



NEIGHBOURHOOD PLANNING – DECISION MAKING FOR NEIGHBOURHOOD PLANS

To:

Councillor Katie Thornburrow, Executive Councillor for Planning, Building Control and Infrastructure
Planning & Transport Scrutiny Committee, 28/09/2023

Report by:

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Wards affected:

All

Not a Key Decision

1. Executive Summary

- 1.1 There is currently no scheme of delegation for decisions relating to Neighbourhood Plans in Cambridge, which means that all decisions taken so far in relation to neighbourhood planning have been agreed by the Executive Councillor. The first Neighbourhood Plan in Cambridge (for South Newnham) is now progressing through the plan making process, and therefore now is an appropriate time to review and agree the decision-making arrangements for South Newnham Neighbourhood Plan and any future neighbourhood plans.
- 1.2 National regulations require local planning authorities to make decisions at key stages within the neighbourhood planning process, and that these decisions are made as soon as possible and / or within statutory time periods where these are imposed.
- 1.3 An effective scheme of delegation will help speed up the process and make decision-making more efficient. The scheme of delegation for decisions on any

neighbourhood plans in Cambridge (as set out in this report): takes account of the lessons learnt in South Cambridgeshire; is in accordance with national legislation and regulations; is in accordance with Cambridge City Council's constitution; and shares the responsibility across the Executive Councillor, the Joint Director for Planning and Economic Development, officers and full Council depending on the nature of the decision being made and taking account of any statutory timescales for decisions where they are imposed.

2. Recommendation

- 2.1 The Executive Councillor is recommended to approve the scheme of delegation, as set out in this report, for decisions in relation to any neighbourhood plans within Cambridge City Council's administrative area.

3. Background

- 3.1 Neighbourhood plans were introduced by the Localism Act 2011 to provide a planning mechanism for local communities to use to guide the future development of their neighbourhoods. Neighbourhood planning legislation and regulations set out specific legal requirements that must be followed when preparing neighbourhood plans, with further detail set out in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 3.2 Neighbourhood planning is optional. However, if a neighbourhood plan is prepared and ultimately made (adopted) by the local planning authority, once adopted it becomes part of the development plan for the neighbourhood area that it covers and planning decisions must be made in accordance with its policies unless material considerations indicate otherwise.
- 3.3 Neighbourhood plans must meet a number of legal requirements and Basic Conditions to successfully progress through the plan making process. The Basic Conditions, as set out in national legislation, are:
- having regard to national policies and advice,
 - contributing to the achievement of sustainable development,
 - being in general conformity with the strategic policies contained in the development plan for the area,
 - does not breach, and is otherwise compatible with, EU obligations, and
 - prescribed conditions are met, including that the neighbourhood plan is not likely to have a significant effect on a European wildlife site or a European offshore marine site either alone or in combination with other plans or projects.
- 3.4 Neighbourhood plans can only be prepared by a qualifying body, which is defined in national legislation as being either a parish council or an organisation/body designated as a Neighbourhood Forum. Local planning authorities have a duty to

support any Neighbourhood Forums or Parish Councils preparing neighbourhood plans. The support offer from Cambridge City Council and South Cambridgeshire District Council is set out within the Greater Cambridge Statement of Community Involvement. NPPG states that for decisions on neighbourhood plans made by a local planning authority, that these are taken by the Council's Executive but the Executive may delegate powers to take those decisions to others within the Council.

4. Decisions on Neighbourhood Plans

- 4.1 National regulations require local planning authorities to make decisions at key stages within the neighbourhood planning process, and that these decisions are made as soon as possible and / or within statutory time periods where these are imposed.
- 4.2 There are seven stages in the neighbourhood plan making process where Cambridge City Council needs to decide upon and formalise its decision-making process:
- a. Neighbourhood Forum designation
 - b. Neighbourhood Area designation
 - c. Pre-submission consultation
 - d. Submission
 - e. Examination
 - f. Referendum
 - g. Making (adopting) the Neighbourhood Plan
- 4.3 Officers have been working with a number of local communities in the preparation of neighbourhood plans for their area. There are eight made (adopted) neighbourhood plans within South Cambridgeshire. Through supporting these neighbourhood plans, officers have gained an understanding and appreciation of the requirements for the different stages in the preparation of a neighbourhood plan and the statutory timescales that the local planning authority must comply with at various stages in the process. There is an agreed scheme of delegation for decisions on neighbourhood plans within South Cambridgeshire District Council's administrative area that has been developed over time as national legislation has evolved, and which is in accordance with South Cambridgeshire District Council's constitution. The South Cambridgeshire District Council scheme of delegation for decisions on neighbourhood plans works well by sharing the responsibility across the Lead Cabinet Member for Planning, the Joint Director for Planning and Economic Development, officers and full Council depending on the decision required to be made.
- 4.4 The scheme of delegation for decisions on neighbourhood plans within Cambridge (as set out in this report and recommended for approval to the Executive Councillor by officers) takes account of the lessons learnt in South Cambridgeshire, is in

accordance with national legislation and regulations, is in accordance with Cambridge City Council's constitution, and shares the responsibility across the Executive Councillor, the Joint Director for Planning and Economic Development, officers and full Council depending on the nature of the decision being made and taking account of any statutory timescales for decisions where they are imposed. Appendix A provides a summary of the responsibilities assigned to officers, the Joint Director for Planning and Economic Development, the Executive Councillor, and full Council at each stage in the process of preparing a neighbourhood plan.

- 4.5 The scheme of delegation (as set out in this report) reflects existing officer, Member and committee structures in relation to procedures and decisions for neighbourhood plan making. In the event that there are any changes to those structures such that responsibilities change, then those changes shall be applied to the scheme of delegation set out in this report.

Neighbourhood Forum designation

- 4.6 A neighbourhood forum is the group set up as the qualifying body to lead the neighbourhood planning process for a neighbourhood area where there is no parish council. A neighbourhood forum is defined in national legislation as being a group of at least 21 people from different sections within the community who live or work in the area, or are elected members for the area, and who have a written constitution. A neighbourhood forum must be designated before a neighbourhood plan can be prepared. The designation of a neighbourhood forum can be done alongside the designation of a neighbourhood area.
- 4.7 National regulations require that public consultation for at least 6 weeks must be carried out on any proposed neighbourhood forum. A local planning authority is required to make a decision on the designation of the neighbourhood forum within 13 weeks of the start of public consultation.
- 4.8 It is proposed that the Executive Councillor for Planning, Building Control and Infrastructure makes the decision on the designation of the neighbourhood forum in the most efficient way, which will normally be an out-of-meeting decision (in consultation with the Chair and Spokes of Planning and Transport Scrutiny Committee), taking account of the prescribed timescales for the public consultation and making the decision.
- 4.9 Officers will consider whether the application for designation of the neighbourhood forum is valid and meets national regulations. Officers will organise and carry out the public consultation, following national regulations and in accordance with the Greater Cambridge Statement of Community Involvement. Officers will publish the decision on the designation of the neighbourhood forum on the Council's website and notify those specified by national regulations.

- 4.10 National legislation sets out that a neighbourhood forum is designated for five years. South Newnham Neighbourhood Forum is the only neighbourhood forum designated in Cambridge at the moment. This neighbourhood forum was designated by the Executive Councillor at the Development Plan Scrutiny Committee in March 2017, and re-designated by the Executive Councillor through an out-of-meeting decision (in consultation with the Chair and Spokes) in July 2022.

Neighbourhood Area designation

- 4.11 A neighbourhood area defines the boundary of the neighbourhood plan. A neighbourhood area must be designated before a neighbourhood plan can be prepared. The designation of a neighbourhood area can be done alongside the designation of a neighbourhood forum.
- 4.12 National regulations require that public consultation for at least 6 weeks must be carried out on any proposed neighbourhood area that is not for the whole of a parish. A local planning authority is required to make a decision on the designation of the neighbourhood area within 13 weeks of the start of public consultation.
- 4.13 It is proposed that the Executive Councillor for Planning, Building Control and Infrastructure makes the decision on the designation of the neighbourhood area in the most efficient way, which will normally be an out-of-meeting decision (in consultation with the Chair and Spokes of Planning and Transport Scrutiny Committee), taking account of the prescribed timescales for the public consultation and making the decision.
- 4.14 Officers will consider whether the application for designation of the neighbourhood area is valid and meets national regulations. Officers will organise and carry out the public consultation, following national regulations and in accordance with the Greater Cambridge Statement of Community Involvement. Officers will publish the decision on the designation of the neighbourhood area on the Council's website and notify those specified by national regulations.
- 4.15 South Newnham Neighbourhood Area is the only neighbourhood area designated in Cambridge at the moment. This neighbourhood area was designated by the Executive Councillor at the Development Plan Scrutiny Committee in March 2017.

Pre-submission consultation

- 4.16 A Neighbourhood Forum (as the qualifying body) must carry out public consultation on its draft neighbourhood plan. National regulations require that the public consultation must be for at least 6 weeks and that those specified by the regulations must be notified. The local planning authority is one of the specified bodies, and therefore Cambridge City Council will have an opportunity to comment on any neighbourhood plans being prepared within Cambridge.

- 4.17 Officers will draft the response to such a consultation, primarily making comments on whether the neighbourhood plan meets the Basic Conditions, but also providing more detailed comments on the content and / or wording of specific policies where necessary. It is proposed that the response to such a consultation is delegated to the Joint Director for Planning and Economic Development, in consultation with the Executive Councillor for Planning, Building Control and Infrastructure, given that the response will need to be prepared and submitted within 6 weeks of the start of consultation.
- 4.18 South Newnham Neighbourhood Forum consulted on the pre-submission version of their neighbourhood plan in June-July 2023. The Executive Councillor for Planning, Building Control and Infrastructure through an out-of-meeting decision (in consultation with the Chair and Spokes of Planning and Transport Scrutiny Committee) agreed the response to this consultation, as it was ahead of agreeing this scheme of delegation.

Submission

- 4.19 The Neighbourhood Forum (as the qualifying body) is required to submit the neighbourhood plan to Cambridge City Council, who then carry out the later stages of the plan making process. Once a neighbourhood plan has been submitted, national regulations require the local planning authority to carry out public consultation on the neighbourhood plan for at least 6 weeks and that those specified by the regulations are notified. The local planning authority is one of the specified bodies, and therefore Cambridge City Council will have an opportunity to comment on any neighbourhood plans being prepared within Cambridge.
- 4.20 Officers will consider whether the submitted neighbourhood plan and its supporting documents are legally compliant. This requires considering whether the Neighbourhood Plan has been submitted by a qualifying body, includes specific information, and is accompanied by specific supporting documents. Officers will organise and carry out the public consultation, following national regulations and in accordance with the Greater Cambridge Statement of Community Involvement. Officers will collate the comments received and share with the Examiner.
- 4.21 Officers will draft the response to such a consultation, primarily making comments on whether the neighbourhood plan meets the Basic Conditions, but also providing more detailed comments on the content and / or wording of specific policies where necessary. It is proposed that the Executive Councillor for Planning, Building Control and Infrastructure makes the decision on the response to such a consultation in the most efficient way, which will normally be an out-of-meeting decision (in consultation with the Chair and Spokes of Planning and Transport Scrutiny Committee), taking account of the prescribed timescales for the public consultation.

4.22 No neighbourhood plans in Cambridge have yet reached the submission stage.

Examination

4.23 A neighbourhood plan is examined by an independent Examiner, who is appointed by the local planning authority. Most neighbourhood plan examinations are carried out using a written representations process, with a few exceptions including the need for a hearing. Officers will seek an Examiner to undertake the examination of the neighbourhood plan, but the decision on the Examiner to appoint will be made by officers in consultation with the neighbourhood forum, in line with NPPG. Officers will liaise with the Examiner and the neighbourhood forum. Officers will publish on the Council's website any examination documents, including the Examiner's Report.

4.24 On receipt of an Examiner's Report, a local planning authority must decide whether:

- to accept the recommendations proposed by the Examiner,
- the neighbourhood plan (with any necessary modifications) meets the Basic Conditions, and
- to send the neighbourhood plan (with any necessary modifications) to referendum.

National regulations set out that the local planning authority has 5 weeks from receipt of the Examiner's Report to make its decision, unless an alternative date is agreed with the neighbourhood forum.

4.25 Where an Examiner recommends that the neighbourhood plan (with any necessary modifications) should proceed to referendum, it is proposed that the decision to take forward the neighbourhood plan is delegated to the Joint Director for Planning and Economic Development, in consultation with the Executive Councillor for Planning, Building Control and Infrastructure, given the prescribed timescale and the nature of the decision. However, if an Examiner recommends that the neighbourhood plan should not proceed to referendum, it is proposed that the Executive Councillor for Planning, Building Control and Infrastructure makes the decision on the way forward for the neighbourhood plan in the most efficient way, which will normally be an out-of-meeting decision (in consultation with the Chair and Spokes of Planning and Transport Scrutiny Committee) given the prescribed timescales.

4.26 No neighbourhood plans in Cambridge have yet reached the examination stage.

Referendum

4.27 Cambridge City Council is responsible for organising the referendum, which must be carried out in accordance with neighbourhood planning referendum regulations. National regulations set out that the referendum must be held within 56 working days from the decision made on the Examiner's Report.

4.28 Officers will organise and carry out the referendum.

4.29 No neighbourhood plans in Cambridge have yet reached the referendum stage.

Making (adopting) the Neighbourhood Plan

4.30 If a neighbourhood plan is successful at referendum as a result of the majority of those voting being in favour of the neighbourhood plan being used when making decisions on planning applications, then the neighbourhood plan must be made (adopted) by the local planning authority unless by doing so would breach or otherwise be incompatible with EU or human rights obligations. National regulations set out that the neighbourhood plan must be made (adopted) within 8 weeks of a successful referendum.

4.31 As the neighbourhood plan will become part of Cambridge City Council's statutory development plan, it will need to be formally made (adopted) by full Council. It is proposed that the decision recommending that full Council makes (adopts) the neighbourhood plan is delegated to the Joint Director for Planning and Economic Development, in consultation with the Executive Councillor for Planning, Building Control and Infrastructure, given that the Council has limited options other than to make (adopt) the neighbourhood plan following a successful referendum and in light of the prescribed timetable for the making of a neighbourhood plan. It is proposed that the making (adoption) of the neighbourhood plan is carried out by full Council.

4.32 Following the full Council meeting, officers will publish on the Council's website a decision notice on the making (adoption) of the neighbourhood plan and notify those specified by national regulations.

4.33 No neighbourhood plans in Cambridge have yet been made (adopted) by Cambridge City Council.

5. Implications

a) Financial Implications

5.1 There are no direct financial implications arising from this report.

b) Staffing Implications

5.2 There are no direct staffing implications arising from this report.

c) Equality and Poverty Implications

5.3 There are no direct equality and poverty implications arising from this report.

d) Net Zero Carbon, Climate Change and Environmental Implications

5.4 There are no direct net zero carbon, climate change and environmental implications arising from this report.

e) Procurement Implications

5.5 There are no direct procurement implications arising from this report.

f) Community Safety Implications

5.6 There are no direct community safety implications arising from this report.

6. Consultation and communication considerations

6.1 The scheme of delegation (as set out in this report) has been considered by the Committee Services Team and 3C Legal Services, and is consistent with Cambridge City Council's Constitution and existing schemes of delegation.

7. Background papers

Background papers used in the preparation of this report:

- [Localism Act 2011](#)
- [The Neighbourhood Planning \(General\) Regulations 2012](#)
- [The Neighbourhood Planning \(Referendums\) Regulations 2012](#)
- [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014](#)
- [The Neighbourhood Planning \(General\) \(Amendment\) Regulations 2015](#)
- [The Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2016](#)
- [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2016](#)
- [Neighbourhood Planning Act 2017](#)
- [The Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2017](#)
- [National Planning Policy Framework \(July 2021\)](#)
- [National Planning Practice Guidance on Neighbourhood Planning](#)

8. Appendices

Appendix A: Responsibilities and Delegations for Neighbourhood Plans in Cambridge

9. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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