

Report of the Chief Executive

UPDATE IN RELATION TO PROGRESS WITH THE BOROUGH'S NEIGHBOURHOOD PLANS1. Purpose of report

To provide an update in relation to the progress of Neighbourhood Plans within Broxtowe Borough and to provide information in relation to Neighbourhood Development Orders (NDOs).

2. Background

Broxtowe Borough Council is currently providing support, assistance and advice to seven Town or Parish Councils and two Neighbourhood Forums in relation to the development of their Neighbourhood Plans. These Neighbourhood Plans are at various stages of preparation from the 'Issues and Options' stage to 'Adoption'. Details are in the appendix.

3. Financial implications

The Council can claim £20,000 from the Department for Levelling Up, Housing and Communities (DLUHC) when it issues a decision statement detailing its intention to send a Neighbourhood Plan to referendum (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012). Up until this point in the process, the Borough Council will need to commit resources and will incur expenses, including but not limited to: the provision of support and assistance; undertaking the Regulation 16 consultation; appointing an Independent Examiner; finalising Neighbourhood Plans and supporting plans and other documents; and organising the referendum.

There would, potentially, be considerable financial implications to the Council, were a Neighbourhood Development Order (NDO) to be confirmed. Although Local Planning Authorities can claim £20,000 in relation to Neighbourhood Development Orders, when they issue a decision statement detailing their intention to send the Order to referendum (as set out under Regulation 25 of the Neighbourhood Planning (General) Regulations 2012), the Council would potentially lose income from planning application fees which would otherwise be paid to the Council. Such lost revenue could be very considerable.

Recommendation

The Committee is asked to NOTE the report.

Background papers

Nil

APPENDIX

The Key Stages of Neighbourhood Plan preparation are as follows:

Stage	Description	Principal Responsibility
1	Application for a Neighbourhood Area / Application to establish a Neighbourhood Forum.	Town or Parish Council or prospective Neighbourhood Forum
2	Designation of Neighbourhood Area / Neighbourhood Forum (following local publicity).	Borough Council
3	Scoping of Neighbourhood Plan.	Town or Parish Council or Neighbourhood Forum
4	Building evidence base, including 'Issues and Options' consultation if necessary.	Town or Parish Council or Neighbourhood Forum
5	Seeking funding from Locality, National Lottery and other sources to fund preparation of the Plan including sources of external evidence if appropriate.	Town or Parish Council or Neighbourhood Forum or their consultants
6	Developing a vision, key aims and objectives.	Town or Parish Council or Neighbourhood Forum
7	Writing the Neighbourhood Plan and preparing supporting documents and plans.	Town or Parish Council or Neighbourhood Forum or their consultants
8	Strategic Environmental Assessment / Habitats Regulations Assessment (SEA / HRA) Screening. Producing the SEA if applicable.	Borough Council or Parish Council or Neighbourhood Forum. Historic England, Natural England and the Environment Agency will also be consulted.
9	Pre-submission consultation (Regulation 14)	Town or Parish Council or Neighbourhood Forum
10	Submission of Neighbourhood Plan and supporting documents (including Policies Map, Consultation Statement, Statement of Basic Conditions and other background documents and supporting evidence) to the Borough Council.	Town or Parish Council or Neighbourhood Forum or their consultants
11	Publication consultation (Regulation 16).	Borough Council
12	Independent Examination (including public hearings if	Borough Council / Independent Examiner once appointed

	deemed necessary by the Independent Examiner).	
13	Publication of the Independent Examiner's Report.	Independent Examiner
14	Referendum, subject to the Independent Examiner's Report and a decision by the Borough Council.	Borough Council
15	Decision by the Borough Council to 'make' the Neighbourhood Plan if the referendum results in a majority yes (over 50% plus 1).	Borough Council

Current progress with each of the Borough's Neighbourhood Plans is summarised within the below table.

Neighbourhood Plan	Current Progress
Awsworth Parish	<ul style="list-style-type: none"> - Successful referendum held on 10 June 2021. - Results of referendum: Number of votes cast in favour of a Yes 401 (87.6%). The turnout was 27.26% (very high for a Neighbourhood Plan). - Broxtowe Borough Council resolved to 'make' (adopt) the Awsworth Neighbourhood Plan on 21 July 2021. - The Neighbourhood Plan now forms part of the Development Plan for Awsworth Parish alongside the Aligned Core Strategy and Part 2 Local Plan. - The Decision Statement has been published and publicised by the Borough Council. <p><u>Next Step:</u> The Borough Council is in the process of producing high-quality 'final' versions of the Neighbourhood Plan.</p>
Bramcote Neighbourhood Forum (The Forum designation expired in August 2021)	<ul style="list-style-type: none"> - Submitted to Broxtowe Borough Council. - The Bramcote Neighbourhood Forum designation expired on 3 August 2021. <p><u>Next Step:</u> The Borough Council is liaising with the Neighbourhood Forum to encourage the submission of an application to re-designate the Forum.</p>
Brinsley Parish	<ul style="list-style-type: none"> - Regulation 14 consultation undertaken.

	<ul style="list-style-type: none"> - Liaison between the Borough and Parish Councils in relation to proposed modifications to the Neighbourhood Plan. <p><u>Next Step:</u> Neighbourhood Forum to consider amendments to policies within the Neighbourhood Plan.</p>					
Chetwynd: The Toton & Chilwell Neighbourhood Forum	<ul style="list-style-type: none"> - Submitted to Broxtowe Borough Council. - Environmental Statement (SEA) now produced by AECOM on behalf of the Forum. - Funding is understood to have been awarded to the Forum to help it to prepare a Neighbourhood Development Order (NDO). <p><u>Next Step:</u> The Borough Council is in the process of reviewing AECOM's Environmental Statement (SEA), in advance of any decision to commence the Regulation 16 consultation.</p>					
Cossall Parish	<ul style="list-style-type: none"> - Issues and Options stage. - Initial engagement with residents. - A consultant has been appointed to assist the Parish Council in developing their Neighbourhood Plan. <p><u>Next Step:</u> Further local engagement and preparation / drafting of Neighbourhood Plan policies.</p>					
Eastwood Town	<ul style="list-style-type: none"> - Return to the Issues and Options stage. - Funding applications to Locality to be considered. - Initial local engagement. <p><u>Next Step:</u> Neighbourhood Plan Steering Group to consult with the local community and develop planning policies.</p>					
Greasley Parish	<ul style="list-style-type: none"> - Regulation 14 consultation undertaken. 					

	<ul style="list-style-type: none"> - The Borough Council has assisted the Parish Council in drafting a suite of policies. <p><u>Next Step:</u> The Borough Council is in the process of editing a previous draft of the Neighbourhood Plan on behalf of the Parish Council.</p>					
Kimberley Town	<ul style="list-style-type: none"> - Regulation 14 consultation undertaken by the Town Council. <p><u>Next Step:</u> Neighbourhood Plan Steering Group to revise the Neighbourhood Plan and submit it to the Borough Council.</p>					
Nuthall Parish	<ul style="list-style-type: none"> - Plan 'made' following referendum. <p><u>Next Step:</u> Neighbourhood Plan Steering Group to review the Neighbourhood Plan to see if work on a new version will be required.</p>					
Stapleford Town	<ul style="list-style-type: none"> - Return to Issues and Options stage. - Initial engagement with the local community completed. - Background documents prepared. <p><u>Next Step:</u> Neighbourhood Plan Steering Group to start to draft Neighbourhood Plan policies for the Town.</p>					
Trowell Parish	<ul style="list-style-type: none"> - Neighbourhood Plan not proposed by the Parish Council at the current time. 					

The Bramcote Neighbourhood Forum designation expired on 3 August 2021. The Borough Council has been liaising with members of the Forum to encourage the Forum to submit an application for the re-designation of the Neighbourhood Forum.

The Borough Council has also been providing advice and assistance to the Chetwynd: The Toton and Chilwell Neighbourhood Forum in relation to applying to extend the designation of their Neighbourhood Forum, which is due to expire on 9 March 2022.

An application to extend this designation is expected imminently. It should be noted that Neighbourhood Area designations do not expire.

Neighbourhood Development Orders (NDOs)

A Neighbourhood Development Order may be prepared by a 'qualifying body', which means Parish or Town Councils or Neighbourhood Forums. A Neighbourhood Development Order can grant planning permission for specific types of development in a specific neighbourhood area. A Neighbourhood Development Order can therefore:

- apply to a specific site, sites, or wider geographical area
- grant planning permission for a certain type or types of development
- grant planning permission outright or subject to conditions.

Neighbourhood Development Orders potentially offer very significant advantages to developers, as they can actually allow a development to go ahead without the need to submit a planning application. This can save both time and the planning fee. In addition, they can provide certainty to developers on things like conditions and infrastructure requirements.

The process for producing a Neighbourhood Development Order is very similar to that for producing a Neighbourhood Plan; this includes stages of public consultation, independent examination, and a referendum. The main stages of producing a Neighbourhood Development Order are:

- The Neighbourhood Forum or Town / Parish Council drafts the Order or appoints consultants to draft it on their behalf.
- The Neighbourhood Forum or Town / Parish Council consults on the draft Order for 6 weeks (Regulation 21 consultation).
- The Neighbourhood Forum or Town / Parish Council submits the Order to the Borough Council.
- The Borough Council would then need to undertake the 6-week Regulation 23 consultation.
- The Borough Council would need to arrange and pay for the Independent Examination.
- The Borough Council would need to organise the referendum.
- Adoption by the Council if successful at referendum.

Neighbourhood Development Orders have to be *'in general conformity with the strategic policies contained in the development plan.'*

There are several risks to the Borough Council of the Neighbourhood Development Order process. These include loss of control (i.e. no planning application or fewer applications to decide) and loss of application fees. There are also potential risks to the Neighbourhood Forum or Town / Parish Council, as members of the local community would not be able to 'object' to a planning application further down the line.

The Council's understanding is that were a landowner or potential developer to disagree with the contents of a Neighbourhood Development Order, then they could submit a planning application, using the conventional planning application process.