

Neighbourhood Planning

Topic Notes for Town and Parish Councils

2. Neighbourhood Planning and the East Riding Local Plan

Neighbourhood Plan Exhibition
The Cottingham Neighbourhood Plan aims to be a **community led, locally relevant and widely influential** guide for the future development of Cottingham
Join us on:
Friday 19th September (12pm-6pm)
&
Saturday 20th September (10am-4pm)
Cottingham Civic Hall, Market Green
to view and comment on the work undertaken so far and to discuss the process with experts and professionals who are helping to guide the process

Cottingham Neighbourhood Plan

Have Your Say

Your Neighbourhood...
Have Your Say!
North Cave Neighbourhood Plan

The government's Localism Act has given communities such as ours the opportunity to express our wishes about the future of our area by creating a Neighbourhood Plan. This plan can cover a whole range of different aspects of planning that we, as a community, know to be important to us and our village. Once correctly drawn up and submitted to East Riding Council, the Neighbourhood Plan can ultimately become a statutory document which has to be respected by developers and planners alike.

On Thursday 9th of October from 6pm onwards the Neighbourhood Plan Steering Group is holding an event in the Village Hall and would like everyone in the Parish to come along and explore ideas around the future development of North Cave and Everthorpe. In particular we will be thinking about housing, the local economy and environment, traffic management and design guidelines for any future buildings and developments.

Want to know more?
Want to help shape the future of our community?

Come Along – Have Your Say – Get Involved

6pm – 9pm Thursday 9th October North Cave Village Hall
Don't worry if you can't make the whole event – feel free to drop in when you can.

www.northcaveplan.org.uk
@NorthCavePlan North Cave Plan

Woodmansey
Neighbourhood Development Plan



EAST RIDING
OF YORKSHIRE COUNCIL

November 2015

East Riding of Yorkshire Council has prepared a series of topic notes on Neighbourhood Planning for Town and Parish Councils in the East Riding. The notes cover a range of topics and together aim to answer the key questions Town and Parish Councils may have in relation to Neighbourhood Planning in the East Riding.

The topic notes can found on the East Riding of Yorkshire Council's dedicated Neighbourhood Planning webpage at:

<http://www2.eastriding.gov.uk/environment/planning-and-building-control/east-riding-local-plan/neighbourhood-planning/>

A summary of each note is provided below.

Summary of Neighbourhood Planning topic notes

Note 1 - Introduction to Neighbourhood Planning	Explains what Neighbourhood Plans and Orders are and provides information on the different types of Plans and Orders, the role of Town and Parish Councils in Neighbourhood Planning and examples of Neighbourhood Plans in the East Riding.
Note 2 - Neighbourhood Planning and the East Riding Local Plan	Provides further information on the East Riding Local Plan and explains the relationship between Neighbourhood Planning and the Local Plan.
Note 3 - Step by Step Guide to preparing Neighbourhood Plans and Order	Explains in detail the process for preparing a Neighbourhood Plan or Order. The role of East Riding of Yorkshire Council and Town and Parish Councils is explained.
Note 4 - Undertaking Environmental Assessments	Considers environmental assessments and when they are required. Explains the process for requesting a Screening Opinion from East Riding of Yorkshire Council.
Note 5 - Guide to community consultation and engagement	Considers community consultation for Neighbourhood Plans and Orders. Provides advice and best practice on how to involve the community in the preparation of Plans and Orders.
Note 6 - Support and Funding for Town and Parish Council's	Explains the support offered by East Riding of Yorkshire Council to Town and Parish Councils and provides up to date information on sources of funding.

Note 7 - Further Information	Includes sources of further information on Neighbourhood Planning.
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These notes should not to be regarded as definitive legal advice. It is the responsibility of Town and Parish Councils to obtain their own independent legal advice in relation to their responsibilities under the Localism Act (2011).

This note (Topic Note 2) provides further information on the East Riding Local Plan and explains the relationship between Neighbourhood Planning and the Local Plan. It sets out key information within green boxes.

A glossary of key terms for Neighbourhood Planning has been set out in East Riding of Yorkshire Neighbourhood Planning Topic Note 1.

East Riding of Yorkshire Council contact details

For information in relation to Neighbourhood Planning in the East Riding please contact:

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What is the East Riding Local Plan?

The East Riding Local Plan will set out the planning framework for East Riding and help guide investment decisions to 2029. It will establish how much development will take place in the East Riding and identify land for new housing, employment, retail and transport related development. Once adopted, the East Riding Local Plan will be used to determine planning applications in the East Riding. The East Riding Local Plan is made up of a number of documents, these are:

- **The Strategy Document** – sets the overall strategic direction for the Local Plan, including identifying those settlements that should be the focus for development in the future.
- **The Allocations Document** – allocates sites for development (such as housing, retail, or industry) or protection (for example open space or land for transport schemes) in the future.
- **Policies Map** – shows all the areas in the East Riding where different policies as part of the East Riding Local Plan will apply.
- **Bridlington Town Centre Area Action Plan (AAP)** – sets out the planning policy approach and development proposals for the town centre and harbour area of Bridlington. This document has already been made (adopted) by the Council and forms part of the development plan for proposals in Bridlington town centre.

The latest versions of these documents are available to view at:

<http://www2.eastriding.gov.uk/environment/planning-and-building-control/east-riding-local-plan/>

East Riding of Yorkshire Council expects to adopt the East Riding Local Plan (Strategy/Allocations/Policies Map) in 2016. The Bridlington AAP was adopted in January 2013.

Town and Parish Councils do not need to wait for the adoption of the East Riding Local Plan before commencing work on a Neighbourhood Plan or Order. Plans and Orders can be adopted in advance of the Local Plan.

What is the legal status of a Neighbourhood Plan or Order?

Neighbourhood Plans and Orders are community led plans with legal status. They are formal statutory documents and would supplement relevant policies in the East Riding Local Plan.

Made (adopted) Neighbourhood Plans have the same legal status as the adopted East Riding Local Plan. This means they become part of the development plan. Planning Applications must be determined against the development plan unless material considerations indicate otherwise.

What if a planning application conflicts with a made (adopted) Neighbourhood Plan?

Where a planning application conflicts with a made (adopted) Neighbourhood Plan, planning permission will not normally be granted¹.

What if a planning application conflicts with an emerging Neighbourhood Plan?

Emerging Neighbourhood Plans may be treated as a material consideration in the determination of planning applications depending on:

- The stage of preparation of the Plan and;
- The extent of objections to the policies and development proposals in the Plan.

Should a planning application conflict with an emerging Neighbourhood Plan, East Riding of Yorkshire Council will consider whether the development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the Neighbourhood Plan process. The stage of the emerging Plan will also be an important consideration.

The weight that can be attached to an emerging Neighbourhood Plan will only be of significance when the Plan reaches Submission Stage. At this stage the final Plan has been prepared by the Town or Parish Council, published for consultation by East Riding of Yorkshire Council and is ready to be sent to the Independent Examiner.

Further information about the preparation of Neighbourhood Plans and Orders is set out in East Riding Neighbourhood Planning Topic Note 3.

¹ See Paragraph 198 of the National Planning Policy Framework available from: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

What is the relationship between Neighbourhood Planning and the National Planning Policy Framework?

Neighbourhood Plans and Orders should have regard to national planning policy (the National Planning Policy Framework). This is one of the basic conditions Plans and Orders will be tested against. Further information about each of the basic conditions is set out in table 1 of East Riding Neighbourhood Planning Topic Note 3.

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles, which will need to be considered within a Neighbourhood Plan as follows:

- **An economic role** - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-coordinating development requirements; including the provision of local infrastructure and supporting new business start ups.
- **A social role** - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well being increasing independence and reducing social isolation.
- **An environmental role** - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, build to the highest possible standard and mitigate and adapt to climate change including moving to a low carbon economy

Town and Parish Councils should integrate the three 'dimensions' of sustainable development into their Neighbourhood Plans and Orders to demonstrate they are contributing towards sustainable development.

What is the relationship between Neighbourhood Planning and the East Riding Local Plan?

Paragraph 184 of the National Planning Policy Framework (NPPF) sets out the relationship between Neighbourhood Plans and Orders and the East Riding Local Plan.

It states that Neighbourhood Plans and Orders must be in general conformity (align) with the strategic policies of the East Riding Local Plan, reflect the strategic policies in the East Riding Local Plan and plan positively to support them.

The strategic policies of the East Riding Local Plan are all of the policies contained in the Strategy Document. Plans and Orders should not promote less development than is set out in the Local Plan or undermine its strategic policies.

Neighbourhood Plans and Orders will be tested by an Independent Examiner before they can be adopted by East Riding of Yorkshire Council. The Examiner will check to ensure the Plan or Order meets the basic conditions.

General conformity with the strategic policies in the development plan is one of the basic conditions Plans and Orders will be tested against. Further information about each of the basic conditions is set out in table 1 of East Riding Neighbourhood Planning Topic Note 3.

What level of development can be promoted through Neighbourhood Planning?

Neighbourhood Plans and Orders can promote more development than is set out in the East Riding Local Plan and influence the type, design, location and mix of new development as well as deciding where new development is located, should this be what the community wish to do.

Town and Parish Councils proposing additional development in their area will be supported by East Riding of Yorkshire Council where the infrastructure and service provision is able to accommodate the growth planned or can be delivered as part of the proposals².

As Neighbourhood Plans and Orders must be in general conformity with the strategic policies of the East Riding Local Plan, Neighbourhood Planning cannot be used to prevent development from happening in an area that is identified for future growth in the East Riding Local Plan.

Where additional growth is promoted through a Neighbourhood Plan or Order, careful consideration would need to be given to the impact this may have on the strategy set out in the East Riding Local Plan.

² Further information on what this means is set out in paragraphs 4.7 - 4.8 (page 37) of the Submission East Riding Local Plan Strategy Document².

Can a Neighbourhood Plan allocate additional or alternative sites to those in a Local Plan?

Neighbourhood Plans can allocate additional or alternative sites to those in the East Riding Local Plan where they have sufficient supporting evidence, community backing and the approach is in general conformity with the strategic policies of the East Riding Local Plan.

Town or Parish Council should discuss with the local planning authority why it considers the East Riding Local Plan allocations are no longer appropriate.

Although it can be tempting to launch straight into preparing a draft Neighbourhood Plan, especially if the Town or Parish Council think they already know what needs to happen, there are often choices to be made which need to be explored.

Town and Parish Councils preparing a Neighbourhood Plan allocating land for development, must assess individual sites against a clearly defined criteria.

Further information about considering options, assessing sites and consulting local people is set