council. There is also specific information that has to be submitted in each case before an application can be accepted. As the question as to whether a valid application has been received is an administrative decision it is recommended that it be delegated to the Assistant Director for Planning, Economy and Development following consultation with the relevant Cabinet portfolio holder and local ward members.

Repeat proposals

There is power for the Local Planning Authority to decline to consider a proposal for a NDP or a NDO if it is a repeat proposal. That is, during the last 2 years the LPA has refused the same or a similar proposal or in a referendum on the same or a similar proposal less than half of those voting voted in favour of the proposal and the LPA consider there has been no significant change in relevant considerations (which are defined) since the refusal or the referendum. Publicity has to be given to this decision. The decision to decline, whilst possibly controversial, will be made against set

criteria and it is therefore recommended that this decision be the Assistant Director for Planning, Economy and Development following consultation with the relevant Cabinet portfolio holder and local ward members.

Considering a submitted NDP or NDO

Once a valid application for a NDP or a NDO has been received, the LPA must publicise the application. After this has been done the proposal must be submitted for independent examination together with any representations received. The examination will usually be carried out by written representations.

Examination

Following the examination the examiner will issue a report recommending either:

- that the draft proposal be submitted to a referendum or
- that modifications (which are limited in scope) specified in his report are made and the modified draft is submitted to referendum, or
- that the proposal be refused.

If the examiner considers that the proposal does not meet the required conditions or the statutory requirements it cannot be submitted to a referendum.

The LPA must consider each of the recommendations made by the report and the reasons for them and decide what action to take in response to each recommendation.

It is recommended that the decision on these recommendations be delegated to the Cabinet member responsible for Strategic Planning.

Referendum

If the LPA decide to submit the proposal to a referendum either with or without modifications, the LPA must make the order or plan if more than half of those voting vote in favour of the proposal. As there is no discretion involved and this is an administrative decision, this could be delegated to the Assistant Director for Planning, Economy and Development following consultation with the relevant Cabinet portfolio holder and local ward members.

The decision to make an order or plan and the making of that order or plan must both be publicised but this publicity can be combined and done at the same time.

Revoking or modifying an NDP or NDO

There is also power to revoke or to modify a NDP or NDO. It is recommended that the decision to make minor modifications to a plan or order should be delegated to the Cabinet portfolio holder for strategic planning.