



## Neighbourhood Plans

### What is neighbourhood planning?

- Neighbourhood Plans (NP) give communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area.
- Neighbourhood planning is not a legal requirement, but a right which communities in England can choose to use.
- Neighbourhood planning provides the opportunity for communities to set out a positive vision for how they want their community to develop over the years in ways that meet identified local need and make sense for local people.
- Communities can put in place policies that will help deliver that vision.
- Policies within a NP can includes those that protect the local environment, local wildlife, its ancient woodland and open green spaces; policies which protect its heritage buildings and history; policies which protect local assets such as sporting grounds; policies which consider improvements to local infrastructure such as mitigating flood risks and improved foul drainage capacity, cycle ways, footpaths and communication technology; policies which consider renewable energy development and climate change; policies to support the local economy; policies to support public transport, traffic calming and highway safety and policies on housing and other development, including design.
- Like all planning policy, a NP must be written positively. It is not a document of 'do not' / 'cannot'; its policies determine what is acceptable: -
  - *"The use of dwellings as live/work units will be supported if ..."*
  - *"Proposals that result in the loss of employment generating uses or business premises will be resisted unless it can be demonstrated that ..."*

- *“Any new residential development, whether for new units or extensions or conversions of existing dwellings will be supported provided that ...”*
  - *“The Neighbourhood Plan will support proposals for redevelopment of existing plots, replacement dwellings and extensions to existing dwellings within the Settlement Boundary provided that ...”*
- Communities take a proactive approach in preparing the NP, via consultation and engagement. The final Plan must be made with the consent of the community via a referendum.
  - If Plaistow and Ifold had a made NP, it would benefit from 25% of the Community Infrastructure Levy (CIL) revenue which arises from qualifying development within the Parish, that Chichester District Council collects from developers. Without a made NP, the parish receives 15% of CIL.
  - Through a NP, the community can choose where they want new homes, shops, and offices to be built – this is not a requirement of a having a NP, but one of the many options that can be included within a Plan.
  - A NP can support the provision of affordable homes for sale that meet the needs of local people by including relevant policies.
  - The community can have a say on what new buildings should look like and what infrastructure should be provided.

## **Planning Policy**

- A NP sets out planning policies that sit alongside the Local Plan, prepared by the Local Planning Authority (LPA).
- Chichester District Council (CDC) is Plaistow and Ifold’s LPA.
- Once made (approved at a referendum), a NP attains the same legal status as the Local Plan. However, the further along in the development process a NP becomes, some weight can be attached to its emerging policies (before it reaches referendum).
- Decisions on planning applications are made by the LPA using both the Local Plan and the NP, and any other material considerations such as national planning policy.

- If someone does not like a planning decision made by the LPA, they can appeal the decision to the Planning Inspectorate. When the Planning Inspector rules on the matter, they too consider and apply NP policies, alongside national planning policy and policies within the Local Development Plan.

## **Review**

- Like all planning policy, a NP must be kept under review and updated. It must align with both national planning policy and Chichester's Local Plan.
- A NP must be in general conformity with the strategic policies of the Local Plan in force.
- There is no requirement to review or update a NP. However, NP policies may become out of date, for example if they conflict with policies in the Local Plan or any changes in national planning policy.
- Like all planning policy, a NP's policies are based on evidence. Over time, the evidence base becomes out of date.
- In planning terms, the more recent planning policies take precedence – whether this be in NPs or the Local Plan. Where a policy has been in force for a period, other material considerations may be given greater weight in planning decisions as the evidence base for the policy becomes less robust.
- Therefore, over time, varying degrees of weight will be applied to NP policies by the LPA / Planning Inspector in the decision-making process. Different policies within the NP will be given different weight – some policies will 'age' quicker than others.
- Typically, therefore, a Neighbourhood Plan is reviewed / updated every 5 years; however, this timescale can be shorter depending on the Local Plan review timetable and any major changes to national planning policy.
- The whole NP may not need updating, only certain policies (and their evidence base).
- NPs are no different to Chichester's Local Plan in this respect – its policies are based on evidence and 'get old' over time and require updating.

## Housing & housing policy

- Housing allocation for the Parish is included in Chichester's Local Plan.
- In the current Local Plan 2014-2029, the Parish has 10 houses allocated. Chichester District Council has selected a site for this development in Ifold. When the private landowner of the identified site wishes to sell, this site is likely to come forward for this approved development.
- Chichester's emerging Local Plan 2021 – 2039 seeks to allocate Plaistow and Ifold 25 houses (in addition to the 10 allocated under the current Local Plan).
- This housing number will be considered by a Planning Inspector, chosen by the government to examine Chichester's Local Plan and report on their findings. The Local Plan's Examination process is likely to be held towards the latter half of 2023.
- The number of houses allocated to Plaistow and Ifold could change due to the Examination process.
- Although Chichester's emerging Local Plan does not include the proposals for Crouchlands Farm, this site will be considered by the Planning Inspector during the Examination process.
- Changes to the Local Plan may be required because of the Examination process (inquisitorial hearings held with the Inspector). Any changes would be subject to a 6-week consultation before the Examination ends. Once the Planning Inspector is happy with Chichester's Local Plan it will be adopted and become Planning Policy.
- Housing can be included in a NP - but does not have to be.
- Chichester's emerging Local Plan aims to deliver the Plaistow and Ifold housing allocation (25 houses – subject to change) via a Parish NP - as the preferred method.
- If the Parish does not have a NP or has a NP that does not allocate the housing, Chichester District Council will choose a site for this development via their own process (as they have previously done with the 10 allocated under the current Local Plan).

- If the NP was to deliver the Local Plan housing allocation, it would look at various sites within the Parish via a 'call for sites' process. Landowners would put forward their land, or the Parish would identify suitable land, which would all be considered against various planning, housing need and feasibility criteria until the most suitable site for the development can be selected.
- A NP does not have to select a site for the housing allocated in the Local Plan. However, the benefit of doing so is that the community has control of *where* the development will take place; otherwise, the community must accept Chichester's process and decision.
- A NP can develop general **housing policy**, which manages development within the Parish wherever it comes from; (either the Local Plan housing, or other speculative development). In this way, the community can consider its housing need and housing priorities, including design and materials, build density (the number of houses built in a defined space) and housing type.
- If the Parish does not have a NP / does not have a NP with housing policy (or a NP that allocates a site for the Local Plan houses), then Chichester District Council will allocate the site for the development of the houses – the 'where'. However, what type of housing would be built on the site will be determined by the developer (within the planning process) and does not have to comply with the community's housing need / housing priorities.
- Therefore, developing housing policies within a NP is a good way for a community to have control of what is built in the Parish; even if it chooses not to say where houses are to be built.
- Housing development in the Parish is inevitable – either via the Local Plan, or via speculative development which can achieve planning permission. Housing development is not just large-scale developments, but also extensions, replacement dwellings and small-scale development. Private landowners can sell their land for development and the granting of planning permission is made by the LPA via the application of planning policy.
- Housing policy within a NP would allow the community to formulate relevant planning policy applicable to decision making.

- During the NP development process, a community Housing Needs Assessment will be undertaken to consider what housing the local community needs; for example, the community might need smaller homes for older people to 'downsize', or more affordable homes for local families.
- A Housing Needs Assessment should be undertaken, irrespective of whether a NP seeks to allocate the Local Plan housing. A Housing Needs Assessment is an important evidence tool by which to make housing policy to control any development which might come forward in the future.

## Design Code

- A NP can include a Design Code which would be applicable to all housing development in the parish area, regardless of how it is allocated / comes to fruition.
- Design Codes can sit alongside housing policy and site allocation, or be included independently.
- Design codes are used to inform development proposals to provide maximum clarity about design expectations at an early stage and reflect local character and preferences.
- *“Design codes are important because they provide a framework for creating healthy, greener, environmentally responsive, sustainable, and distinctive places, with a consistent and high-quality standard of design. This can provide greater certainty for communities about the design of development and bring conversations about design to the start of the planning process, rather than the end. Creating more beautiful places requires a greener approach, with more energy efficient buildings, integrating with the natural environment and contributing positively to the net zero carbon target by 2050.”*

[National Model Design Code](#)



**Image Caption: 10 Characteristics of Well Designed Places.** (National Design Guide Extract).

- Paragraph 132 of the National Planning Policy Framework states that development that is not well designed should be refused permission, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design codes and guides. Conversely, it states that significant weight will be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes.
- **A NP can allocate housing and have a Design Code (as well as housing policy); or just have a Design Code (and housing policy) – or it opt to have none.**

## Water Neutrality

- Unless development within the Sussex North Water Resource Zone can prove water neutrality it cannot (currently) be granted planning permission.
- Chichester's emerging Local Plan has devised a water neutrality mitigation strategy, which – subject to approval by the Planning Inspector at Examination - will be applicable to all housing allocated via the Local Plan.

- Housing which is not allocated within the Local Plan will not be able to take advantage of the mitigation strategy and will have to prove water neutrality independently.
- Any housing within a NP can only rely upon the water neutrality mitigation strategy if it aligns with the Local Plan.

## **Making a NP**

- The Parish Council is responsible for neighbourhood planning and is the 'qualifying body'. However, the LPA (CDC) has a statutory role in the process – some of the decisions are made by the LPA (and must be made within a prescribed time-period) and they must provide advice or assistance to the Parish Council. The NP becomes part of the LPA's Development Plan and once passed at referendum must be adopted by the LPA.
- The process by which a NP is made includes various consultation periods, an Examination process by a Planning Inspector and a final community referendum on its adoption.
- The more advanced a NP becomes (before it is made) the more weight can be assigned to its emerging policies in the planning decision-making process.
- Various legislation, regulations and statutory instruments govern the making of a NP. Language such as "Reg 14 consultation" means the public consultation required by regulation 14 of The Neighbourhood Planning (General) Regulations 2012 before the Parish Council can submit the NP proposal to the LPA.
- The process to develop a NP can take a few years; however, the pace can be determined by the Parish Council to a greater extent.
- The fact that the Parish had a well-developed draft NP which was stopped, enables it to 'fast-track' through some of the process – it will review and update those policies it wishes to keep – rather than starting completely from scratch. Other areas/policies will be developed from new.
- The Parish Council could not take any NP to "Reg 14 consultation" before the Local Plan has concluded its Examination process (anticipated end of 2023). This is because



the NP must be strategically aligned with the Local Plan and the Local Plan policies might change as a result of the Examination process.

- Until the Local Plan has passed Examination, the number of houses to be allocated to Plaistow and Ifold Parish will not have been confirmed. Likewise, the water neutrality mitigation strategy will not have been approved.
- Regardless of whether the NP seeks to allocate a site for the Local Plan housing, it should understand how the water neutrality mitigation strategy impacts upon its emerging policies.
- However, to note, *if* the Local Plan fails examination / is significantly delayed, having a NP which is able to protect the community from speculative development seeking to take advantage of an out-of-date current Local Plan / less than 5-year housing land supply becomes an important factor. Made NP policy would be the most recent planning policy to be applied in the decision-making process.
- The Parish Council can appoint an advisory committee or sub-committee to support the preparation of a NP and can appoint local people (with voting rights) to the committee.
- Previously, the Parish Council had a Neighbourhood Steering Group (NPSG) made up of Councillors and MOP. However, this NPSG did not have any decision-making powers/voting rights. All decisions were made by the Parish Council.
- The Parish Council can instruct planning experts / consultants to help prepare the NP.
- Plaistow and Ifold PC has previously used Colin Smith Planning Ltd, who supported the Council / NPSG throughout its previous NP process.
- Technical support by specialist consultants/bodies is provided as part of the government grant support for 'technical NPs' – ones which allocate housing and/or have a Design Code. These specialists undertake specific bits of work/reports alongside an appointed expert e.g., Colin Smith Planning Ltd and any committee.
- Plaistow and Ifold PC is in an unusual position in that it previously began to develop a NP and got to Examination stage - before it was disrupted/stopped by Water Neutrality in 2022\*(see below).

- A decision by the PC to begin the neighbourhood planning process again, would be a **new** NP. Although much of the base material is already in existence – it needs reviewing/updating rather than writing from scratch – **the NP would be considered new and once the material / evidence was back up to standard, the process would begin from Regulation 14 public consultation.**
  
- **Any NP developed by the Parish Council now, would be a completely new Plan; it does not have to follow in the footsteps of the previous NP. Whereas the previous emerging NP allocated housing, any new NP does not have to do likewise. It can reuse/re-work/update some of the material within the old draft NP, but it can also prepare completely new material, if it wishes.**
  
- Any major change(s) to a NP (throughout its development), requires it to return to the initial Regulation 14 public consultation stage.
  
- *\* Water Neutrality meant that all the policies within the draft NP regarding housing would need to be removed in order for the NP to be legally compliant and pass Examination. This major change would have required a new ‘Reg 14 consultation stage’ and further delay in the process. As a result, the NP process was abandoned.*
  
- If the PC wishes to develop a NP, it is **STRONGLY ADVISED** that it uses the services of a planning consultant to undertake most of the works, rather than appoint a sub-committee to do the work.
  
- It is **STRONGLY ADVISED** that a consultant take the lead role in the process and carry out the majority of the work; as opposed to providing guidance, advice and review of the work carried out by the Parish Council itself (via a Steering Group).
  
- All decision-making can/will be made by the full Parish Council as required, and then undertaken by a consultant.
  
- This is to provide maximum development speed / accuracy in the review and development process and to remove any personal element to the process.
  
- Colin Smith Planning Ltd undertook much of the consultant work on the previous NP and therefore it is **STRONGLY ADVISED** that their services are retained as their historic knowledge and previous work will help maximise speed/efficiency and cost.

## Cost

- To date, the government has opened an annual NP grant funding window.
- It usually runs from 1<sup>st</sup> April – 31<sup>st</sup> March, but delay in opening the window shortens the timeframe.
- In 2023/24, the window opened in July and runs until 31<sup>st</sup> March 2024.
- Future grant funding is never / not certain.
- The maximum grant funding (\*see below) – to develop a NP from beginning to end - being 'made'/adopted - is not made available from the start.
- Parish Councils apply for grant funding in stages (usually based on work to be undertaken in a 3-month window, supported by quotes and up to a value of about £9,000 per application). Once this work is completed, a new application is made for the next grant award for the next stage(s) of the process.
- At the end of the annual funding window (31<sup>st</sup> March 2024), any underspend must be handed back; i.e., if the Parish Council 'draws down' £9,000 grant funding, but by 31<sup>st</sup> March 2024, £2,000 of this has not been spent, it must be returned to government.
- Provided the funding window reopens (1<sup>st</sup> April 2024+), the PC can apply for the remainder of the grant funding (again, in stages) i.e., the maximum grant less any expenditure incurred in previous years.
- This continues until the NP is made / the total grant funding amount is used up / the government stops making grant funding available (whichever happens first).
- \*'Technical Plans', which allocate housing and/or have a Design Code, can apply for a maximum of £18,000 (£10,000 standard grant + £8,000 additional funding support). Non-technical Plans can apply for up to £10,000.
- 'Technical Plans' also have the benefit of having some of the required technical work/reports prepared by government funded bodies e.g., [AECOM](#) – an infrastructure consulting firm. This is on top of the £18,000. However, this technical work cannot be

undertaken by the Council's appointed consultant; it must be outsourced to AECOM and they are funded directly by the government.

- The Parish Council has experience working with Colin Smith Planning Ltd and AECOM in this working pattern.
- Provided the technical work has been applied for / started before 31<sup>st</sup> March 2024, it can be continue by AECOM once the funding window closes (31.03.2024). This is not the same for the monetary grant funding - after 31<sup>st</sup> March 2024, any underspend has to be returned and the Council must wait for the funding window to reopen before it can apply for the next 'chunk' of grant funding.
- [Locality](#) manages and approves the grant funding / technical support on behalf of government.
- Please refer to Colin Smith Planning Ltd's draft fee estimate.
- The total maximum fee will likely be approximately £22, 050.
- This fee estimate would be reduced if the NP did not allocate housing / a site for the Local Plan housing and only had a Design Code and/or housing policy.
- Provided the Parish Council can undertake most of the works before 31<sup>st</sup> March 2024\*(see below) - and therefore use up the majority / all of the known available grant funding – that will offset the cost.
- Based on the development of a Technical Plan (housing and/or Design Code) the cost to be met by the Council's Precept would be approximately £4,050.
- \*There is no reason to believe that the government will not open another funding window after 31<sup>st</sup> March 2024, and the funding terms will change. However, it must be noted that there could be delay in opening the window (as this year) and/or the terms of the funding could change.
- This would impact the speed of a NP development.
- Were the government to stop or reduce grant funding, any outstanding work on the NP (after 31<sup>st</sup> March 2024) would have to be privately funded by the Council's Precept.

- Both Locality and Colin Smith Planning Ltd have advised that it is possible to undertake the major works within the funding window (before 31<sup>st</sup> March 2024).
- NP reviews are also subject to new / separate grant funding - provided this is continued by the government in the future. Otherwise, the total cost of review/update will be borne by the Council.
- Future costs of the NP would be factored into the Council's business plan.
- To date, there is nothing to suggest that NPs are to be scrapped /undermined by this or future governments.