



# **Peterborough Local Development Framework**

## **Peterborough Statement of Community Involvement**

**Recommended to Cabinet - 5 November 2012**

**PETERBOROUGH CITY COUNCIL**  
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## Preface

This is the adopted Peterborough Statement of Community Involvement.

It was adopted by resolution of Peterborough City Council's Cabinet, in accordance with the provisions of section 23(5) of the Planning and Compulsory Purchase Act 2004, on XXXXXXXX.

## Preface

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## 1 Introduction

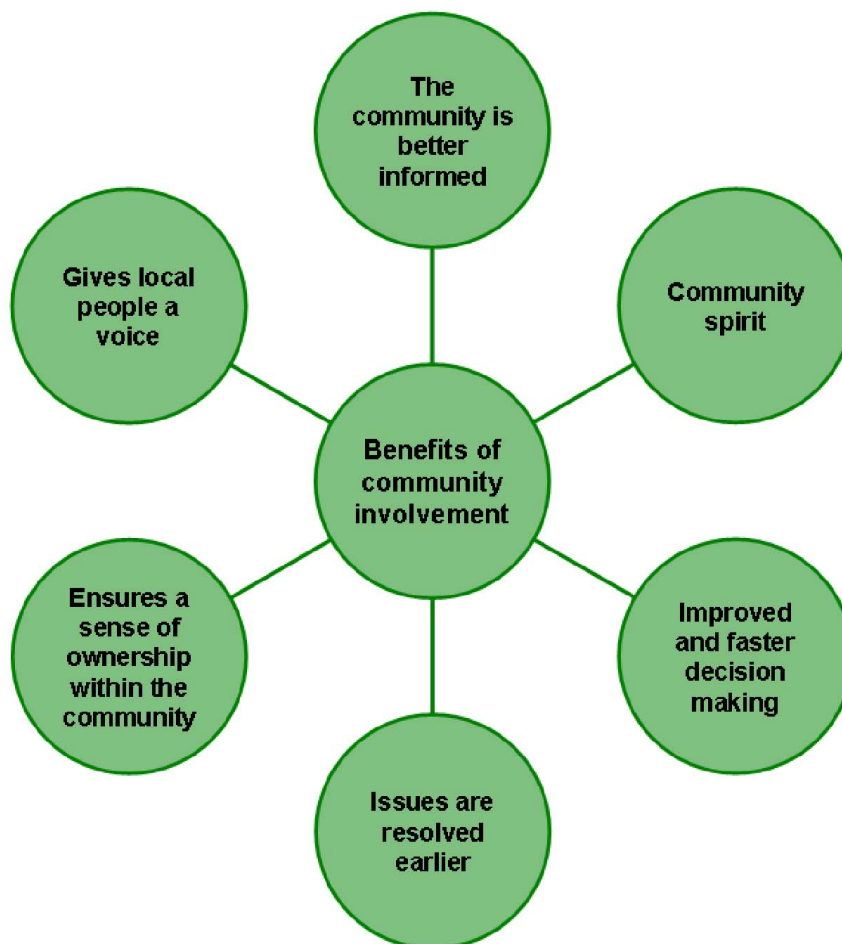
**1.0.1** This is the Peterborough Statement of Community Involvement (SCI), prepared under the provisions of section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) and adopted by the city council on XXXXXXX. It replaces the first Peterborough Statement of Community Involvement, which had been adopted in February 2008, and is now revoked.

### What is a Statement of Community Involvement?

**1.0.2** This SCI sets out how the city council will involve the community in planning for the future of the city. This includes the planning application process (chapter two of this SCI), planning how much and where new development will take place through the Local Development Framework (LDF) (chapter three of this SCI) and neighbourhood planning (chapter four of this SCI). Whilst neighbourhood planning is not lead by the city council, we will assist those involved in the process and publicise when the community can be involved in shaping neighbourhood planning in their local area.

**1.0.3** The term 'community' refers to everyone who lives, works, visits or operates in Peterborough and may therefore be affected by, or have the potential to influence decision making. Figure one shows the main benefits of community involvement.

**Figure one: the main benefits of community involvement**



**1.0.4** We will try our best to 'keep things simple' for the benefit of people new to the planning system, but there are some long phrases that cannot be avoided. A glossary of these terms and acronyms is available at the end of this document.

## Introduction

### What is planning?

- 1.0.5** Most new buildings, major changes to existing buildings or significant changes to the local environment, such as mineral extraction or landfill disposal activity, need consent – known as planning permission. Without a planning system everyone could construct buildings or use land in any way they wanted, which could negatively impact on other people who live and work in their area, or the environment.
- 1.0.6** The city council, as your local planning authority, is responsible for deciding whether most development – anything from an extension on a house to a new shopping centre or waste management facility – should go ahead. More details on this process are found in chapter two of this document.
- 1.0.7** There is a legal framework set by Government that underpins the planning system in England. The system requires each local planning authority to prepare a Local Development Framework - a folder of documents outlining how planning will be managed for that area.
- 1.0.8** In determining planning applications, local planning authorities must have regard to their LDF. More details on this are found in chapter three.
- 1.0.9** The Localism Act 2011 has amended some parts of this legal framework. In particular, the Act introduced 'neighbourhood planning', where communities can directly prepare planning policies for their area. More details on this can be found in chapter four.

### How you can be involved

- 1.0.10** There are a number of ways you can have your say in the planning process. The city council is responsible for:
- Producing a LDF for the city, setting out what development could happen up to 2026;
  - Assisting in the process of Neighbourhood Planning; and
  - Making decisions on planning applications.
- 1.0.11** You can play an active role in all of the above, which means you have a say in planning decisions affecting you and your community. The main ways you can get involved are:
- Having your say during public consultation periods for the Local Development Framework;
  - Having your say on planning applications affecting your community;
  - Reporting planning control breaches (such as a neighbour building a large extension to their home without planning consent);
  - Commenting on appeals relating to applications that have been refused by the city council; and
  - Preparing your own plans and policies for your local area, under the new neighbourhood planning rules.
- 1.0.12** The next three chapters describe in more detail how you can be involved in the planning process. Please take the opportunities to do so. Your input is vitally important to ensure Peterborough remains a great place to live.

### Involving all members of the community

- 1.0.13** Throughout this document, we refer to material that we publish or send to people or make available on our website; and to the opportunities that people have to let us know their views on a planning matter. We want to provide opportunities for all members of the community to get involved in planning and will make any reasonable adjustments to our approach whenever necessary, to help people with disabilities.



## Introduction

- 1.0.14** When requested, we will be happy to meet with any person who is blind or partially sighted to explain the content of any letter, notice or document, to discuss any issues of concern, and to prepare a written record of any comments or formal representations that the person dictates to us. We will be happy to make any document available in large type or to record its contents onto a CD, in response to any reasonable request.
- 1.0.15** All of the content on our webpages is created to be "double A compliant" with the W3C web Accessibility Guidelines, which means that they are accessible to people with disabilities. Pages are all made available in a text only version which is designed to be "easy read" by individuals with visual impairments and those who use screen readers. Web visitors can switch on the "text only" mode on any page by selecting it from the top menu and return to graphics mode at any point.
- 1.0.16** Whenever we hold committee, cabinet or council meetings to discuss planning issues, there will be a hearing loop available for the benefit of those who have hearing difficulties.
- 1.0.17** If we are responsible for arranging meetings or exhibitions which any member of the public may attend, we will take all reasonable steps to ensure the venue is accessible for people with disabilities.
- 1.0.18** All of the actions that we take will be in accordance with any corporate standards or procedures of the city council, to ensure that no individual is disadvantaged as a result of their disability.

### Monitoring and review

- 1.0.19** This SCI is expected to change over time as we learn from our efforts of involving people and to respond to any emerging guidance and changes in law. The city council will monitor how effective the SCI is, and any necessary changes to the SCI will be made after public consultation.

## Introduction

## 2 The pre application process, planning applications and planning compliance

### 2.1 Do I need planning permission?

- 2.1.1** With all building work, the owner of the property (or land) in question is ultimately responsible for complying with the relevant planning rules and building regulations.
- 2.1.2** Most kinds of development require planning permission; however there are a number of circumstances where certain types of development are automatically permitted. The Town and Country Planning (General Permitted Development) Order 1995 (as amended) contains a number of 'blanket permissions' for a variety of different works. From time to time the Government may change the rules about what types of development benefit from automatic 'permitted development' rights.
- 2.1.3** If your proposed development falls within what is termed 'permitted development' you will not need to apply for formal planning permission to carry out the works. Please be aware that permitted development rights (as explained above) are often subject to compliance with standard conditions such as a requirement that building materials must match those used on the existing property. It is the owner/developer's responsibility to check and comply with these conditions.
- 2.1.4** For up to date information on whether you need planning permission, go to the following page on the city council's web site: [http://www.peterborough.gov.uk/planning\\_and\\_building/do\\_i\\_need\\_planning\\_permission.aspx](http://www.peterborough.gov.uk/planning_and_building/do_i_need_planning_permission.aspx)
- 2.1.5** For up to date information on how to make a planning application, you can visit the city council website at: [http://www.peterborough.gov.uk/planning\\_and\\_building/making\\_a\\_planning\\_application.aspx](http://www.peterborough.gov.uk/planning_and_building/making_a_planning_application.aspx).
- 2.1.6** Some very large-scale developments such as power generating stations, rail freight interchanges and electricity transmission lines are classified by the Government as "Nationally Significant Infrastructure Projects". Proposals for these types of development require a special kind of consent known as "development consent" rather than planning permission. They are decided by the Secretary of State following an examination of the application by the Planning Inspectorate, so many of the processes and procedures described in this SCI will not apply.

### 2.2 Community consultation before a planning application is submitted (the 'pre-application stage')

#### The city council's pre-application advice service

- 2.2.1** The city council encourages pre-application discussions with a developer before an application is submitted and offers a pre-application advice service to all potential applicants. Pre-application is the phase before a developer formally submits a planning application. It is a stage where the design and layout of a development is being drafted, but not yet firmed up. As part of this phase, pre-application discussions can ensure that any future development enhances and improves the built and natural environment. Effective pre-application discussions can also speed up the subsequent formal planning application process.
- 2.2.2** Further information on the pre-application advice service (including the fees involved) can be found at: [http://www.peterborough.gov.uk/planning\\_and\\_building/making\\_a\\_planning\\_application/step\\_1\\_pre-application\\_advice.aspx](http://www.peterborough.gov.uk/planning_and_building/making_a_planning_application/step_1_pre-application_advice.aspx).

## The pre application process, planning applications and planning compliance

**2.2.3** The city council will not consult local communities on pre-application proposals. If there is any such consultation, it will be the responsibility of the developer, as explained in the next section below.

### 2.3 Developer consultation with the community

**2.3.1** The city council has always encouraged pre-application consultation with communities on major planning applications. However, Section 122 of the Localism Act introduces a new duty for developers to consult local communities before submitting planning applications for certain developments.

**2.3.2** This duty had not been brought into force at the time of adoption of this Statement of Community Involvement and we simply offer advice on the subject until it becomes mandatory.

**2.3.3** Minor application types, including householder planning applications, lawful development certificates, prior notification applications, listed building and conservation area consent applications and applications to vary or remove conditions on existing planning permissions (section 73 applications) are probably unlikely to be subject to the new duty.

**2.3.4** For those developments where the duty will apply once it is brought into operation, developers will have to have regard to any comments or responses generated by the consultation undertaken, and decide whether to make any changes to their proposals before submitting their planning applications<sup>(1)</sup>.

**2.3.5** Developers will have to provide an account of the pre-application consultation undertaken as part of any planning application. Failure to do so will mean the planning application will be invalid<sup>(2)</sup>.

#### What does this mean for communities?

**2.3.6** Communities will not have a power of veto over whether a planning application can be submitted. They will however be able to raise issues for the developer to consider and make suggestions which could improve the development, increase benefits for the community and reduce its possible impact on the neighbourhood. This will hopefully reduce local opposition, increase chances of a timely and positive decision from the planning authority, and improve the quality of the development that results.

**2.3.7** Many applicants, particularly those promoting very large and high-value or controversial schemes, have often consulted communities in the past. The intention is for the new requirement to expand current practice out to a wider range of developments to give people a stronger role in and more positive outlook on, both planning and development.

#### Local 'Good Practice' advice note

**2.3.8** The Localism Act allows the city council to produce a local good practice guide. In Appendix One of this SCI, there is an advice note on pre-application consultation. This is purely advisory and the council will revise it if and when the new statutory duty is brought into effect. We will publish the latest version on our website.

### 2.4 Community consultation on planning applications

**2.4.1** This section explains how the community can be involved in the determination of a planning application, in other words, the process leading to the decision to grant or refuse the application.

1 Required by section 61X of the Town and Country Planning Act (1990, as amended by the Localism Act)

2 Section 62 of the Town and Country Planning Act 1990, as amended by the Localism Act.

## The pre application process, planning applications and planning compliance

- 2.4.2** The Planning and Compulsory Purchase Act 2004 requires that at any time before a decision is made on a planning application, stakeholders and the local community should have the opportunity to comment on any aspect of the proposal.
- 2.4.3** A community or individual can comment (or 'make representations') on any planning application. The level and extent of consultation and publicity will vary depending on the size, scale, location and nature of the proposed development. However, all planning proposals have the potential to raise issues and be sensitive - publicity and consultation is therefore an integral part of the planning process.

### Who we consult with on planning applications

- 2.4.4** Consultation on planning applications will take place with both statutory and non-statutory consultees. Those consulted will vary depending upon the nature of the proposal and location.
- 2.4.5** Statutory consultees are organisations that we are required to consult on certain planning applications by the Government; others are consulted by discretion. The requirement for such consultation can be found in a variety of statutes, regulations, circulars and advice notes.

### How we consult on planning applications

- 2.4.6** At the beginning of the process, all consultees have 21 days in which to respond<sup>(3)</sup>. Sometimes these responses mean that the case officer (the planning officer who is dealing with the planning application) needs to contact the applicant to request more information or to suggest amendments. However, bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation. The minimum statutory requirements are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- 2.4.7** Certain types of application require a site notice to be placed on or near the land to which the application relates and for a notice to be placed in the local newspaper. In these cases, the period for consultation is at least 21 days. Such application types include those which are subject to an Environmental Impact Assessment (EIA), do not accord with the development plan or would affect a right of way or affect a listed building, its setting, a conservation area or other statutorily designated site.
- 2.4.8** Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) requires the Local Planning Authority to be given "Prior Notification" of certain developments (e.g. agricultural and telecommunications development within size limits). Prior notifications are not planning applications and they do not fall under the normal consultation or publicity procedures for planning applications.

### Publicising planning applications

- 2.4.9** Government advice and legislation is set out in clearly defined codes of practice for all publicity. Table one shows how the city council goes beyond the minimum national requirements.

3 The 21 day consultation period for a statutory consultee (such as the Environment Agency or Highway Authority) shall only be taken to have commenced when they have received all the information they need to make an informed comment e.g. a flood risk assessment, transport statement etc.

## The pre application process, planning applications and planning compliance

Table one: going beyond minimum requirements

Minimum national requirements	Peterborough City Council's requirements/commitments
Newspaper notice and site notice for certain categories of development, for example, EIA development, work affecting listed buildings or conservation areas, departures etc.	Newspaper notice, site notice <b>and</b> neighbour letters.
Newspaper notice and site notice or neighbour letter for major development (major development is defined as for residential – ten dwelling or more or 0.5 hectares or more and for commercial, 1,000 square metres or more or one hectare or more).	Newspaper notice, site notice <b>and</b> neighbour letters.
Site notice or letters to neighbours for all other development not falling into the above categories.	Neighbour letters <b>and</b> sometimes a site notice where all neighbours cannot be identified.

**2.4.10** All applications for planning permission will be publicised when validated (see table two).

Table two: how we publicise planning applications

Method	Target audience	Where available
Weekly list of all valid applications received can be viewed online at: <a href="http://www.peterborough.gov.uk/planning_and_building/planning_weekly_lists.aspx">http://www.peterborough.gov.uk/planning_and_building/planning_weekly_lists.aspx</a>  A search facility is also available online: <a href="http://planpa.peterborough.gov.uk/online-applications/search.do?action=weeklyList&amp;searchType=Application">http://planpa.peterborough.gov.uk/online-applications/search.do?action=weeklyList&amp;searchType=Application</a>	Widest possible Including residents, councillors, local businesses, community groups	Bayard Place (where a computer is available) and on our website
Neighbour notification	Occupiers adjacent to the application site.	Individual letter to properties which adjoin the site
Site notice (where applicable)	Local community	Displayed at or near site
Advertisements (press notice) in the local paper (where applicable)	Wider community	Peterborough Evening Telegraph

### How you can make comments on a planning application

**2.4.11** Once a valid planning application has been received, we aim to determine it (reach a decision) within 13 weeks if it is a major planning application or within eight weeks if it is an application for minor or other development. We will, however, determine a planning application at the earliest possible opportunity following the end of the 21 day consultation period.

**2.4.12** All comments and consultation responses, whether in support of, or objecting to, a planning application, must be submitted in writing to the Head of Planning, Transport and Engineering Services, within the specified timescale for making representations. Representations can be accepted by letter, fax or email. The 21 day timescale must be adhered to in order to ensure that comments received (both as a result of consultation and of publicity) inform the decision making process.

## The pre application process, planning applications and planning compliance

- 2.4.13** During the publicity period, individuals or groups may obtain information from the city council (see contact details at Appendix Three); or gain independent advice through Planning Aid. This is a free, independent planning advice service for communities and individuals, which can be contacted on 0330 123 9244 or at [advice@planningaid.rtpi.org.uk](mailto:advice@planningaid.rtpi.org.uk).
- 2.4.14** For information on how to make comments, go to the following web page on the city council's web site: [http://www.peterborough.gov.uk/planning\\_and\\_building/view\\_comment\\_and\\_committees/view\\_comments\\_and\\_committees.aspx](http://www.peterborough.gov.uk/planning_and_building/view_comment_and_committees/view_comments_and_committees.aspx)
- 2.4.15** All letters, faxes and emails received are placed on the planning file which is available for public inspection at Planning Services. They cannot be treated as confidential.
- 2.4.16** Further publicity and consultation will be carried out if planning proposals are significantly altered and the results of any further consultation will be taken into account in the decision making process, as set out below.

### What if the applicant submits amended plans before the application has been determined?

- 2.4.17** Sometimes applicants make a change or are asked to make a change to overcome particular problems with a development proposal. We will consult on these changes as set out in table three.

**Table three: re-consultation before an application has been determined**

Level of change	Re-consultation
Where the change is insignificant and would not impact on neighbours and/or the environment	No re-consultation will be undertaken
Where the change addresses the concerns of/impacts on specific neighbours only	Notification letter sent giving between seven and 14 days to comment
Where the change significantly alters the appearance or layout of the proposal and would be of interest to neighbours/community groups	Notification letter sent giving a minimum 14 days for comment

### What if the applicant submits amended plans after the application has been decided?

- 2.4.18** Sometimes developers wish to make small changes to their developments after permission has been granted. Some will be more significant than others and we will consult on the changes as set out in table four.

**Table four: re-consultation after an application has been determined**

Level of change	Re-consultation
Non-material amendment	No consultation
Material amendments	As per table two
Application to delete/vary a condition attached to the permission	As per table two

## The pre application process, planning applications and planning compliance

### 2.5 Who makes the decision on planning applications?

- 2.5.1** A number of councillors sit on the Planning and Environmental Protection (PEP) Committee. When making a decision on a planning application, councillors have the task of considering private proposals against wider public interests and must make their decision purely on planning grounds. Councillors involved in decision making must approach each application with an open mind, adhering to the council's planning code of conduct. The case officer's report will be made available a week before the committee meeting and in the vast majority of cases will make a recommendation to PEP Committee stating whether or not a proposal should be approved.
- 2.5.2** Up to 2000 planning applications are submitted each year to the city council. Accordingly, the power to make a decision is delegated to the Head of Planning, Transport and Engineering Services in most circumstances in accordance with details set out in the city council's Scheme of Delegation and its Standing Orders.
- 2.5.3** The PEP Committee determines applications for exceptionally large developments or a major development which does not accord with the Development Plan. It will also determine other, usually smaller applications, if asked to do so by parish councils, neighbourhood committees or Members of the city council. There are opportunities for objectors, applicants and others to speak at the committee meeting before a decision is made (details of this procedure are set out in Appendix Two). Once a decision is made on an application at PEP Committee, there is a 'call-in' period to allow for the elected councillors present at the meeting to ask the chief executive that it be reported to a special meeting of the Planning Review Committee. The request must come from at least 30 per cent of the elected members present at the meeting and must be carried out within two working days of the end of the meeting. The Planning Review Committee will be responsible for determining a referred application following implementation of the call-in procedure.

### The role of planning officers

- 2.5.4** Before a decision is made on a planning application, the planning case officer will prepare a report with a recommendation. The report will consider all the planning issues and any representations made by consultees, local residents and the wider public. The planning officer has a statutory duty to make recommendations in accordance with policies contained in an up to date development plan unless other material considerations indicate otherwise. Certain matters are by law prohibited from being taken into account, for example, property values. Throughout the process prior to a decision being taken, the planning case officer will negotiate any changes to the proposals with applicants where appropriate.

### Pre-determination

- 2.5.5** The Localism Act clarifies the rules on "pre-determination". These rules were originally developed to ensure that councillors came to council discussions on, for example, planning applications, with an open mind. In practice, however, these rules have sometimes been interpreted in such a way as to reduce the quality of local debate and stifle valid discussion. In some cases councillors have been warned off doing such things as campaigning, talking with constituents, or publicly expressing views on local issues, for fear of being accused of bias or facing legal challenge.
- 2.5.6** The Act now makes it clear that it is acceptable for councillors to play an active part in local discussions and that they should not be liable to legal challenge as a result. This will help councillors better represent their constituents and enrich local democratic debate.



## The pre application process, planning applications and planning compliance

### Reporting back to you

- 2.5.7** The results of consultation on planning applications will be taken into account in decisions made by and on behalf of, the city council. You can track the progress of the application on line via 'Public Access' on the planning pages of the city council's website: [http://www.peterborough.gov.uk/planning\\_and\\_building/planning\\_and\\_building\\_online.aspx](http://www.peterborough.gov.uk/planning_and_building/planning_and_building_online.aspx)
- 2.5.8** Once a decision has been made on a planning application, details will be placed on a weekly decision list, which is available to view at the Customer Service Centre at Bayard Place and on our website.

**Table five: how we report back to consultees**

Reporting back	Target audience	Where available	When notified
Weekly decision list	Residents, local businesses, community groups	On our website and at Customer Services at Bayard Place	Weekly – picks up previous week's decisions
Decision notice	Residents, local businesses, community groups	Decision notices can be viewed through 'Public Access' on the city council's website (you will need the planning application reference number or the address)	Published on line as soon as possible after the decision on the application has been made  Target: within one working day

### Planning appeals

- 2.5.9** If the person who applied for planning permission does not like the decision that the city council has made on their application (e.g. planning permission refused, or onerous condition applied to a planning permission), they may lodge an appeal to the Planning Inspectorate. No one else has the right to appeal the decision. However, when an application has been appealed, the city council does inform all parties that objected during the application stage that an appeal has been lodged. The city council advises people of this as soon as it receives notification from the Inspectorate. All copies of letters and comments received during the original application stage are also forwarded to the Planning Inspectorate.
- 2.5.10** If an application is approved, the only recourse available to third parties is to apply for judicial review of the decision. This is an extremely rare event.

## 2.6 Community involvement on other types of planning proposals

### Tree Preservation Orders

- 2.6.1** A tree, or groups of trees, can be protected by the city council via a Tree Preservation Order (TPO). When a TPO is made, the city council undertakes a consultation exercise. The city council will consult the parish council and the owner and occupier of any adjoining land where there is a common boundary. Adjacent properties that are divided by a highway would typically not be consulted. If the landowner of the site is not known then a site notice is also displayed.
- 2.6.2** A tree covered by a TPO or trees within conservation areas cannot be cut down, either in whole or part, without notification or consent from the city council. To notify or gain consent, a Tree Works application needs to be submitted. When such an application is received, the city council will consult the parish council and the ward councillor, but not neighbours. Applications to do works to a TPO tree or a tree in a conservation area are notified to the relevant parish council.

## The pre application process, planning applications and planning compliance

### Application to list a building

- 2.6.3** When an application is made to English Heritage by a member of the public to list a building, English Heritage will contact the owner of the building to advise of the enquiry and investigation.
- 2.6.4** If following investigation, a building is listed, the city council is notified in writing by English Heritage and the city council then has a duty to notify the owner of the listed building of the decision. There is no right of appeal.

### Conservation area designation

- 2.6.5** The city council is required to give notice of an intended designation of a conservation area through a notice placed in the London Gazette and a local newspaper. Local communities have become more proactively involved in identifying the general areas that merit conservation area status and defining the boundaries. The values held by the community are likely to add depth and a new perspective to the local authority view. Conservation appraisals which have been initiated by community groups have demonstrated that informed residents can undertake a great deal of the initial survey work.
- 2.6.6** If the conservation area under review falls within the area of a parish council, the city council's conservation officer will meet with the parish council at the beginning of a review of the area and consult with all residents (in a 'small' village) and certainly all affected residents to an extension, or part deletion, of an area.

### Flood risk designation

- 2.6.7** Under the Flood and Water Management Act 2010, any natural or man-made structure or feature that is deemed to affect flood risk through its existence or location can be protected by the city council via the flood risk designation process. When the designation of a feature is proposed, the city council will consult the owner of the land, or person responsible for managing the structure if this is different, for a period of at least 28 days.
- 2.6.8** If, following investigation and review of the responses, the feature is designated, the city council will notify the owner of the decision. The council will also notify any other flood risk management authorities, such as the Environment Agency or an Internal Drainage Board, in case they have an interest in the designation. A feature covered by a flood risk designation cannot be altered, removed or replaced without the written consent of the city council. To notify or gain consent a flood risk works application will need to be submitted.
- 2.6.9** There is a right of appeal for both designation and refusal of consent for flood risk works and the owner will be notified of the process for this as part of the notice issued to confirm the designation.

### 2.7 Community involvement in planning enforcement

- 2.7.1** Planning Enforcement or Planning Compliance (as it is also known) is used to describe the processes involved in making sure people comply with planning law and the requirements of a planning permission. It involves little consultation as a result of the confidentiality of many investigations. The majority of cases arise through referrals from the public, councillors or planning officers. There is no public consultation on compliance cases; however, the city council will ensure that the complainant is advised of the result of investigations into alleged breaches of planning control.
- 2.7.2** Following investigations, many result in the submission of a planning application in an attempt to regularise a breach. When this is the case, the community can become more involved in the same way as any other planning application.

## The pre application process, planning applications and planning compliance

**2.7.3** If, following investigation, it is necessary to serve any formal notices, for example, a Stop Notice, Enforcement Notice or Breach of Condition Notice, the city council is obliged to keep an enforcement register of notices. If you wish to view this register please contact a member of the Planning Services Technical Team on 01733 453410.

**2.7.4** The city council's Planning Compliance Plan provides a full description of the enforcement services, which are summarised below. The strategy can be viewed on the city council's web site at the following address: [http://www.peterborough.gov.uk/planning\\_and\\_building/planning\\_enforcement/planning\\_compliance\\_strategy.aspx](http://www.peterborough.gov.uk/planning_and_building/planning_enforcement/planning_compliance_strategy.aspx)

### What can you complain about?

**2.7.5** Development that is occurring:

- Without planning permission
- Without complying with conditions that have been attached to a permission
- That is not in accordance with an approved plan

### How can you make a complaint?

- A complaint form can be completed online or downloaded from the city council's website: [http://www.peterborough.gov.uk/planning\\_and\\_building/planning\\_enforcement/how\\_to\\_make\\_a\\_complaint.aspx](http://www.peterborough.gov.uk/planning_and_building/planning_enforcement/how_to_make_a_complaint.aspx).
- Contact the Planning Compliance team
- All your details will be kept confidential and are not revealed to the alleged offender
- Anonymous complaints will not normally be investigated

### What will the city council do if a complaint is received?

- Within three working days we aim to register your complaint and send out a formal acknowledgement.
- This will give details of the officer who will be investigating the case and their contact details.
- We will research the planning history of the site and carry out other checks.
- Within 10 working days we aim to undertake a site inspection. (The city council's adopted Planning Compliance Plan sets priorities for investigation.)
- We may need to discuss the allegations with both you and the alleged offender.
- We may also need you to provide additional information, to assist our investigations.

### What happens next?

- Within 25 working days we aim to contact you to confirm our findings and our likely course of action.
- We must establish whether a "breach of planning control" has occurred. (This means that something has happened that has not got the necessary permission or that conditions attached to a planning permission are not being complied with.)
- Where investigations show that the development is lawful or that a breach has not occurred, we cannot take the matter further.
- If the complaint is covered by other laws or regulations, we will refer it to the appropriate organisation or other section of the council.

## The pre application process, planning applications and planning compliance

### If a breach has occurred, what action can the city council take?

- If we find that a “breach of planning control” has occurred we can:
- Request that changes are made to the development, to reduce any nuisance to acceptable levels.
- Request that details required by a planning condition are submitted or implemented.
- Ask for a retrospective planning application to be submitted. (This will give us the opportunity to consult widely on the development and we can impose controls through the use of conditions.)
- Request that construction work stops or that an unauthorised use ceases.

### What happens if the breach continues?

- 2.7.6** We often try and resolve complaints without having to resort to formal enforcement action. However, if an unacceptable breach continues then we will consider using formal enforcement powers. This decision is normally taken by the Head of Planning, Transport and Engineering Services, but in some cases the city council’s Planning and Environmental Protection Committee makes the final decision.
- 2.7.7** Formal action involves issuing a statutory notice, such as an enforcement notice or breach of condition notice.
- 2.7.8** Breaches of planning control relating to unauthorised works to trees covered by a TPO, or to a listed building, or the unauthorised display of an advertisement, can only be remedied by prosecution and not by the issuing of a notice.
- 2.7.9** Failure to comply with a notice is a criminal offence and is likely to lead to us considering further action, such as prosecution; direct action, such as the demolition of an unauthorised structure; or injunction.

How you can be involved in planning for Peterborough's future

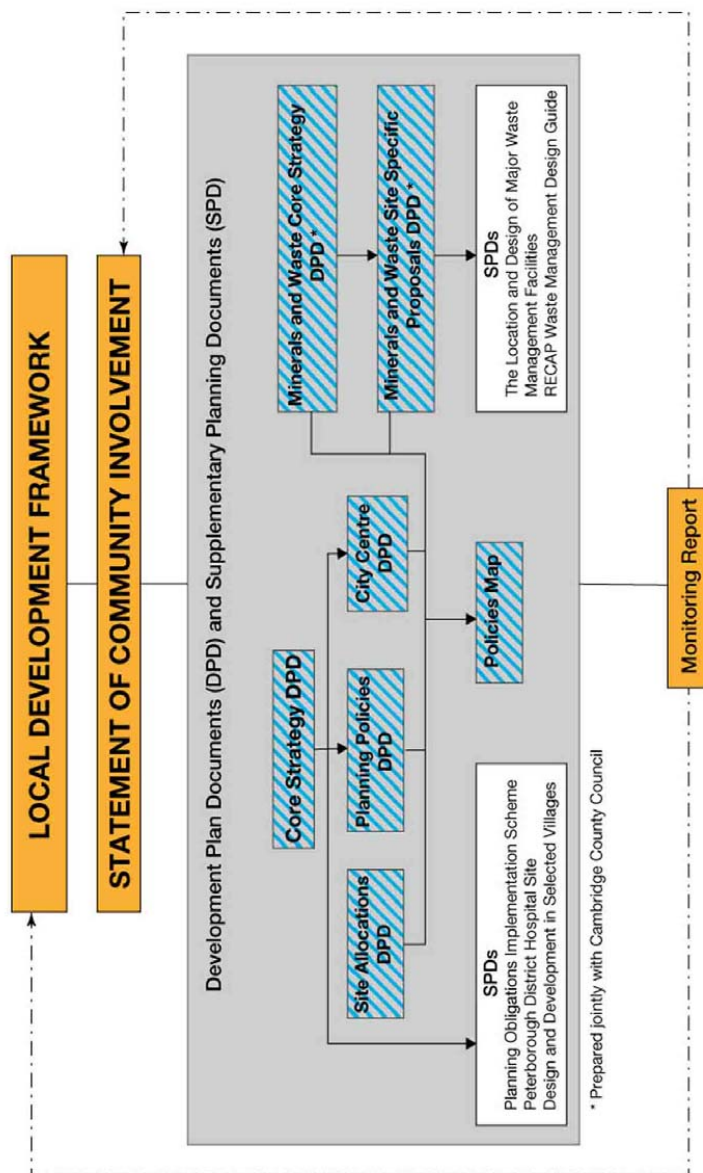
3 How you can be involved in planning for Peterborough's future

3.1 The Local Development Framework (LDF)

What is the Local Development Framework (LDF)?

3.1.1 The Local Development Framework (LDF) is the overall term for a package of separate planning documents, prepared at different times, that establish the planning policy for the future of an area. Most of these documents are used by developers and decision makers when making and determining applications for planning permission. The LDF deals with planning issues across the whole city council area rather than individual properties, and makes the big decisions on the location of housing, employment and roads, for example. It also covers things like design, the historic environment, the rural economy and lots more. The LDF also includes this Statement of Community Involvement and other documents which set out the programme for document production and which report on progress (see figure two).

Figure two: the Peterborough Local Development Framework (LDF)



## How you can be involved in planning for Peterborough's future

**3.1.2** There is an important distinction between Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs), both of which can form part of the LDF. The former make decisions about policies and the allocation of land for development and the latter provide additional guidance to supplement something in a DPD. You will sometimes see the Government refer to the "Local Plan"; this means any DPD, or the combined DPDs for an area.

**3.1.3** In this section we explain how you will have the opportunity to read some of the draft LDF documents during periods of public consultation and how you will be able to influence what they say.

### Who do we consult on the LDF?

**3.1.4** When producing DPDs and SPDs, we have to meet certain rules and regulations set down by Government that say who and how we must consult.

**3.1.5** We are required to consult what are called 'specific consultation bodies' and 'general consultation bodies', where we think they are likely to be interested in the subject matter of the proposed planning document.

**3.1.6** Specific consultation bodies include parish councils, neighbouring authorities, utilities providers and relevant government agencies.

**3.1.7** The city council may also consult with 'general consultation bodies' where this is considered relevant to the document being prepared. These are:

- voluntary bodies, some or all of whose activities benefit any part of the city council's area; and
- bodies which represent the interests of:
  - different racial, ethnic or national groups in the city council's area
  - different religious groups in the city council's area
  - disabled people in the city council's area
  - people carrying on business in the city council's area.

**3.1.8** There are also people and organisations that the city council considers to be important to planning but which do not fit into the 'specific' and 'general' categories described above, such as residents, land owners, businesses, planning consultants, solicitors, etc. We will consult these whenever we receive a request to do so.

### Have your say on the Peterborough Local Development Framework

**3.1.9** If you would like to have your say, please get in touch either by email, telephone or post (see the contact details for the Planning Policy Team in Appendix Three) with your contact details and let us know which documents you are interested in (for example, minerals and waste; the city centre; rural areas, etc.). We will then contact you when documents go out for consultation.

**3.1.10** When and how we involve you will vary depending on the document being prepared, the stage of preparation we have reached and the nature of your interest. Later in this section we set out, firstly, the opportunities for involvement in the different stages of preparing a DPD and then the opportunities for involvement in the different stages of preparing an SPD.

## How you can be involved in planning for Peterborough's future

- 3.1.11** For the proposed consultation timetable for documents within our LDF, see the Local Development Scheme on the city council's website at:  
[http://www.peterborough.gov.uk/planning\\_and\\_building/planning\\_policy/draft\\_development\\_plans/local\\_development\\_scheme.aspx](http://www.peterborough.gov.uk/planning_and_building/planning_policy/draft_development_plans/local_development_scheme.aspx)
- 3.1.12** Also on this webpage you will find a live timetable that we update monthly to show the stages we have reached in the preparation of different documents.

### Involving under-represented groups

- 3.1.13** 'Under-represented' and 'seldom heard' groups can refer to many different types of people. Sometimes these terms will refer to minority groups, based on factors such as ethnicity, sexual orientation or homelessness. At other times they may refer to broader segments of the population, such as older people, young people or people with disabilities. When consulting, we will try to ensure that under-represented groups are involved, but we would welcome your help in identifying individuals and groups who you think should be involved.

### The city council's 'Duty to Co-operate' with neighbouring authorities and prescribed bodies

- 3.1.14** The city council has always undertaken consultation with our neighbouring authorities as and when we prepare our plans. Similarly, we regularly comment on their emerging plans. Across Cambridgeshire in particular, we have a very good informal working relationship including joint meetings at Chief Planner and Head of Planning Policy levels. The Cambridgeshire and Peterborough Strategic Planning Unit includes the city council as a full member and strengthens the co-operation between all the local authorities. In addition, the city council, as a Minerals and Waste Planning Authority, participates in the East of England Aggregates Working Party and Waste Technical Advisory Body, thus ensuring co-operation and inter-authority working on these topics.
- 3.1.15** However, the Localism Act 2011 introduced a new section 33A into the Planning and Compulsory Purchase Act requiring local planning authorities, such as Peterborough City Council, to formally co-operate with neighbouring authorities and other bodies when they prepare their plans and proposals. Likewise, neighbouring authorities have to co-operate with the city council when it prepares plans.

### Duty to co-operate in respect of Peterborough City Council's plans

- 3.1.16** Until such time as the Government produces any guidance on this matter, the city council commits to undertake the following in respect of its own plans.

## How you can be involved in planning for Peterborough's future

**Duty to Co-operate Commitment One:** The city council will write to all neighbouring authorities and prescribed bodies at an appropriate stage in the preparation of all Development Plan Documents, plus any Supplementary Planning Documents which cover the whole of the city council area (for example, when issues and potential content have been identified), and state in that letter that the city council has considered:

- Whether or not the plan being prepared is likely to have a 'strategic matter' within it; and
- If it does, whether or not the city council considers it appropriate to prepare any joint evidence documents or a joint plan.

The letter will explain briefly why the city council has reached the position it has. The letter will then ask whether or not the receiver agrees with the position of the city council, and if it does not then it should write to the city council with its reasoning.

If no reply is received to a letter sent, then it will be taken that the receiver of the letter has no objection to the position of the city council.

**Duty to Co-operate Commitment Two:** If a letter is received which disagrees with the approach of the city council, then the city council commits to requesting a meeting with the objecting authority(ies) to see if the matter can be resolved.

However, the final decision as to whether or not joint working takes place or joint plans are prepared is at the discretion of the city council, subject to independent testing at the examination of the plan by the inspector.

### Duty to Co-operate in respect of neighbouring authorities' plans

**Duty to co-operate commitment Three:** When a neighbouring authority proposes a plan, including evidence base leading to that plan, then the city council commits to writing to that authority to confirm whether or not it considers joint working is appropriate, and if so what and when such joint working should be undertaken.

**Duty to Co-operate Commitment Four:** If a joint plan is to be prepared as a result of the Duty to Co-operate, then the city council will seek to work with communities in the same way as if the plan is being entirely prepared by the city council (i.e. in the same way as described in the first part of this chapter of the SCI).

## 3.2 When does the city council consult on the LDF?

### Development Plan Documents - The six stages of participation

**3.2.1** There are six stages of participation in the preparation of a Development Plan Document (for example, a Core Strategy DPD or a Site Allocations DPD). The Government often uses the term 'local plan' instead of 'Development Plan Document', but we refer to these as DPDs in this Statement. The six stages are:

- Stage one – early community engagement



## How you can be involved in planning for Peterborough's future

- Stage two – publication of the document: making formal representations
- Stage three – submission to the Secretary of State
- Stage four – independent examination
- Stage five – publication of the Inspector's report
- Stage six - adoption

### Stage One - Early community engagement

**3.2.2** The early engagement stage is the opportunity for people to get involved and have an influence on developing policies. Understanding community needs and building consensus at an early stage of the plan preparation process can help resolve issues and establish priorities. The consultation methods we may use are detailed in table six.

**3.2.3** This stage could involve:

- Evidence building and involvement with stakeholders, sometimes including more than one consultation period. First we may ask about issues and alternative options; then we shape more definite ideas and consult you.
- Publicising consultation(s) by notifying relevant specific and general consultation bodies by letter or email; putting information on the city council website; advertising in various locations across the city.

**3.2.4** Where certain common issues arise from consultation, we may follow these up by arranging more meetings, teleconferences or detailed focus groups and workshops.

**3.2.5** The national regulations are flexible as to the level of consultation at this stage, other than inviting representations on what a DPD ought to contain, and there is no statutory requirement to consult on a full draft version of a document at this stage. However, the city council will commit to exceed minimum requirements by undertaking at least one round of consultation, on a draft DPD, open to everybody during Stage One, and lasting at least four weeks.

### Stage Two - Publication of the document: making formal representations

**3.2.6** By the publication stage of the DPD, the contents of the document will have been decided based on the early engagement stage and background evidence. At this stage, you will see the document described as the 'Proposed Submission' version, because it is the version that we are proposing to submit to the Secretary of State at Stage Three.

**3.2.7** We will inform all of the specific and general consultation bodies that we consulted at Stage One and anybody else who responded in writing at Stage One, that the document has been published. This may be by letter or email.

**3.2.8** We will put the Proposed Submission version of the DPD and accompanying submission documents on the city council website and make them available for inspection at various locations across the city. These locations will always include the city council's Customer Service Centre at Bayard Place, but the other locations (such as public libraries) will vary according to the geographic coverage of the DPD in question.

**3.2.9** The accompanying documents will include a statement of the representations procedure – providing such details as where hard copies of documents can be viewed, how to make comments, where to send them and the period within which comments may be made. This same information will appear on our website.

**3.2.10** You will have a period of not less than six weeks to make comments which are called 'representations' but they can only relate to specific issues as set by government. We will explain this in detail to you at the time of consultation. These representations are not formally

## How you can be involved in planning for Peterborough's future

considered by the city council. They are forwarded to the Inspector who is appointed to examine the DPD (Stage Four), who will take them into account throughout an examination process. Please note that, as this is a formal, statutory stage, any representations that arrive after the closing date will not be considered.

- 3.2.11** Anybody may submit representations. These may be made by letter, email or fax, or directly online through our Consultation Portal, which can be reached through the city council's website. We may provide a special form for making representations; this helps you to supply all the necessary information to ensure that your representation is valid, but there is no requirement to use the form. You should bear in mind that representations do not remain confidential, and anybody else can see what has been said and who said it.

### Stage Three - Submission to the Secretary of State

- 3.2.12** At the submission stage the city council will submit the DPD to the Secretary of State, together with copies of all the representations received at Stage Two and various other documents, including a summary of the main issues that have been raised in the representations. At this stage we will describe the DPD as the 'Submission' version. Its contents will be the same as the Proposed Submission version, except that it will exclude any introductory material telling people about the stage reached and how they could make representations. We will publicise when the document is submitted, but this is not a stage where you can make further comments.
- 3.2.13** We will notify the specific consultation bodies and general consultation bodies and everyone who sent representations at Stage Two that the document has been submitted and where it can be inspected. Notification may be by letter or email.
- 3.2.14** Copies of the submitted DPD and other submission documents will be made available at the same locations as the proposed submission documents and on the city council's website.
- 3.2.15** A paper copy of all the valid representations that have been received will be made available for public inspection at our Customer Service Centre at Bayard Place or by prior appointment with our officers and they will be viewable on line via our Consultation Portal.
- 3.2.16** We will prepare a notice giving the title of the DPD, the fact that it has been submitted to the Secretary of State, the subject matter and area covered, and the fact that a copy of the DPD and other documents are available for inspection, including the places and times at which they can be inspected. We will put this notice on our website and include it in the notifications that we send to people.

### Stage Four - Independent examination

- 3.2.17** The submitted DPD will be considered by a Planning Inspector at an independent examination to assess the plan and consider the representations received. The Inspector may give you the opportunity to submit a written statement during the examination. If you have made an objection to the document and have requested to speak at the examination, you will be contacted and advised of the procedure for being heard by the Planning Inspector.
- 3.2.18** You should note that it is for the Inspector to decide who should be invited to speak at the hearing sessions and what topics should be the subject of written statements and discussion.
- 3.2.19** At least six weeks before the opening of a hearing session as part of the independent examination, we will notify any person who has made a representation and not withdrawn it, of the date, time and venue for the hearing sessions and name of the Inspector appointed to carry out the independent examination. The details will also be publicised on the city council's website.

## How you can be involved in planning for Peterborough's future

### Stage Five – Publication of the Inspector's report

- 3.2.20** An Inspector's report will be issued following the independent examination. The report will include a commentary on the soundness of the DPD, with the Inspector's findings. The city council will have options at this stage, depending on what the Inspector concludes.
- 3.2.21** As soon as reasonably practicable after the day on which the Inspector's report is received, we will make it available on the city council's web site and notify all those persons who submitted representations or had requested to be notified. This notification is for information only, as there is no public opportunity to comment on or respond to the report.

### Stage Six - Adoption

- 3.2.22** If the Inspector concludes that the DPD is sound, either as submitted or with the incorporation of modifications, the city council will be able to adopt it. In this case, we will prepare an adoption statement confirming the date of adoption, listing the modifications (if any) and explaining where and when the adopted DPD can be inspected. This will also explain the opportunity to apply for judicial review.
- 3.2.23** The adopted DPD and accompanying material, including the Inspector's report, will be made available on the city council's website and at Bayard Place and at the same locations at which the proposed submission documents were made available.
- 3.2.24** We will publish the adoption statement on our website and will send it to any person who has asked to be notified of the adoption of the DPD, including all those people who submitted representations at Stage Two.
- 3.2.25** We will send the adopted DPD and the adoption statement to the Secretary of State.

### 3.3 Supplementary Planning Documents (SPDs) - The two stages of participation

- 3.3.1** There are two formal stages of participation in the preparation of a Supplementary Planning Document (SPD):
- Stage One – consultation
  - Stage Two – adoption

#### Stage One – Consultation

- 3.3.2** We will use various methods of engagement with interested parties as we proceed through the early stages of preparing an SPD, and these will vary according to the subject matter and/or geographic coverage of the document. Table six sets out the consultation methods we may use.
- 3.3.3** This process will culminate in the preparation of a complete draft SPD for public consultation. At the start of this consultation period we will make the draft SPD available for inspection on our website, and at our Customer Service Centre at Bayard Place. We may use other inspection locations if appropriate. We will also publish and make available a Consultation Statement, explaining who we consulted during the preparation of the draft SPD; how we consulted them; a summary of the main issues raised; and how those issues have been addressed in the SPD. If there are any supporting documents relevant to the SPD, we will publish them as well.
- 3.3.4** We will prepare a notice giving the title of the SPD; the subject matter and area covered; the fact that a copy of the SPD and other documents are available for inspection, including the places and times at which they can be inspected; the period within which comments (i.e. 'representations') about the SPD may be made; and the address to which they should be sent. We will put this notice on our website.

## How you can be involved in planning for Peterborough's future

- 3.3.5** We will notify the specific and general consultation bodies who we consider will be most interested in or affected by the SPD, and anybody else who has requested to be notified. This notification may be by letter or email, and will include a copy of the notice referred to above, or text providing the same information.
- 3.3.6** As with a DPD, anybody may submit representations on an SPD. These may be made by letter, email or fax, and for some SPD's we may make it possible to submit representations directly online through our Consultation Portal. We may provide a special form for making representations; this helps you to supply all the necessary information to ensure that your representation is valid, but there is no requirement to use the form. You should bear in mind that representations do not remain confidential, and anybody else can see what has been said and who said it.
- 3.3.7** The consultation period during which representations may be submitted will last for between four and six weeks.

### Stage Two – Adoption

- 3.3.8** We will consider all representations received and make changes ("modifications") to the SPD in the light of those representations, if necessary, before producing a final version.
- 3.3.9** Once the final SPD has been adopted by the city council, we will prepare an adoption statement which will confirm the date of adoption and list any modifications made, and explain the opportunity to apply for judicial review. We will make the SPD and the adoption statement available for inspection on our website and at the same places where the consultation version had been available for inspection.
- 3.3.10** If people have requested to be notified of the adoption, we will notify them either by letter or email, and will include a copy of the adoption statement, or text providing the same information.

### 3.4 LDF Consultation Methods

- 3.4.1** Different types of document require different engagement techniques appropriate to the type of document. Most consultation will take place at the early engagement stage of plan preparation. We will use a range of methods to engage the community and take on board their views and opinions throughout the preparation of documents. These methods will include some or all of the following:
- Informal discussion by telephone (including teleconferences) or informal meeting
  - Consultation letters
  - Questionnaires
  - Press releases and articles for newsletters
  - Information on the city council's website
  - Meetings
  - Focus groups
  - Workshops
  - Exhibition/displays
  - Information leaflets
- 3.4.2** The methods that the city council might use when consulting on different types of LDF documents are set out in table six. These are considered to represent methods that are suitable for the intended audience and can most effectively engage with the broadest possible range of stakeholders, whilst being manageable within the limits of available resources.
- 3.4.3** Consultation letters and emails may be accompanied by specially designed 'representation' forms to assist people with their responses.

## How you can be involved in planning for Peterborough's future

**3.4.4** We will use our website not simply to inform people about consultations and make documents available, but also (for certain documents) to enable comments to be submitted online.

**Table six: LDF consultation methods by document type**

Method ► Document ▼	Letters and emails	Website	Media Releases	Questionnaire	Exhibition/ Displays	Focus Groups
<b>Statement of Community Involvement</b>						
Public Participation on the draft document	Yes	Yes	Possibly	Possibly	No	No
<b>Development Plan Document</b>						
Public participation on the draft document	Yes	Yes	Yes	Possibly	Possibly	Possibly
Public participation on the proposed submission version (stage two)	Yes	Yes	Yes	No	No	No
<b>Supplementary Planning Document</b>						
Informal consultation to help prepare The document	Possibly	Possibly	Possibly	Possibly	Possibly	Possibly
Formal public participation on the draft	Yes	Yes	Yes	Possibly	Possibly	Possibly

### Availability of documents

**3.4.5** Please see the previous stage by stage section for details.

### Charges for documents

**3.4.6** All consultees and interested parties will be encouraged to use the city council's website for viewing or downloading documents, although it is appreciated that this is not appropriate for everyone.

**3.4.7** A scale of reasonable charges for paper copies of documents for those (apart from specific consultation bodies) who have requested documents will be reviewed periodically, as will the scale of charges for final adopted documents. Adopted documents can be bought and paid for online at the following page on the city council's web site:

[www.peterborough.gov.uk/do\\_it\\_online/pay\\_for/planning\\_charges.aspx](http://www.peterborough.gov.uk/do_it_online/pay_for/planning_charges.aspx)

**3.4.8** It is unlikely that many background documents will be available to purchase as a hard copy, though we will publish them all (or links to them) on the website. Where they are available, a reasonable charge will be made.

## How you can be involved in planning for Peterborough's future

### Feedback after the consultation has ended

**3.4.9** Please see the previous section for details on feedback.

## Neighbourhood planning in Peterborough

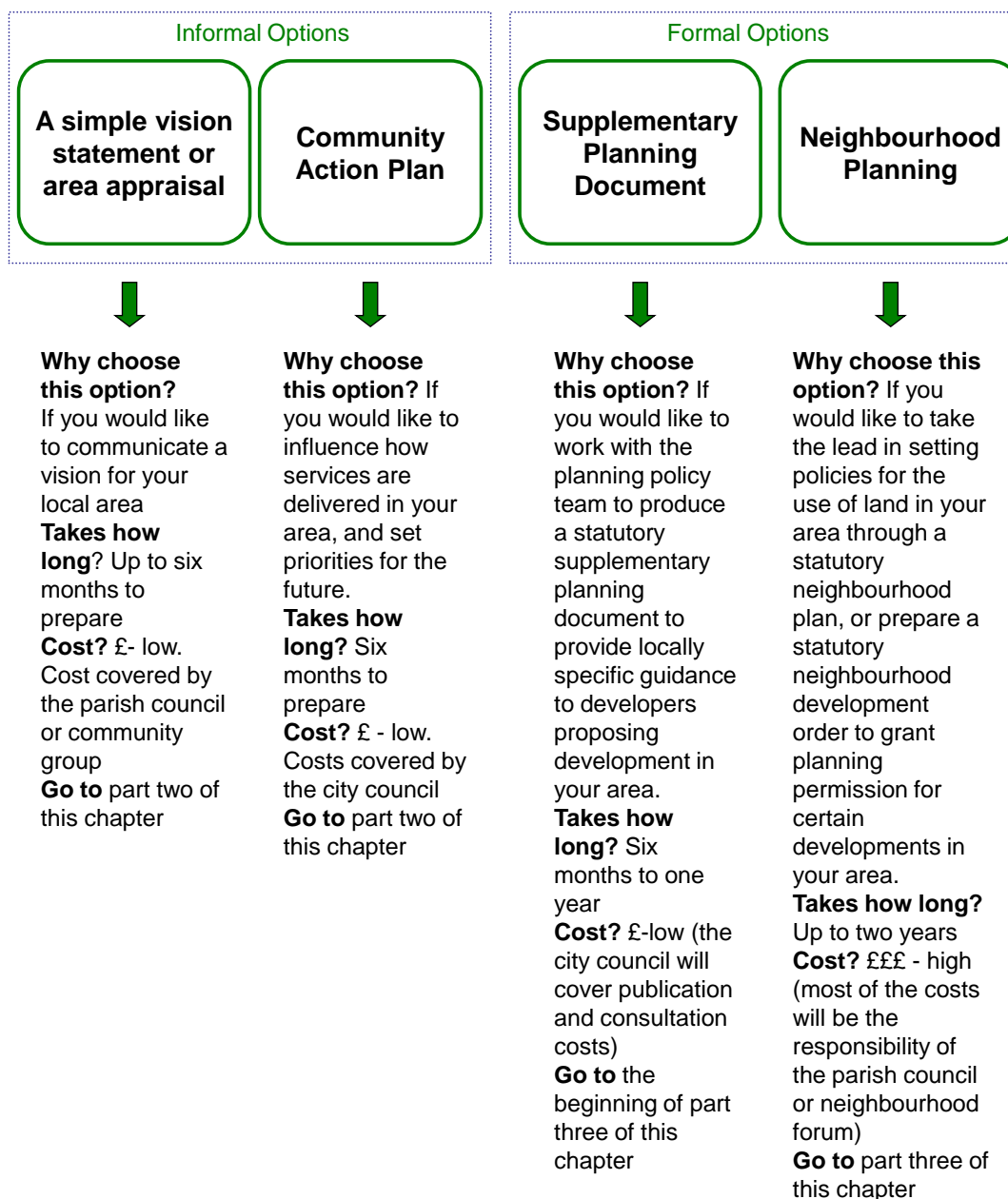
### 4 Neighbourhood planning in Peterborough

#### 4.1 Part one: Introduction to the options available

4.1.1 Figure three sets out various options that are available to communities to enable them to have greater control of what happens where they live.

Figure three: some of the options available to shape your community

#### How can we shape our community?



4.1.2 Essentially, a local neighbourhood can choose:

## Neighbourhood planning in Peterborough

- a. The 'informal' route: a local neighbourhood helps shape what happens in its area through getting involved in community action plans and vision statements. The amount of time and effort is entirely up to the community, from a simple one side of A4 'vision' statement. However, it cannot determine things such as the allocation of land for development or set official planning policies. **If the informal option is what you want to take, go to part two of this Chapter.**
- b. The 'formal' route: a local neighbourhood follows the formal rules and regulations as set by Government, either choosing the supplementary planning document option, or choosing the neighbourhood planning option. These require more effort, and will cost more to produce, but the end result will have more influence over how development takes place in the local area, particularly when applications for planning permission are being decided. **If this is the option you would like to take, go to part three of this Chapter.**

**4.1.3** Of course, you may choose more than one option, but which ever route you would like to take, the city council will be there to help you along the way.

### 4.2 Part two: The 'informal' options available to a local neighbourhood

**4.2.1** If the time and costs involved in going through the statutory processes and preparing the various 'formal' options is not attractive or viable, then a local neighbourhood may want to take advantage of some alternative options. These options could be:

- Community Action Plans / Local Action Plans
- A Vision Statement (possibly with the assistance of a Parish or Village appraisal)

**4.2.2** Again, the city council is here to help you if you choose to take up any of these options.

#### Peterborough City Council Community Action Plans

**4.2.3** A Community Action Plan (CAP) has been prepared for each of the city council's seven Neighbourhood Committee areas:

- Fletton, Stanground and Woodston
- Ortons with Hampton
- Dogsthorpe East and Park
- Central and North
- Rural North
- Peterborough West
- Peterborough North

**4.2.4** A CAP tells the story of the area, including who lives there, what type of houses, what does the area look like, what are the 'big' issues in the area such as levels of crime, employment opportunities, health etc. not only from statistics and data we have gathered, but importantly what the community itself tells us.

**4.2.5** Local people's hopes and aspirations will inform the plans, which will be used to guide policy and service delivery in the future. Partner organisations such as the police, health services, housing associations and many more will feed into the plans to help decision-making.

**4.2.6** Local communities can get involved in shaping their area by identifying the things that affect them the most, what they would like to see changed and what services they want to see delivered locally. This information will be used to develop short, medium and long term goals



## Neighbourhood planning in Peterborough

and identify priorities for the future. The CAPs say who will do what and by when over the next ten years. Although they are long-term plans, they will be reviewed annually to make sure the goals are still relevant and also to report back on how we are doing.

- 4.2.7** CAPs will inform, but not set, the growth and regeneration of the area to achieve positive and sustainable social, economic and environmental change for the local area, its residents and those organisations supporting it or providing services within it.
- 4.2.8** There are a number of ways that you can get involved with and contribute to a CAP. For example, you can contribute through existing community and resident groups by feeding in your views on the issues that concern you where you live. These groups can then feed in the collective responses either through attending the relevant Neighbourhood Committee meeting (once every three months), developing their own Local Action Plan (see next page) or simply forwarding issues to the city council.
- 4.2.9** You can report to your Neighbourhood Manager or other partners what your problems are; this can then be recorded to capture a real picture of the level of concerns, which in turn will feed into the CAP.
- 4.2.10** For those who wish to be involved in more detail, you can get involved in volunteering, project planning and/or project delivery by either contacting your Neighbourhood Committee or Neighbourhood Manager, details of which can be found at:  
[http://www.peterborough.gov.uk/community\\_information/neighbourhood\\_committees.aspx](http://www.peterborough.gov.uk/community_information/neighbourhood_committees.aspx)

### Vision Statement

- 4.2.11** Community or resident organisations that do not wish to develop an action plan may decide to adopt a simple vision statement that outlines their aims and objectives for their area. This may not be a working action plan but a statement of values and aspirations held by the organisation.

### Parish or Village Appraisal

- 4.2.12** Parish or village appraisals are questionnaires designed by local people (usually parish councils) to find out what the opinions of local people are relating to the various problems the local community face. For example, what do people like or dislike about their area, what things would they change, what would people like more of and what less? This kind of information is needed by the organisations that run services or take decisions about a parish council. It is also required to support applications for grants and other support. These results will be used in all kinds of local initiatives, will be an important element in consultations with government, and will help local organisations to determine their priorities. The information gathered can feed into CAPs or vision statements.
- 4.2.13** The objectives of a parish/village appraisal are as follows:
- To identify areas requiring action by the parish council or city council
  - To see if there are any opportunities for self help in the parish council, or beneficial activities which could be carried out voluntarily by groups or individuals
  - To enable residents to make a contribution to their community, to improve it where possible and to learn more about it
  - To inform the local CAP for the area
- 4.2.14** If you live in an area covered by a parish council you can get involved by attending your local parish council meeting.
- 4.2.15** Typical subjects that might be covered in a parish/village appraisal are as follows:

## Neighbourhood planning in Peterborough

- **Transport problems:** Lack of public transport, cars travelling too fast, state of the roads, accident danger spots
- **Housing problems:** Local people moving away, housing for local people
- **Education problems:** Need for local nursery, local adult education opportunities wanted
- **Communication problems:** Need for a newsletter, parish council meetings unattended
- **Facilities:** Need a new village hall, sports facilities inadequate, and school facilities opened up to public
- **Crime and safety:** Neighbourhood watch, calls for more visible policing
- **Green Infrastructure:** For wildlife, open space, drainage, flood mitigation and/or recreation

### Local Action Plans

**4.2.16** A Local Action Plan is most typically developed informally by community or resident associations who identify priorities at a more local level than one of the CAP areas. The plans usually relate to a very local level (e.g. a street or group of streets) as opposed to a ward or parish area, but should feed into and inform the wider community action plan/s for that area.

**4.2.17** The types of issues this may cover include:

- Addressing environmental issues such as graffiti, litter
- The local landscaping maintenance
- Local community events such as street parties, summer fetes
- Facilities available for children, young people, older people etc
- Improvements to parks and open spaces
- Flood mitigation and habitat provision

### 4.3 Part three: The 'formal' options: Supplementary Planning Documents and Neighbourhood Planning

**4.3.1** This section mainly focuses on the new formal options available to local neighbourhoods following the enactment of the Localism Act 2011. However, first, there is an alternative 'formal' option which has existed since 2004 and remains a valid option. This option uses Supplementary Planning Document (SPD) legislation, which some local communities have already taken advantage of in the past.

#### Supplementary Planning Documents

**4.3.2** If your local neighbourhood wants to produce a formal document, which carries considerable legal weight, but does not want to follow any of the options available under neighbourhood planning, then the alternative is to work with the city council to produce a Supplementary Planning Document (SPD).

**4.3.3** An SPD can be used to expand on existing policies in the city council's local development framework. It can cover a wide range of issues, which are either site-specific issues such as detailed design guidance for a particular site or village; or are policy-specific issues such as further guidance on a particular policy issue such as open space provision.

**4.3.4** An SPD cannot allocate land or automatically grant planning permission. It cannot override existing policies but can complement and add more detail. An SPD is not subject to independent testing through a public examination but will have to meet minimum public consultation standards as set out in chapter three of this SCI.

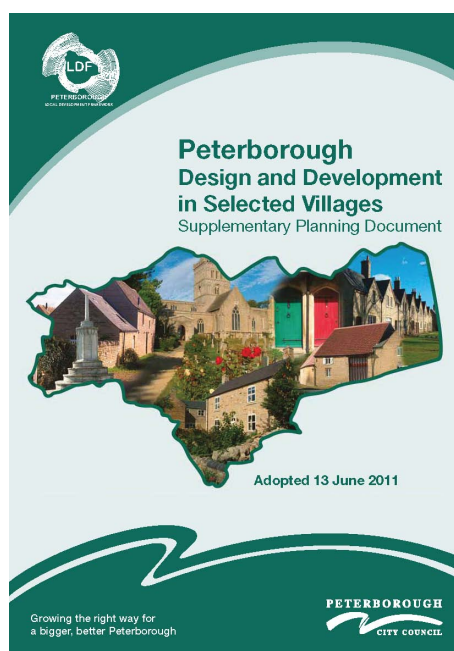
**4.3.5** If you like the idea of an SPD for your local neighbourhood, the city council will lead but will work very closely with you.

## Neighbourhood planning in Peterborough

### CASE STUDY: Design and Development in Selected Villages SPD

A good example of an SPD is the Design and Development in Selected Villages, which was adopted by the city council in 2011. This can be viewed on the city council's website at: [http://www.peterborough.gov.uk/planning\\_and\\_building/planning\\_policy/adopted\\_development\\_plan/supplementary\\_planning\\_document.aspx](http://www.peterborough.gov.uk/planning_and_building/planning_policy/adopted_development_plan/supplementary_planning_document.aspx).

This SPD largely expands on the Peterborough Core Strategy Policy CS16 Urban Design and the Public Realm. The content of the SPD was heavily informed by discussions with those parish councils concerned and through extracting local aspirations as set out in parish-written village design statements and similar documents.

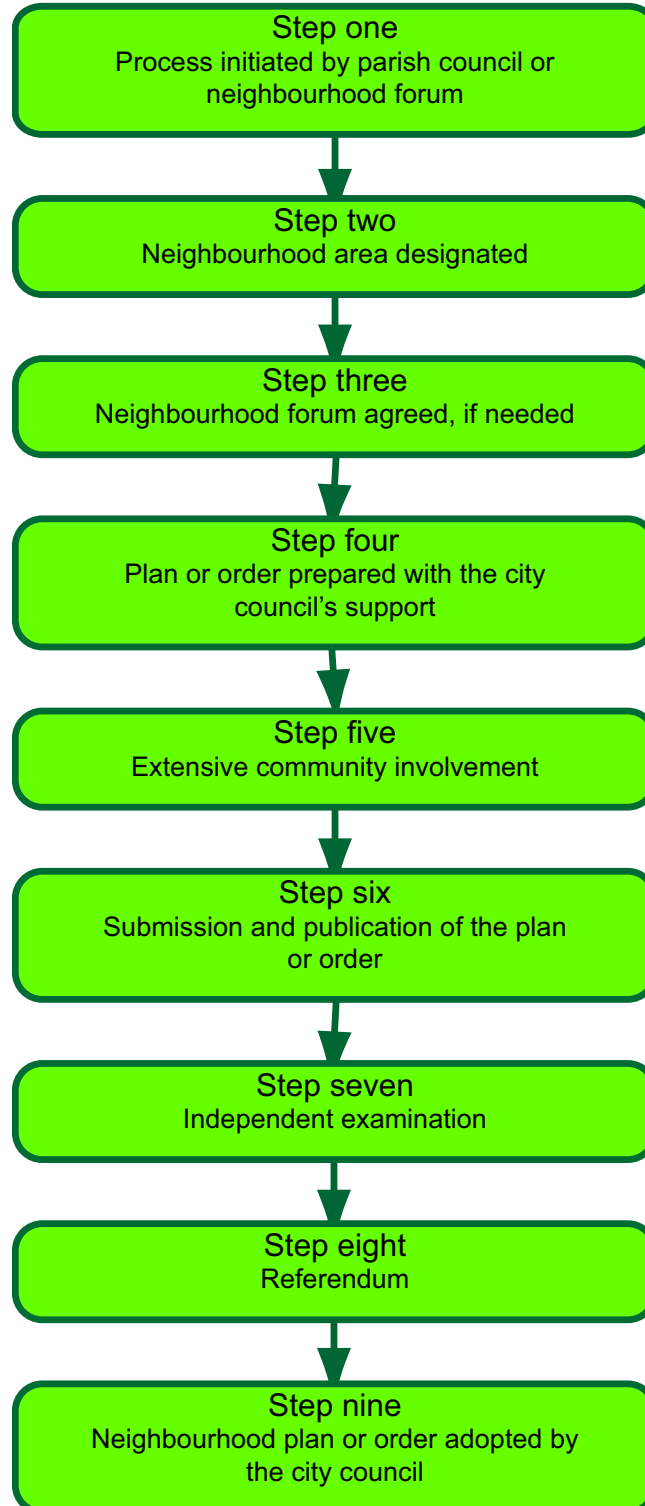


## Neighbourhood planning in Peterborough

### Neighbourhood Planning

**4.3.6** From 6 April 2012, the various neighbourhood planning options in the Localism Act 2011 became legally available to use. There are various stages in preparing a neighbourhood development plan or neighbourhood development order, as summarised in figure four.

**Figure four: neighbourhood planning - the key steps**



## Neighbourhood planning in Peterborough

### Independent advice on neighbourhood planning

**4.3.7** Before you embark on steps one to nine, you may want to take independent advice:

- **Planning Aid:** <http://www.rtpi.org.uk/planningaid/> - An independent source of professional advice and information available to those who cannot afford to pay professional fees (telephone 0330 123 9244).
- **Planning for Real:** <http://www.planningforreal.org.uk/> - A community planning model (using interactive, hands-on tools and techniques) that helps people to shape where they live (telephone 0121 568 7070).
- **Community Planning:** <http://www.communityplanning.net/> - This website provides easily accessible 'how to' guidance on community planning and best practice (telephone 0142 420 5466).

(Telephone numbers are correct at the time of publication, but the council gives no assurances about their accuracy in the future.)

## Neighbourhood planning in Peterborough

### 4.4 Neighbourhood Planning: A step by step guide

#### Step One: Process initiated by parish council or neighbourhood forum

Step One	Process initiated by parish council or neighbourhood forum	You are here
Step Two	Neighbourhood area designated	
Step Three	Neighbourhood forum agreed, if needed.	
Step Four	Plan or order prepared with the city council's support	
Step Five	Extensive community involvement	
Step Six	Submission and publication of the plan or order	
Step Seven	Independent examination	
Step Eight	Referendum	
Step Nine	Neighbourhood plan or order adopted by the city council	

#### Who is in charge of helping local people to draw up a neighbourhood plan or neighbourhood development order?

- 4.4.1** Neighbourhood plans and development orders cannot be prepared by the city council – they can only be prepared by a parish council, or where there is not a parish council, by a local 'neighbourhood forum' (which needs to be approved by the city council – see Step Three). However, the city council is very happy to offer support, if requested to do so.
- 4.4.2** Your parish council or an agreed neighbourhood forum will act as your local representatives and will be responsible for delivering neighbourhood planning in your area.

#### How do I know whether I live in a parish council area?

- 4.4.3** There are certain parts of the city council area that have a parish council (predominantly the rural areas) and parts which do not (predominantly the urban area of Peterborough city itself). The map in figure five identifies the areas.

#### If I live in a parish, what should I do?

- 4.4.4** Contact your parish council and move to step two. Up to date contact details for each parish council are available on the city council's website:  
<http://democracy.peterborough.gov.uk/mgParishCouncilDetails.aspx?LS=17&SLS=1&bcr=1>

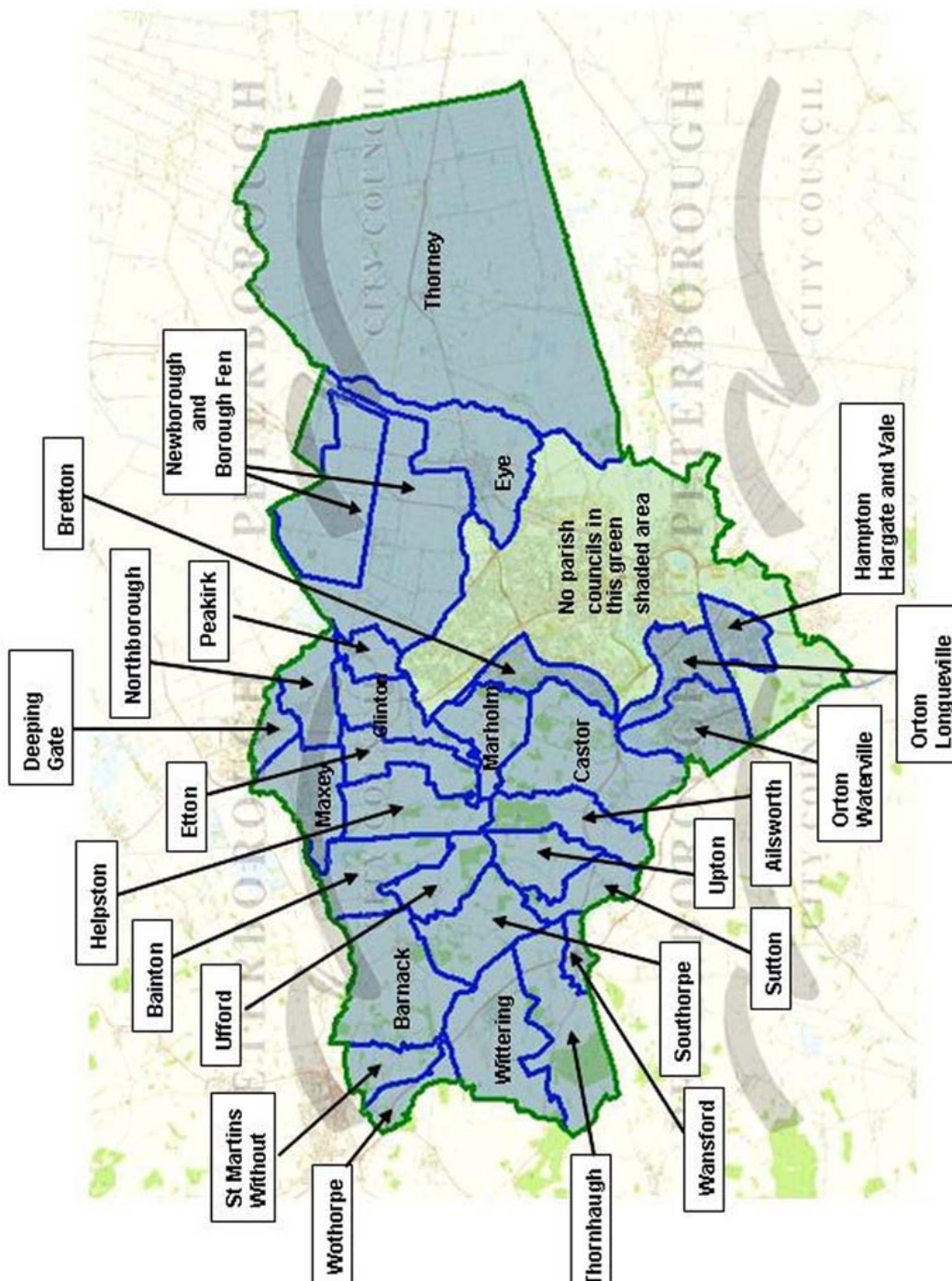
#### If I live in an area without a parish council, what should I do?

- 4.4.5** Think about setting up an informal or formal 'forum', or approach other community groups or leaders in your area, and see if there is any interest in neighbourhood planning. If stuck, ring the council to see if we have any contacts.
- 4.4.6** Your forum should then ask the council to agree to a neighbourhood area being set up – go to step two.

## Neighbourhood planning in Peterborough

4.4.7 Note: you do not need to be formally constituted as an official forum at either step one or step two – that comes at step three. But, under the law (section 61G (2) of the Town and Country Planning Act, added by the Localism Act), your forum must at least be “capable of being designated as a neighbourhood forum”. See step three about how to become classified as an official ‘neighbourhood forum’.

Figure five: parish councils in Peterborough



## Neighbourhood planning in Peterborough

### Step Two: Neighbourhood area designated

Step One	Process initiated by parish council or neighbourhood forum	Step complete
Step Two	Neighbourhood area designated	<b>You are here</b>
Step Three	Neighbourhood forum agreed, if needed.	
Step Four	Plan or order prepared with the city council's support	
Step five	Extensive community involvement	
Step Six	Submission and publication of the plan or order	
Step Seven	Independent examination	
Step Eight	Referendum	
Step Nine	Neighbourhood plan or order adopted by the city council	

### When and how to apply to the city council to designate a neighbourhood area

- 4.4.8** A neighbourhood area is the geographic area that a neighbourhood plan or neighbourhood development order will cover. An application to designate a neighbourhood area must be made by a parish council or a body that is planning to apply to become a neighbourhood forum.
- 4.4.9** In any area that has a parish council, only a parish council can apply to have all or part of its area designated as a neighbourhood area for the purposes of neighbourhood planning. Two or more parishes could come together to form a single neighbourhood area. If the proposed neighbourhood area covers more than one parish, consent must be obtained from each of the affected parish councils, and we suggest that the application is made jointly.
- 4.4.10** In an area that does not have a parish council, a neighbourhood forum needs to be set up to prepare a neighbourhood development plan and/or order. Please note that there can only be one forum per neighbourhood area. Step three gives more advice on setting up a neighbourhood forum. The boundary for the area will be proposed by a body who will subsequently apply to the city council to become, but perhaps not yet, an official neighbourhood forum. It cannot contain any part of a parish council's area. Once you have completed step two, proceed to step three to formalise your forum.
- 4.4.11** Businesses, investors, developers and other commercial organisations will be able to get involved with the neighbourhood forums or parish councils, or can set up their own neighbourhood forum from the start (only where there is no parish council).
- 4.4.12** Neighbourhood areas can cross local planning authority boundaries.

### Neighbourhood planning pre-application enquiry service

- 4.4.13** Any parish council or community organisation or body considering applying to designate an area as a neighbourhood area is strongly recommended to take advantage of the Planning Policy Team's **Neighbourhood planning pre-application enquiry service**. This free service will consist of a meeting, normally at the city council office at Stuart House, to discuss the proposals. This will ensure that there is a reduced risk of your application being rejected or significantly amended.



## Neighbourhood planning in Peterborough

### Submitting your neighbourhood area application

**4.4.14** Applications will be accepted quarterly by 4 pm on the last working day of April, July, October and January each year.

**4.4.15** The application form in Appendix Four should be filled out and submitted to the Planning Policy Team using the contact details on the form. Please ensure that you complete each part of the form and provide full justification, with evidence, if necessary.

### Validation

**4.4.16** Once your application is received by the city council, it will be handled by an officer, who will check:

- that all of the relevant information as requested on the application form has been supplied
- in the case of an application by a parish council, that the proposed neighbourhood area is one that consists of or includes the whole or any part of the area of that parish council
- in the case of an application by an organisation or body, that the neighbourhood area does not consist of, or include, the whole or any part of the area of a parish council
- that none of the area proposed has already been designated as a neighbourhood area.

**4.4.17** If the application passes these checks, it will be deemed valid. If it fails, the officer will inform the applicant that the application is invalid with reasoning.

### Publication of your neighbourhood area application

**4.4.18** Once your application has been deemed valid, we will publicise, as soon as possible, notice of your application on the city council's website and in the relevant library, community centre or parish council building, with the following details:

- A copy of the area application
- Details of how to make representations; and
- The date by which those representations must be received, being not less than six weeks from the date on which the neighbourhood area application is first published.

**4.4.19** In addition to the above minimum national criteria, which by law the city council must do, we will also advertise an application for the designation of a neighbourhood area by:

- Advising all elected city councillors representing the proposed neighbourhood area
- Notifying the Neighbourhood Committee and Neighbourhood Manager within which the neighbourhood area would operate
- Issuing a press release to local media and on the city council's website

### Reaching a decision on a neighbourhood area application

**4.4.20** A council officer will assess the application and provide a report that will include one of the three following recommendations: *(Please note that if a valid application for an area is proposed (see above), then the city council is not permitted to reject the application outright. Instead, it is duty bound <sup>(4)</sup> to designate an area of its choice as a Neighbourhood Area provided it includes some or all of the original proposed area.)*

4 Section 61G(5) of the Town and Country Planning Act 1990, as set out in Section 116 of the Localism Act 2011

## Neighbourhood planning in Peterborough

### A. Area approved, without amendment

### B. Area approved, with minor amendments

Minor amendments could be:

(i) In the case of an application by a parish council, to include the whole of the parish council area if this was not the case with the original application (the expectation in Peterborough is that, in most cases, neighbourhood areas will follow parish boundaries. However, if considered appropriate, the city council may find it acceptable for a neighbourhood area to cover only part of a parish or a combination of parishes)

(ii) In the case of an application by an organisation or body, to remove any area which is part of a parish council area

(iii) In the case of an application by an organisation or body, to include an additional area, or exclude elements of the proposed area, if this enabled a better fit with city council ward boundaries

(iv) To include or exclude areas, so as to fit with other formal designations such as land allocations, protected nature sites, conservation areas etc, or with obvious and significant geographic features, if appropriate to do so.

### C. Minded to approve an Area, but only if significant amendments are made which are subject to a further round of public consultation

Significant amendments could be:

- i. As per any of the minor amendments above, but such amendment would be of a scale which would significantly alter the size or population catchment of the area
- ii. In the case of an application by a parish council, to include the whole or part of an adjoining parish council area

**4.4.21** The officer's recommendation will then be considered by the Head of Planning, Transport and Engineering Services (the 'Head'). The Head can either accept or reject the recommendation, and is open to choose any of the three options A to C as described above.

**4.4.22** In the case of option A (approval) or B (approval with minor amendments), the Head will prepare a report recommending as such for the Planning and Environmental Protection Committee. In the case of Option C, the applicant will be advised that a revised area will be subject to public consultation and that its views on the amendments would be welcome as part of that consultation. At the end of that consultation, the Head will be free to choose any of the options A to C accordingly.

**4.4.23** Only the Planning and Environmental Protection (PEP) Committee has the ability to approve a neighbourhood area. The Committee will consider the report and recommendation of the Head and is free to choose any of the options A to C, but it is not permitted to reject a proposal outright.

**4.4.24** Once a decision is made at PEP Committee, there is a 'call-in' period to allow for a proportion of the elected councillors who sat on PEP, and who were unhappy with the decision made at the committee, to ask the Chief Executive that it be reported to a special meeting of the Planning Review Committee. The request must come from at least 30 per cent of the elected members present at the meeting and must be carried out within two working days of the end

## Neighbourhood planning in Peterborough

of the meeting. The Planning Review Committee will be responsible for determining a referred neighbourhood area application following implementation of the call-in procedure. The Planning Review Committee's decision is final.

### Neighbourhood areas designated as business areas

**4.4.25** When the city council is determining an application from a parish or neighbourhood forum to designate a neighbourhood area, it must consider whether it should be designated as a business area. In reaching this decision, the city council will take into account whether the area is wholly or predominantly business in nature; the number of people residing in the area; and the results of public consultation.

### Neighbourhood areas in areas of two or more local planning authorities

**4.4.26** If an application is received to designate a neighbourhood area in areas of two or more local planning authorities, all of the local planning authorities will be involved in determining the application. The city council is awaiting separate regulations on this matter.

### The city council's deadline for designating a neighbourhood area

**4.4.27** The Localism Act and neighbourhood planning regulations do not stipulate how long the city council has to determine an application to designate a neighbourhood area. This will depend on when the PEP Committee meeting falls (usually monthly) but the city council will aim to determine the application as soon as reasonably practicable following the end of the public consultation.

### Publicising the decision to designate a neighbourhood area

**4.4.28** As soon as possible after a neighbourhood area has been designated, the city council will publicise the designation (the name of the area, the map identifying the area and the body who applied for the designation) in the same way it publicised the application (see previous page). If in a non-parish area, it will also advertise the fact that applications to become a neighbourhood forum would now be welcomed (see next step). At the same time, it will update its map of designated neighbourhood areas, and publish the map on the city council website.

## Neighbourhood planning in Peterborough

### Step Three: Neighbourhood forum agreed, if needed

Step One	Process initiated by parish council or neighbourhood forum	Step complete
Step Two	Neighbourhood area designated	Step complete
Step Three	Neighbourhood forum agreed, if needed.	<b>You are here</b>
Step Four	Plan or order prepared with the city council's support	
Step Five	Extensive community involvement	
Step Six	Submission and publication of the plan or order	
Step Seven	Independent examination	
Step Eight	Referendum	
Step Nine	Neighbourhood plan or order adopted by the city council	

**If you live in an area with a parish council, then this stage does not apply to you because the parish council will lead on neighbourhood planning.**

**4.4.29** In parts of the city that do not have a parish council (see Step One and Figure Five) a neighbourhood forum will need to be set up by the local community. The neighbourhood forum must then apply to the city council to be formally approved (designated).

#### **When and how to apply to the city council to be designated as a neighbourhood forum for a neighbourhood area**

**4.4.30** Once a neighbourhood area has been designated (which will be publicised – see Step Two), applications to become a neighbourhood forum would be welcomed by the city council.

**4.4.31** Applications to be designated as a neighbourhood forum must be received by the city council by 4pm on the last working day of April, July, October and January each year.

**4.4.32** An application by an organisation or body to be designated a neighbourhood forum for a neighbourhood area must contain the following information:

a.	The name of the proposed neighbourhood forum
b.	A copy of the written constitution of the proposed neighbourhood forum
c.	The name of the neighbourhood area to which the forum relates and a map which identifies the area
d.	The contact details (which will be made public) of at least one member of the proposed neighbourhood forum
e.	A statement which explains how the proposed neighbourhood forum meets the following conditions:  Nationally required conditions: <ul style="list-style-type: none"> <li>• The organisation or body has been established for the main purpose of promoting or improving the social, economic and environmental well being of an area</li> <li>• The neighbourhood forum covers a designated neighbourhood area</li> </ul>

## Neighbourhood planning in Peterborough

- The membership of the organisation or body has been and remains open to individuals living, working or acting as elected members in the neighbourhood area concerned
- There are at least 21 members of the organisation or body each of whom lives or works in the neighbourhood area concerned.

Locally (i.e. Peterborough City Council) set conditions:

- Evidence that individuals living or working in the neighbourhood area have had sufficient opportunity to join the organisation/body.
- Sufficient evidence has been provided to show that the neighbourhood forum proposed has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual from two of the following categories: (a) individuals who live in the neighbourhood area concerned; (b) individuals who work there (whether for business carried on there or otherwise); and (c) individuals who are elected City Councillors, any of whose area falls within the neighbourhood area concerned.
- Membership of the proposed forum is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area (or, if membership does not meet this condition, a reasonable explanation as to why it has not been possible to be achieved).

**4.4.33** The city council has produced an application form (in Appendix Five) for you to use to apply to become a neighbourhood forum.

### Advice prior to submitting an application

**4.4.34** Any organisation or body considering applying to become a neighbourhood forum is strongly recommended to take advantage of the neighbourhood planning pre-application enquiry service (see Step Two for details).

### Application validation

**4.4.35** Once your application is received, we will check that all of the relevant information has been supplied. If it has not, we will contact the applicant.

### Notice of application

**4.4.36** Once an application to set up a neighbourhood forum has been validated, we will publish as soon as possible on the city council website, the following information:

- A copy of the application
- A statement that if a designation is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn
- Details of how and when to make representations (the period of time for making representations will be six weeks). Such a representation may include the submission of an alternative forum.

**4.4.37** In addition to the above website information, the city council will also advertise an application to become a neighbourhood forum by:

- Advising all city councillors representing the neighbourhood area
- Notifying the Neighbourhood Committee and Neighbourhood Manager within which the neighbourhood forum would operate
- Issuing a press release to local media and on the city council's website

## Neighbourhood planning in Peterborough

### Subsequent applications

**4.4.38** The points made in paragraph 4.4.36 are significant because this is the only opportunity for a different group to attempt to set up a neighbourhood forum for a particular area. Once a neighbourhood forum is designated, a second one cannot be considered in the same area.

**4.4.39** A potential alternative neighbourhood forum in part or all of the neighbourhood area must submit the same information as required by the original applicant within the six week consultation process above.

### Determining an application for the designation of a neighbourhood forum

**4.4.40** A council officer will consider the information supplied in a valid application, and especially the statement as required by part (e) above. The officer may go back to the applicant if further information or clarification is needed. If the further information supplied is significant (or significantly amends the proposal), then the city council will recommence the 'notice of application' process as described above. The officer will provide a report that will include a recommendation that the neighbourhood forum is one of the following:

#### A. Neighbourhood forum rejected, with reasoning

It could be rejected outright because:

- i. It does not meet the conditions specified in this SCI
- ii. A neighbourhood forum has already been designated for the neighbourhood area concerned

#### B. Neighbourhood forum approved, without amendment

**4.4.41** The officer's recommendation will then be considered by the Head of Planning, Transport and Engineering Services (the 'Head'). The Head can either accept or reject the officer's recommendation, and is open to choose option A or B as described above.

**4.4.42** If the Head chooses Option A (rejection), the applicant will be informed. The decision is final and the process ends. If the Head chooses Option B (approval), the Head will prepare a report recommending as such for the Planning and Environmental Protection Committee.

**4.4.43** Only the Planning and Environmental Protection (PEP) Committee has the ability to approve a neighbourhood forum. Once the Head is satisfied that an appropriate neighbourhood forum can be achieved, then a report will be submitted to PEP. The Committee is free to approve or reject an application.

**4.4.44** Once a decision is made at PEP Committee, there is the potential for the PEP decision to be 'called in'. This process is the same as, and described fully, in Step Two.

### The city council's deadline for designating a neighbourhood area

**4.4.45** The Localism Act and neighbourhood planning regulations do not stipulate how long the city council has to determine an application to designate a neighbourhood forum. This will depend on when the PEP Committee meeting falls (usually monthly) but the city council will aim to determine the application as soon as reasonably practicable following the end of the public consultation.

## Neighbourhood planning in Peterborough

### Publication of the city council's decision to designate a neighbourhood forum

**4.4.46** As soon as possible after a neighbourhood forum has been designated or refused to be designated, the city council will publicise the decision in the same way it publicised the application (see previous page). If the designation is approved, details of the name of the forum, its constitution, the neighbourhood area to which it relates and the contact details of at least one member of the forum will be published. If the designation is refused, a 'refusal statement' setting out the reasons for refusal will be published.

### Lifespan and withdrawal of a neighbourhood forum

**4.4.47** A neighbourhood forum designation lasts for five years beginning with the day on which it is made by the city council.

**4.4.48** Under the provisions of the Localism Act, the city council may withdraw a neighbourhood forum designation if it is considered that the organisation or body is no longer meeting the conditions and criteria it had to meet to be designated (as outlined in this step). Where a designation is withdrawn, the city council will give reasons to the organisation or body.

**4.4.49** Additionally, a designated forum may voluntarily withdraw its status by contacting the city council. If this happens, the city council will make reasonable efforts to publicise the withdrawal and will issue a 'withdrawal statement'. A new body or organisation would then be free to apply to become a forum for that particular area.

## Neighbourhood planning in Peterborough

### Step Four: Plan or order prepared with the city council's support and advice

Step One	Process initiated by parish council or neighbourhood forum	Step complete
Step Two	Neighbourhood area designated	Step complete
Step Three	Neighbourhood forum agreed, if needed.	Step complete (if needed)
Step Four	Plan or order prepared with the city council's support	<b>You are here</b>
Step Five	Extensive community involvement	
Step Six	Submission and publication of the plan or order	
Step Seven	Independent examination	
Step Eight	Referendum	
Step Nine	Neighbourhood plan or order adopted by the city council	

### Neighbourhood planning options

**4.4.50** Once a neighbourhood area has been designated, the parish council or approved neighbourhood forum can choose to prepare a neighbourhood development plan or a neighbourhood development order (or both).

**4.4.51** As the local planning authority, the city council has certain duties and responsibilities but will not start or control the process. The production of a neighbourhood development plan or neighbourhood development order will be 'owned' by the parish council or neighbourhood forum. The Localism Act places a duty on the city council to provide advice and assistance to parish councils and neighbourhood forums in developing proposals for plans or orders, but there is no requirement here to provide financial assistance.

**4.4.52** The city council will help you to understand the Localism Act and Neighbourhood Planning Regulations, advising on any legal or environmental issues. We will provide advice on the research that you may need, the implications of different courses of action and how to draw up a neighbourhood plan or neighbourhood development order.

**4.4.53** The city council will nominate an officer to assist in the preparation of any neighbourhood plan or development order. However, there is only resource available to assist on a maximum of four neighbourhood development plans and four neighbourhood development orders per year. The parish council or neighbourhood forum must notify the city council in writing that they are seeking assistance. A list of the neighbourhood areas we are assisting and any waiting list of those seeking help, will be published on the city council's website. Please note that if you are on a waiting list or if you don't need help from the city council, there is nothing to stop you proceeding on your own.

**4.4.54** In the early stages, where a parish council or neighbourhood forum expresses positive interest in neighbourhood planning, the city council will be happy to take part in an initial meeting, which might cover:

- Detailed explanation of what can be prepared
- A run through of the process for their preparation, and a possible timetable (taking into account the number of neighbourhood development plans and orders being prepared at any one time and any waiting list that might be in place)
- The need to fit with national policy and the strategic policies of the Local Development Framework



## Neighbourhood planning in Peterborough

- What neighbourhood plans may cover, but also what they cannot
- A summary of what may be involved in terms of technical work and the potential costs involved
- Community engagement possibilities
- What the alternative community planning options are, in addition to or instead of neighbourhood plans and orders.

### Preparing a neighbourhood development plan or order

**4.4.55** A **neighbourhood development plan** is a document that sets out policies in relation to the development and use of land in the whole or any part of a particular neighbourhood area. A **neighbourhood development order** is a statutory mechanism which automatically grants planning permission in relation to a particular neighbourhood area for a specified development or class of development.

**4.4.56** A neighbourhood development plan or order should be appropriate in relation to national policy, and in general conformity with the strategic policies set out in Peterborough's Local Development Framework (LDF), especially the Core Strategy.

**4.4.57** The Government has stressed that neighbourhood plans and neighbourhood development orders should truly reflect how residents believe the future of their area should be shaped. This means there should be full and effective opportunity for engagement of all residents in the way the plan is prepared. It follows that parish councils and community groups should be encouraged to start thinking early on about how they will secure such engagement. The promoters of a neighbourhood plan or neighbourhood development order will wish to be confident that the plan enjoys widespread community support before committing themselves and their plan to a referendum (Step Eight).

**4.4.58** The parish council or approved neighbourhood forum must ensure that a neighbourhood development plan or order specifies the period for which it is to have effect and may not include provision about a development that is excluded development and may not relate to more than one neighbourhood area.

**4.4.59** Only one neighbourhood development plan may be made for each neighbourhood area.

**4.4.60** A **community right to build order** is a type of neighbourhood development order made by a community right to build organisation that grants planning permission for specified development in relation to a specified site in a specified neighbourhood area that does not exceed limits prescribed by Government. The Government has designed this to ensure that the benefits of any development permitted through such an order can be kept in the community. The process of community right to build orders is not covered in this SCI because it is not particularly well linked to planning matters. A questions and answers paper can be found on the Communities and Local Government website:  
<http://www.communities.gov.uk/documents/newsroom/pdf/1647749.pdf>

### Tips for drawing up a neighbourhood plan

**4.4.61** There are many sources of advice on drawing up a neighbourhood plan or order. The following tips are adapted from the Town and Country Planning Association's 'Your Place, Your Plan' guide:

- Talk to the city council: We can help local people draw up a neighbourhood plan or order and provide advice on any legal or environmental issues.
- Include everyone: For every local person who will happily give you their opinion there are a hundred who won't. Special efforts may be needed to get the views of young people, disabled people, ethnic minorities or the elderly.

## Neighbourhood planning in Peterborough

- Be open and honest: Tell people how important the plan or order is, but also tell them what it can't do. Make sure anyone involved in the plan or order is upfront if they might benefit from it personally.
- Work in partnership: Draw up a list of groups and people you need to work with you. Think about including local councillors, schools, community groups, business leaders, and the local media. You will need to work closely with key stakeholders such as Government agencies and infrastructure providers and you may need to undertake some technical work (for example, a flood risk assessment).
- Use your local knowledge and common sense: The whole point of a neighbourhood plan or order is that it is put together by people who know a place well and care about it. So if you're looking at a site for a new GP surgery, you will know whether it is near a bus route, for example. It can be that simple. But you also need to make sure that the funds are in place, or are likely to be, to deliver this type of community infrastructure. This avoids raising false expectations.
- Look to the future: Imagine how people in your area might live 50 years from now, and what they would like you to preserve.
- Consider climate change: How can your plan or order help to prevent climate change? For example, can it include renewable energy? Plus, think about what to do about the effects of climate change too, such as how more parks or gardens could help to reduce the risk of flooding.
- Be positive: Community action can attract negativity from some groups or individuals. Challenge them to get involved and come up with a better idea. If you can keep everyone enthusiastic and on-track, you'll end up with a plan or order that everyone can understand and be proud of.
- Be realistic: Your neighbourhood plan or order needs to be drawn up using the Peterborough Local Development Framework as a guide. Again, your local councillor and the city council can help you with this.
- Forget the jargon: Your neighbourhood plan needs to be easy to read and have clear objectives, but it also has to be deliverable and financially viable.

### Get the community involved and on board

**4.4.62** If the community are not supportive of the idea of a neighbourhood plan or order from the very beginning, then it will be difficult to produce a document that reflects their priorities and aspirations. More than 50 per cent of the votes cast from the community must be in favour of the plan for it to be accepted (referendum), which is explained in more detail in Step Eight. The community should be informed about the parish council's/neighbourhood forum's intentions from the start. You could write to local organisations and groups to see if they would like to be involved; and hold a public meeting with the community to let them know your intentions and start to get a feel for what they would like to see happen in their area.

### Possible contents of a Neighbourhood Plan

- A map of the area, including on it any existing designations (such as protected nature sites, conservation areas or new development allocations as set out in the city council's plan) and your proposed new designations (such as new development sites, new protected open space or employment areas, etc).
- Policies that set out what you would like to happen in your area, including the detail on your proposed allocations and design policies that could specify the types of materials you would like to see used in new developments.
- In order to protect land in your neighbourhood area, you could write an area appraisal that describes the attributes of your area.

## Neighbourhood planning in Peterborough

### Possible contents of a Neighbourhood Development Order

**4.4.63** A neighbourhood development order must specify the development or class of development which will benefit from an automatic grant of planning permission. This could be, for example, houses, offices, shops or leisure facilities. The order must include a map which identifies the land covered by the order (i.e. the neighbourhood area).

#### **The city council's service standards for Step Four**

- The city council will hold an initial meeting with a parish council or established neighbourhood forum where it has expressed an interest in preparing a plan or order.
- The city council will nominate a dedicated officer to help you through the process, or help prepare background studies, up to a maximum of ten days work.
- The city council will provide up to five copies of Ordnance Survey base map(s) of the applicable neighbourhood area.
- The city council will print and pay for 20 copies of a draft plan/order, in colour and including maps.

## Neighbourhood planning in Peterborough

### Step Five: Extensive community involvement

Step One	Process initiated by parish council or neighbourhood forum	Step complete
Step Two	Neighbourhood area designated	Step complete
Step Three	Neighbourhood forum agreed, if needed.	Step complete (if needed)
Step Four	Plan or order prepared with the city council's support	Step complete
Step Five	Extensive community involvement	<b>You are here</b>
Step Six	Submission and publication of the plan or order	
Step Seven	Independent examination	
Step Eight	Referendum	
Step Nine	Neighbourhood plan or order adopted by the city council	

### Pre-submission consultation and publicity for a neighbourhood plan

**4.4.64** The neighbourhood planning regulations require that before submitting a neighbourhood plan to the city council, **the parish council or designated neighbourhood forum must:**

<p>1. Publicise in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area:</p> <ul style="list-style-type: none"> <li>a. Details of the draft proposals for a neighbourhood plan and where they can be inspected.</li> <li>b. Details of how to respond to the publicity and make 'representations' (comments).</li> <li>c. The deadline for the receipt of comments, being not less than six weeks following the date on which the draft proposals are first publicised.</li> </ul>
<p>2. Consult any relevant consultation body whose interests the parish council or neighbourhood forum considers may be affected by the proposals.</p>
<p>3. Send a copy of the draft proposals to the city council.</p>

**4.4.65** It will be up to you to decide who else, other than above, to consult. The Planning Policy team at the city council will be able to help with the names and contact details for consultation bodies and other organisations that might be interested in a neighbourhood plan.

**4.4.66** You might want to use the following methods to publicise your proposal (but do not feel that you are restricted to only using these methods):

- Contact your local newspaper with a press release
- Place a formal public notice in your local newspaper
- Do a leaflet drop to residents and businesses in and around the neighbourhood area
- Contact your local radio station to arrange an announcement and/or an interview
- Ask if you can place posters in libraries and community buildings in and around the neighbourhood area
- Ask the city council's Planning Policy Team to advertise your consultation on the city council website

## Neighbourhood planning in Peterborough

### Pre-submission consultation and publicity for a neighbourhood development order

**4.4.67** The requirements for consultation during the preparation of a neighbourhood development order are similar to those for a neighbourhood plan (as above), except that the consultation bodies that must be consulted are different. The city council will be able to advise on this.

### The city council's role

**4.4.68** The city council has two roles. First it will help to ensure appropriate consultation takes place, including for example, providing advice on the contact details for consultation bodies, and using its website for publicity. Secondly, it has the right to comment on the proposals themselves during the formal six week consultation period, i.e. it can support, object or make other comments on the proposals. Whilst the city council will always try to reach agreement with the promoters of the neighbourhood development plan or order, it may object if it is considered that the plan or order is:

- Contrary to the city council's own plans or strategy
- Contrary to national planning policy

**4.4.69** It is therefore advisable that you use the city council's **Neighbourhood Planning Pre-application Advisory Service**, provided by the Planning Policy Team, as early as possible in the preparation of your plan or order.

**4.4.70** The Planning Policy Team will provide up to date contact details of statutory consultation bodies.

#### The city council's service standards for Step Five

- The city council's website can be used to help publicise consultation events being undertaken by a parish council or neighbourhood forum, if required.

## Neighbourhood planning in Peterborough

### Step Six: Submission and publication of the plan or order

Step One	Process initiated by parish council or neighbourhood forum	Step complete
Step Two	Neighbourhood area designated	Step complete
Step Three	Neighbourhood forum agreed, if needed.	Step complete (if needed)
Step Four	Plan or order prepared with the city council's support	Step complete
Step Five	Extensive community involvement	Step complete
<b>Step Six</b>	<b>Submission and publication of the plan or order</b>	<b>You are here</b>
Step Seven	Independent examination	
Step Eight	Referendum	
Step Nine	Neighbourhood plan or order adopted by the city council	

**4.4.71** Step Six is split up into two parts. Part one deals with the submission of a neighbourhood development plan to the city council and part two deals with the submission of a neighbourhood development order to the city council.

#### Part one – Submission and publication of a Neighbourhood Development Plan

##### Submission of your completed neighbourhood development plan to the city council

**4.4.72** Once the neighbourhood development plan has been prepared and the community in the neighbourhood area has been fully involved, the parish council or neighbourhood forum can submit it to the city council (via the Planning Policy Team at the address in Appendix Three). The submission must be in writing and include all of the following:

1.	A map or statement identifying the area covered by the proposed neighbourhood development plan;
2.	A consultation statement which contains <ol style="list-style-type: none"> <li>Details of everyone who was consulted about the proposed neighbourhood development plan and how they were consulted; and</li> <li>A summary of the main issues and concerns raised by those who responded;</li> <li>A description of how the issues and concerns have been addressed in the proposal;</li> </ol>
3.	The proposed neighbourhood development plan; and
4.	A statement explaining how the proposed neighbourhood development plan meets the requirements set out in paragraph 8 of Schedule 4B (process for making of neighbourhood development orders) to the 1990 Act, for example: <ol style="list-style-type: none"> <li>Has regard to national policies and advice contained in guidance issued by the Secretary of State; and</li> <li>The plan contributes to the achievement of sustainable development; and</li> <li>The plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and</li> </ol>

## Neighbourhood planning in Peterborough

- d. The plan does not breach, and is otherwise compatible with, EU obligations; and
- e. Any other prescribed conditions are met and prescribed matters have been complied with in connection with the plan.

**4.4.73** The city council will check that the above has been correctly submitted prior to publicising the proposed neighbourhood development plan.

### Publicising a proposed neighbourhood plan

**4.4.74** Valid submissions received by the end of **January** or **July** each year will be publicised by the city council from early **March** and early **September** respectively. The city council will only publicise one proposed plan per half year. If more than one is received by either the end of January or July deadline, then the council will only publicise the first valid application received in the period up to the previous deadline, with any others placed on a waiting list. Those on a waiting list will be prioritised above any new proposals received. If the waiting list exceeds two proposals, the city council will endeavour to publish two proposals per half year, subject to available resources. The waiting list will be updated on our website.

**4.4.75** Details of the proposed neighbourhood plan itself (the "plan proposal"), where and when it may be inspected, how to make representations and the deadline for the receipt of those representations will be publicised on the city council website and at the most suitable location or locations for people who live, work and carry on business in the relevant neighbourhood area.

**4.4.76** The period during which representations may be made will be not less than six weeks following the date on which the proposal is first publicised.

**4.4.77** In addition, the city will notify any consultation body which is referred to in the consultation statement submitted by the parish council or neighbourhood forum.

**4.4.78** After the close of the period for lodging representations, any representations that have been received will be forwarded to the person who is appointed to conduct an examination into the plan (Step Seven). It is not the job of the parish council, neighbourhood forum or city council to respond to such representations.

## Part Two – Submission and publication of a Neighbourhood Development Order

### Submission of your completed neighbourhood development order to the city council

**4.4.79** Once the neighbourhood development order has been prepared and the community in the neighbourhood area has been fully involved, the parish council or neighbourhood forum can submit it to the city council (via the Planning Policy Team at the address in Appendix Three). The submission must be in writing and include all of the following:

1. A map identifying the land to which the order proposal relates;
2. A consultation statement which contains:
  - a. Details of everyone who was consulted about the proposed order and how they were consulted; and
  - b. A summary of the main issues and concerns raised by those who responded; and
  - c. A description of how the issues and concerns have been addressed in the proposed order.

## Neighbourhood planning in Peterborough

3. The proposed neighbourhood development order; and
4. A statement explaining how the proposal meets the basic conditions for a neighbourhood development order set out in paragraph 8 of Schedule 4B of the 1990 Act, for example -
  - a. Has regard to national policies and advice contained in guidance issued by the Secretary of State; and
  - b. Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order;
  - c. Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order;
  - d. The order contributes to the achievement of sustainable development; and
  - e. The order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and
  - f. The order does not breach, and is otherwise compatible with, EU obligations; and
  - g. Any other prescribed conditions are met and prescribed matters have been complied with in connection with the order.

**4.4.80** The city council will check that all of the correct information has been submitted prior to publicising the proposed neighbourhood development order.

### Publicising a proposed neighbourhood development order

**4.4.81** Valid submissions received by the end of **January** or **July** each year will be publicised by the city council from early **March** and early **September** respectively. The city council will only publicise one proposed order per half year. If more than one is received by the end of January or July deadline, then the council will only publicise the first valid application received in the period up to the previous deadline, with any others placed on a waiting list. Those on a waiting list will be prioritised above any new proposals received. If the waiting list exceeds two proposals, the city council will endeavour to publish two proposals per half year, subject to available resources. The waiting list will be updated on our website.

**4.4.82** The city council will publicise the proposed order in the same way as it would for a proposed neighbourhood development plan (as above). There will be additional publicity if the order proposal is caught by regulations relating to Environmental Impact Assessment.

### Consideration of the plan or order by the city council

**4.4.83** Although the city council is the body responsible for publicising the plan or order proposals and inviting representations at this stage, it must be remembered that the plan or order has originated from a parish council or neighbourhood forum. This means that the city council is perfectly entitled to make representations in the same way as any other person or organisation. Any representations that it makes will be forwarded to the examiner for consideration in the same way as all other representations.

**4.4.84** The city council can decline to consider a repeat proposal for a plan or order and will notify the parish council or forum with reasons for declining to consider it.

**4.4.85** If the city council is satisfied that the proposal is not a repeat proposal, it must check that the applicant has completed and met the requirements of the Localism Act (as summarised in Steps One to Five). If the city council is satisfied, it must notify the applicant and the plan or order can proceed to independent examination. However, if the city council is not satisfied, the city council will refuse the proposal and notify the applicant with reasons for refusal.



## Neighbourhood planning in Peterborough

### Step Seven: Independent examination

Step One	Process initiated by parish council or neighbourhood forum	Step complete
Step Two	Neighbourhood area designated	Step complete
Step Three	Neighbourhood forum agreed, if needed.	Step complete (if needed)
Step Four	Plan or order prepared with the city council's support	Step complete
Step Five	Extensive community involvement	Step complete
Step Six	Submission and publication of the plan or order	Step complete
<b>Step Seven</b>	<b>Independent examination</b>	<b>You are here</b>
Step Eight	Referendum	
Step Nine	Neighbourhood plan or order adopted by the city council	

**4.4.86** Once the city council is satisfied that the neighbourhood development plan or order has met the requirements of the Localism Act 2011, it will be submitted for independent examination, along with all the other documents that the parish council or neighbourhood forum had submitted, and a copy of all the representations received. The city council will make all of the arrangements necessary to hold the examination.

#### Appointment of an independent examiner

**4.4.87** The city council is required to appoint an examiner to independently test a neighbourhood development plan or neighbourhood development order, but it must reach agreement on the choice of inspector with the parish council or neighbourhood forum.

**4.4.88** The city council will hold a register of individuals that it deems suitable to undertake the role of independent examiner and they must have no commercial or other interest in the area concerned. The register will include the Heads of Planning Policy Teams of all of the District Councils in Cambridgeshire. Individuals can apply to be added to the register and there will be certain criteria that will need to be met. An application form will be provided to allow applicants to demonstrate how they meet the criteria. The city council's decision as to who may be included on the register is final.

**4.4.89** The parish council or neighbourhood forum will be sent the name of a potential examiner or a list of possible alternative examiners to choose whom they would like to undertake the examination. If an examiner can not be agreed, the decision will be deferred to the Secretary of State. It will not be down to the city council to decide.

#### The examination

**4.4.90** The examiner must consider whether the plan or order meets certain conditions.

**4.4.91** The general rule is that the examination takes the form of written representations but a hearing in public will be arranged in respect of particular issues if the examiner considers that this is necessary to ensure adequate examination or a fair chance for a person to put forward their case. The examiner will decide how the hearing is to be conducted.

## Neighbourhood planning in Peterborough

### The examiner's report

- 4.4.92** The examiner must produce a report on the submitted plan or order, containing recommendations, which must recommend:
- a. that the plan or order is submitted to a referendum: or
  - b. that modifications specified in the report are made to the draft plan or order and then, as modified, it is submitted to a referendum, or
  - c. that the proposal for the plan or order is refused.
- 4.4.93** The only modifications that can be made are those that the examiner considers necessary to make the draft plan or order meet the basic conditions or other fundamental statutory requirements. If the report recommends submission to a referendum, the examiner must also make a recommendation whether the area for the referendum should extend beyond the neighbourhood area.

### The city council's role

- 4.4.94** The city council will provide a room free of charge if this is needed for any hearing session as part of the examination. It will pay the fee for the person conducting the examination.
- 4.4.95** Following the independent examination, there are issues that the city council will have to consider to decide whether or not a proposed plan or order should be put to a referendum and whether or not the proposed plan or order should be modified. This will be the role of the city council's Head of Planning, Transport and Engineering Services. These considerations include the recommendations of the examiner and whether the proposals are appropriate having regard to national policy, whether they are in general conformity with the strategic policies of the Local Development Framework (particularly the Peterborough Core Strategy) and whether a referendum should extend beyond the neighbourhood area to which the plan or order relates.
- 4.4.96** The Secretary of State can, where it is deemed necessary, prescribe matters other than the recommendations in the report that the city council must take into account. This is to ensure that relevant material is considered by the city council before it reaches a decision on a plan or order.
- 4.4.97** The city council may make a decision that differs from that recommended by the examiner because of new evidence, a new fact or a different view in relation to a particular fact. If this occurs, the city council may decide to refer the issue to an additional independent examination. The city council must consult on any proposal and take any representations into account before reaching a final view.

#### The city council's service standards for Step Seven

- The city council will print and pay for up to twenty copies of the final plan or order, in colour and including maps.
- The city council will provide a room free of charge for the purpose of formal examination of the plan or order, if this is needed.
- The city council will pay the fee for the person conducting the examination.

## Neighbourhood planning in Peterborough

### Step Eight: Referendum

Step One	Process initiated by parish council or neighbourhood forum	Step complete
Step Two	Neighbourhood area designated	Step complete
Step Three	Neighbourhood forum agreed, if needed.	Step complete (if needed)
Step Four	Plan or order prepared with the city council's support	Step complete
Step Five	Extensive community involvement	Step complete
Step Six	Submission and publication of the plan or order	Step complete
Step Seven	Independent examination	Step complete
<b>Step Eight</b>	<b>Referendum</b>	<b>You are here</b>
Step Nine	Neighbourhood plan or order adopted by the city council	

**4.4.98** A referendum must be held on a plan or order once the city council is satisfied that the correct procedures have been complied with (with or without modifications, as explained in Step Seven).

**4.4.99** The community has the final say on whether a neighbourhood plan or order is passed by voting 'yes' or 'no' at the referendum. If the majority (more than half) of those voting are in favour, the plan or order must be "made" (i.e. adopted) by the city council (see Step Nine).

**4.4.100** The **referendum area** must, as a minimum, be the neighbourhood area to which the proposed plan or order relates. The city council may extend the area in which the referendum is to take place to include other areas (including areas outside the city council boundary), if it is considered appropriate to do so. If the city council decides to extend the referendum area, it must publish a map of that area.

**4.4.101** The city council must make arrangements for the referendum to take place in so much of its area that falls within the referendum area. An individual is entitled to vote in the referendum so long as they would be eligible to vote in an election for councillors and their qualifying address for the election is in the referendum area.

**4.4.102** The city council will pay all the costs of arranging the referendum, which will be held in accordance with the provisions of the Neighbourhood Planning (Referendum) Regulations 2012. These regulations specify, amongst other things, the exact question that must be asked. For Peterborough, the question for a neighbourhood development plan will be:

- "Do you want Peterborough City Council to use the neighbourhood plan for (*insert name of neighbourhood area*) to help it decide planning applications in the neighbourhood area?"

The question for a neighbourhood development order will be:

- "Do you want the type of development in the neighbourhood development order for (*insert name of neighbourhood area*) to have planning permission?"

## Neighbourhood planning in Peterborough

### Additional referendum in a designated business area

**4.4.103** If the city council has designated a neighbourhood area as a business area (as referred to in Step Two), an additional referendum must be held. This is so that non-domestic rate payers in the referendum area can vote as well. The additional referendum will also be conducted in accordance with the Neighbourhood Planning (Referendum) Regulations 2012. If there is a majority vote in favour of the plan or order in one referendum but against the plan or order in the other, the city council has the discretion as to whether or not to "make" the plan or order (i.e. to adopt/approve it).

#### **The city council's service standards for Step Eight**

The city council will pay for and arrange a referendum on the plan or order, in accordance with the requirements of the Localism Act 2011 and regulations.

## Neighbourhood planning in Peterborough

### Step Nine: Neighbourhood plan or order adopted by the city council

Step One	Process initiated by parish council or neighbourhood forum	Step complete
Step Two	Neighbourhood area designated	Step complete
Step Three	Neighbourhood forum agreed, if needed.	Step complete (if needed)
Step Four	Plan or order prepared with the city council's support	Step complete
Step Five	Extensive community involvement	Step complete
Step Six	Submission and publication of the plan or order	Step complete
Step Seven	Independent examination	Step complete
Step Eight	Referendum	Step complete
Step Nine	Neighbourhood plan or order adopted by the city council	<b>You are here</b>

**4.4.104** The relevant legislation uses the term "make" to refer to the final step of approving or adopting the neighbourhood development plan or order.

**4.4.105** If more than half the people voting at the referendum on the plan or order have voted in favour, the city council will make (adopt) it, but only if the city council considers that making it would not breach, or otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

**4.4.106** Once the city council has resolved to make the plan or order, then as soon as possible it will:

<p>1. Publish on its website:</p> <ul style="list-style-type: none"> <li>a. A statement of the city council's decision and reasons for making that decision;</li> <li>b. The neighbourhood development plan or order;</li> <li>c. Details of where and the times when these documents can be inspected;</li> </ul>
<p>2. Make the decision statement and plan or order available for inspection at Bayard Place and any suitable location within the relevant neighbourhood area during normal opening hours; and</p>
<p>3. Notify and send a copy of the decision statement to:</p> <ul style="list-style-type: none"> <li>a. The parish council or neighbourhood forum who put forward the proposal;</li> <li>b. Any person who made a written representation in respect of the proposal.</li> </ul>

**4.4.107** If the city council decides to refuse to make the plan or order on the grounds that it would breach or otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998), then as soon as possible after reaching that decision it will publish on its website a statement of the council's decision and reasons for making that decision, along with details of where and the time when the decision statement may be inspected. It will make the decision statement available at the same places as listed above, and send a copy to the same people as listed above.

## Neighbourhood planning in Peterborough

**4.4.108** The relevant regulations do not require the city council to do anything in particular if the majority vote in the referendum is opposed to the plan or order, but the city council will publicise that outcome and notify people in a similar way to that described above.

**4.4.109** Once a neighbourhood development plan is adopted by the city council, it becomes part of the statutory development plan for Peterborough. In areas that have a neighbourhood plan, the decision-making on planning applications remains the responsibility of the city council as local planning authority. The community leads on preparing the plan and setting out the policies for development in their area but it is the city council that will give or refuse planning permission taking those policies into account.

### Challenging a decision

**4.4.110** Legal challenge may only be made by judicial review, with a time limit for filing the claim form in Court of six weeks from the date of the publication of the decision to make the plan or order, or publication of the decision relating to the city council's consideration of the examiner's recommendations, or from the date of declaration of the result of the referendum.

## Appendix one: Advice note on pre-application consultation by developers

### Appendix one: Advice note on pre-application consultation by developers

The Localism Act allows the city council to produce local good practice guidance on pre-application consultation by developers. This is an advice note which we will amend, as necessary, if and when the duty to undertake consultation is brought into effect and the types of development which are subject to the duty have been specified by the Government. We will publish the latest version on the city council website. As such, please check this is the latest version of the advice note prior to undertaking any pre-application consultation.

We encourage prospective applicants to consult communities and make arrangements for publicity before submitting any planning application which might raise local, or wider, issues.

However, based on preliminary thoughts from the Government, we particularly encourage this where the intention is to apply for:

- Residential developments of 200 or more new residential units, or (where the number of residential units to be constructed is not specified) with a site area of four hectares or more; and
- Any non-residential developments providing 10,000 square metres or more of new floor space, or with a site area of two hectares or more

In addition, pre-application consultation could prove particularly helpful in the case of schemes in conservation areas, involving national and locally-listed buildings, areas with environmental or historic designations, or where the impact of incremental minor/householder developments would adversely affect local communities or places.

Developers are advised to:

- Publicise the proposed application in such a manner as the developer considers is likely to bring it to the attention of a majority of the persons who live at, or otherwise occupy, premises in the vicinity of the land. Publicity should set out how you may be contacted by persons wishing to comment on or collaborate with you on the design of the proposed development and give such information of the proposed timetable for the consultation as is sufficient to ensure that persons wishing to comment on the proposed development may do so in good time.
- Undertake early and continuous consultation with those that may be affected by the proposal, including neighbours, community groups, parish councils, voluntary sector groups and councillors, to ensure not only good development and public acceptance but also that appropriate consultation methods are being used. Stakeholders can shape the proposal and you can identify and understand their needs, rather than consulting on a scheme that has already been decided. You will need to ensure that the momentum and the trust of the community are not lost.
- Undertake consultation that is proportional to the size of development and scale of potential effect on individuals, families, communities or neighbourhoods. Consultation should also be appropriate to the nature and scale of the community using a range of methods, including provisions to support community members where appropriate. Examples of consultation methods include: meetings; focus groups; exhibition and displays; information leaflets; consultation letters; questionnaires; press adverts and press releases in the Peterborough Evening Telegraph and the Stamford Mercury (depending on the location of the proposed application site) and any community newsletters.
- Present to the relevant Neighbourhood Committee, which is made up of elected city council members as well as representatives from parish councils, the police authority, fire authority and members of local community groups, plus ordinary members of the public. For further details about the Neighbourhood Committees, including dates and times of meetings, go to the city council's website at:  
[http://www.peterborough.gov.uk/community\\_information/neighbourhood\\_councils.aspx](http://www.peterborough.gov.uk/community_information/neighbourhood_councils.aspx).

## Appendix one: Advice note on pre-application consultation by developers

The Localism Act makes provision for a 'development order' that may specify circumstances when pre-application consultation is not required. This note will be updated if such an order comes into force.

### Taking the responses to consultation into account

If you have undertaken pre-application consultation in accordance with this advice note and you propose to go ahead with making an application for planning permission, we suggest you consider the consultation responses carefully in deciding whether to make an application in the same terms as that consulted upon or to make revisions.

The Localism Act enables the Secretary of State to set out further provisions as to how the required consultation should be undertaken in practice, including matters such as:

- The type of developments to which the requirement applies.
- Publicity associated with the consultation.
- The form of consultation to be undertaken (i.e. meetings, leaflets, exhibitions etc.)
- Collaboration between the developer and others on design.
- The timetable for any consultation carried out under the requirement.

The Act requires that an account of the consultation undertaken must accompany any planning application for development to which the new duty applies, in order to make it valid, and we would welcome such accounts on a voluntary basis until the requirement is in force.

Ahead of any order, the city council hopes that developers will give it reasonable access to all information relating to community involvement undertaken to establish that the procedures followed have been in accordance with this guidance note. We encourage you to submit, alongside the planning application, details of what community consultation has been carried out. This might take the following format:

### Informing

- A list of those who were contacted by letter informing them of the proposals and where more details can be found
- Set out the measures taken in trying to reach the community including hard to reach groups
- Details of any advertising in the local newspaper about the development
- Details of the deadline for comments

### Participation

- Details about the date, location and duration of any events held. Events should preferably be held as close to the site as possible and fully accessible, and advertised
- Details of the event including display material used and presence of staff
- Details of what was available for comment, how the comments were dealt with and what happened next
- A summary of the feedback received from community consultations (including minutes of any meetings), the issues raised and how this has been taken into account in the scheme. Any responses received during pre-application consultation should be taken into account before the proposals are finalised and submitted. The purpose of front-loading requirements is to ensure that issues can be discussed, addressed and mitigated against early in the development process.
- A report of how the proposals have been amended in response to community involvement, and if not, why not
- Details of feedback provided to the consultees
- Details of measures taken to involve a wide range of the community, including minority groups.



## Appendix two: Public speaking at committee on planning applications

### Appendix two: Public speaking at committee on planning applications

The city council welcomes written representations on planning applications but members of the public and interested third parties/stakeholders also have the right to speak at meetings of the Planning and Environmental Protection Committee when any application for consent under the Town and Country Planning legislation is considered. This appendix explains how you can arrange to speak to the Committee. There are simple rules which make the system fair and easy to operate. From time to time the council may change the detail of the arrangements set out below, and you are advised to check with the Governance Officer on the telephone number given below if you wish to see the most up-to-date rules at any time.

#### How does the Planning and Environmental Protection Committee work?

The Planning and Environmental Protection Committee considers major or controversial applications, which are referred to it by Members of the city council, parish councils or neighbourhood committees. Most applications, however, are decided by the Head of Planning Services and senior planning officers.

#### How do I arrange to speak at a meeting?

About a week before the Committee meeting, we will write to everyone who has commented on the planning proposals which are to be considered. If you wish to speak you must contact the Governance Officer by 12.00 noon on the Friday before the meeting. You can do this by telephoning (01733) 452268.

#### If I object to the proposal do I have to speak at the Committee meeting?

No. Your comments will be considered at the meeting even if you do not attend. As the meetings are open to the public you may attend the meeting just to see what happens to the application which you have opposed.

#### If I am the applicant or agent do I have to speak at the Committee meeting?

No. You do not have to present your case for approval of your application. The Committee will consider the comments which you have made, and any supporting information you have given. If the officer's recommendation is one of refusal or there are objections to your application, you may decide that there is some benefit in putting your case in favour of the scheme to the committee in person. You should note that the officer's recommendation in the Head of Planning Services' report is not always agreed to by the Committee.

#### Where and when are the meetings held?

Meetings of the Planning and Environmental Protection Committee are normally held during the day in the Bourges and Viersen Rooms at the Town Hall, Bridge Street, Peterborough. Times vary and will be advertised prior to the meeting. The meetings are open to members of the public and a weekly list of forthcoming meetings is displayed on the notice board at the front entrance of the Town Hall, or you can telephone the Cabinet Officer who will give you the dates of future meetings.

#### Can I obtain copies of the committee papers?

Yes. Agendas and non-exempt reports are available for members of the public to view before the meeting at the Town Hall Reception desk and copies are also available at the Committee meeting or you can purchase them prior to the meeting from the Cabinet Officer. If you have decided to speak at Committee the Cabinet Officer will send you a copy of the relevant part of the report if there is time.

## Appendix two: Public speaking at committee on planning applications

### Who will be present at the meeting?

The meeting will be attended by Councillors who will reach decisions on the planning applications before them. The Committee has a Chairman who is responsible for the orderly conduct of the meeting. Officers of the Planning Services Department are present to give advice and guidance on planning applications along with a Legal Officer who gives advice and a Cabinet Officer who advises on procedure and records the decisions made.

### What is the order of speaking at the meeting?

The applications on which members of the public have asked to speak will, where possible, be placed early on the Committee's agenda for the meeting. One of the Planning Officers will introduce the application and the sequence of speakers will then be as follows:

- Ward Councillors
- Parish Council, or Neighbourhood Committee
- Objector(s)
- Applicant or agent and any supporters

Members of the Committee also have the opportunity to question the speakers and the Planning Officer may wish to comment on the matters raised. The application will then be debated by the Committee and a decision made on it. If members of the Committee decide to defer the application to a future meeting, the process of public speaking will be repeated at that meeting. Members of the public do not take part in the debate and should not ask questions of Officers, Committee Members or other speakers.

### What rules are there for speaking at planning meetings?

The total time allowed for speeches from Ward Councillors and Parish Council representatives is not more than ten minutes in total unless the Committee decide otherwise. MPs are allowed not more than five minutes to represent their constituents unless the Committee decide otherwise. Objectors and the applicant (or agent and supporters) are each allowed a maximum of five minutes to give their views. Regardless of the number of speakers against or in favour of an application, five minutes is allocated for all objectors and the same for all supporters. If you are part of a group of which there are a number of persons who wish to express the same or similar points of view on an application, then the group should appoint a spokesperson to speak on its behalf. To help you organise this, we will provide the objectors and supporters with the addresses and telephone numbers of those registered to speak. You may, however, consider your views differ from those of other persons within the group and choose to address the Committee individually. When this happens, the allocated time of five minutes will be divided equally between the speakers.

### What issues can be taken into account by the Committee in considering proposals?

These include:

- The Peterborough Core Strategy and any other Development Plan Documents and Supplementary Planning Documents
- The East of England Plan (Regional Spatial Strategy) (until it is abolished)
- 'Saved' policies in the Cambridgeshire and Peterborough Structure Plan
- 'Saved' policies in the Peterborough Local Plan
- Government planning guidance
- Case law
- Traffic and highway safety
- Noise, disturbance and smells
- Design appearance and Layout

## **Appendix two: Public speaking at committee on planning applications**

- Trees and landscaping
- Amenities of neighbours

There are issues which are not relevant in reaching planning decisions. Again, these vary from case to case but may include:

- Matters covered by other laws
- Boundary or access disputes
- Developer's morals or motives
- Possible future development
- Loss of view over other people's land
- Loss of property value

Further guidance is available and can be obtained from the Planning Service upon request.

## **Appendix two: Public speaking at committee on planning applications**

## Appendix three: Contact details for the planning department at the city council

### Appendix three: Contact details for the planning department at the city council

For anything relating to the development management process (planning applications, appeals and compliance) contact us at:

**Email:** [planningcontrol@peterborough.gov.uk](mailto:planningcontrol@peterborough.gov.uk)

**Telephone:** 01733 453410 (opening hours: 9.00am to 5.00pm Monday to Friday)

**Fax:** 01733 453505

**Write:** The Planning Department  
Stuart House East Wing  
St John's Street  
Peterborough  
PE1 5DD

**Visit:** A duty planner will be available at the Customer Service Centre, Bayard Place, Broadway, Peterborough to discuss planning application related enquiries between 11.00am and 2.00pm on Mondays, Wednesdays and Fridays; and on the above telephone number between 11.00am and 2.00pm on Mondays to Fridays.

The Planning and Building web pages on the city council's website

[http://www.peterborough.gov.uk/planning\\_and\\_building.aspx](http://www.peterborough.gov.uk/planning_and_building.aspx)

For anything relating to planning for the future of Peterborough and neighbourhood planning, contact our Planning Policy team at:

**Email:** [planningpolicy@peterborough.gov.uk](mailto:planningpolicy@peterborough.gov.uk)

**Telephone:** 01733 863872 (opening hours: 9.00am to 5.00pm Monday to Friday)

**Fax:** 01733 453505

**Write:** Strategic Planning, Housing and Environment  
Stuart House East Wing  
St John's Street  
Peterborough  
PE1 5DD


**Visit:** the Planning Policy web pages on the city council's website:

[http://www.peterborough.gov.uk/planning\\_and\\_building/planning\\_policy.aspx](http://www.peterborough.gov.uk/planning_and_building/planning_policy.aspx)

## **Appendix three: Contact details for the planning department at the city council**

## Appendix four: Neighbourhood area application form

### Appendix four: Neighbourhood area application form

Neighbourhood Planning	
<b>Application to Peterborough City Council to designate a Neighbourhood Area</b>	
Please return your completed form by one of the following methods:	
<b>By post to:</b>	Planning Policy Team, Strategic Planning, Housing and Environment, Peterborough City Council, Stuart House East Wing, St John's Street, Peterborough, PE1 5DD
<b>By email to:</b>	planningpolicy@peterborough.gov.uk
<b>By fax to:</b>	(01733) 453505

This application form can only be completed by a relevant body\*. Please complete all four parts using block capitals and black ink. It is important that you complete each part of the form and sign and date the front. Incorrect completion will delay the processing of your application. The city council may decline to consider an area application if the relevant body has already made an area application and a decision has not yet been made on that application.

#### Part one: Applicant's Details

1. Personal details*	2. Agent's details (if applicable)
<small>*If an agent is appointed, please complete only the title, name and organisation boxes in the first column below, but complete the full contact details of the agent in the second column.</small>	
Title	<input style="width: 100%;" type="text"/>
First name	<input style="width: 100%;" type="text"/>
Last name	<input style="width: 100%;" type="text"/>
Job title (where relevant)	<input style="width: 100%;" type="text"/>
Organisation (where relevant)	<input style="width: 100%;" type="text"/>
Address Line 1	<input style="width: 100%;" type="text"/>
Line 2	<input style="width: 100%;" type="text"/>
Line 3	<input style="width: 100%;" type="text"/>
Post code	<input style="width: 100%;" type="text"/>
Telephone number	<input style="width: 100%;" type="text"/>
Email address	<input style="width: 100%;" type="text"/>
Signature:	Date:
<input style="width: 100%; height: 40px;" type="text"/>	<input style="width: 100%; height: 40px;" type="text"/>

\*A relevant body is a parish council, or an organisation or body, which is, or is capable of being, designated as a neighbourhood forum (section 61G(2) of the Town and Country Planning Act 1990 as inserted by paragraph 2 of schedule 9 to the Localism Act 2011).

## Appendix four: Neighbourhood area application form

### **Part two: Map of the proposed neighbourhood area**

Please include a map with this application that identifies the area to which the neighbourhood area application relates. The map should be at an identified standard metric scale, on an Ordnance Survey base, showing the boundary of the area and the direction north.

### **Part three: Justification statement**

Please explain why your proposed neighbourhood area is considered appropriate to be designated as a neighbourhood area.

Please note: the specified area in the case of an application by a parish council, must be one that consists of or includes the whole or any part of the area of the parish council; and in the case of an application by an organisation or body that is not a parish council, must not be one that consists of or includes the whole or any part of the area of a parish council.

Please continue on a separate sheet if necessary



## Appendix four: Neighbourhood area application form

### Part four: Qualifying criteria

Please provide a statement to explain that your organisation or body is a relevant body for the purposes of section 61G of the Town and Country Planning Act (1990).

Please note: a relevant body means a parish council, or an organisation or body which is, or is capable of being, designated as a neighbourhood forum (on the assumption that, for this purpose, the specified area is designated as a neighbourhood area).


Please continue on a separate sheet if necessary

**Please ensure that you have signed and dated the front of this form and included the map of the proposed neighbourhood area with your application.**

## Appendix four: Neighbourhood area application form

## Appendix five: Neighbourhood forum application form

### Appendix five: Neighbourhood forum application form

Neighbourhood Planning	
<b>Application to Peterborough City Council to designate a Neighbourhood Forum for a neighbourhood area (in areas without a parish council)</b>	
Please return your completed form by one of the following methods:	
<b>By post to:</b>	Planning Policy Team, Strategic Planning, Housing and Environment, Peterborough City Council, Stuart House East Wing, St John's Street, Peterborough, PE1 5DD
<b>By email to:</b>	planningpolicy@peterborough.gov.uk
<b>By fax to:</b>	(01733) 453505

Please complete all four parts of this form using block capitals and black ink. Incorrect completion will delay the processing of your application.

#### Part one: Applicant's Details

1. Contact details*	2. Agent's details (if applicable)
<p>*If an agent is appointed, please complete only the title, name and organisation boxes in the first column below, but complete the full contact details of the agent in the second column. This section must include the contact details of at least one member of the proposed neighbourhood area.</p>	
Title	
First name	
Last name	
Job title (where relevant)	
Organisation (where relevant)	
Address Line 1	
Line 2	
Line 3	
Line 4	
Post code	
Telephone number	
Email address	
Signature:	Date:

Please note that the city council can designate only one organisation or body as a neighbourhood forum for each neighbourhood area.

## Appendix five: Neighbourhood forum application form

### Part two: Provide the name of the proposed neighbourhood forum

### Part three: Provide the name of the relevant neighbourhood area

### Part four: Justification statement

Please explain fully by providing appropriate evidence on how the proposed neighbourhood forum meets the following conditions:

- a) It is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),
- b) Its membership is open to:
  - individuals who live in the neighbourhood area concerned,
  - individuals who work there (whether for businesses carried on there or otherwise), and
  - individuals who are elected members of a county council, district council any of whose area falls within the neighbourhood area concerned,
- c) Its membership includes a minimum of 21 individuals each of whom:
  - lives in the neighbourhood area concerned,
  - works there (whether for a business carried on there or otherwise), or
  - is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,
- d) It has a written constitution (see part 4 of this form), and
- e) Such other conditions as may be prescribed by Government or in the city council's Statement of Community Involvement.

Please continue on a separate sheet if necessary

## Appendix five: Neighbourhood forum application form

### **Part five: Provide a copy of the written constitution of the proposed neighbourhood forum**

Please insert the text of the proposed neighbourhood forum's written constitution here or attach a copy to this form.

**Please note that an application cannot be considered if it does not include a written constitution.**

Please continue on a separate sheet if necessary

**Please ensure that you have completed all parts and signed and dated the front of the form.**

## **Appendix five: Neighbourhood forum application form**

## Glossary of terms and acronyms used in this statement of community involvement

### Glossary of terms and acronyms used in this statement of community involvement

**Authority's Monitoring Report (AMR)** - a report which must be produced by the local planning authority (often on an annual basis) to explain how the local development scheme is being implemented and the extent to which policies in the LDF are being achieved.

**Breach of Condition Notice** - a formal notice issued by the local planning authority requiring steps to be taken to remedy a breach of a condition(s) attached to a planning permission. The powers to issue Breach of Condition Notices are conferred by the Town and Country Planning Act 1990 (as amended) and may be served on a developer or the person having control of the land. Failure to comply with a notice is an offence.

**Condition** - A local planning authority is allowed under the Town and Country Planning Act 1990 (as amended) to grant planning permission either "conditionally" or "unconditionally". Conditions often require compliance with certain aspects of the submission or might require the applicant to make further detailed submission for approval. Conditions "run with the land" and so if the planning permission is implemented, the applicant and successors in title must comply with any attached planning conditions.

**Core Strategy (CS)** - a Development Plan Document (DPD) which contains the spatial vision, main objectives and policies for managing the future development of the area.

**Development Plan Document (DPD)** - one of the types of LDD; they set out the spatial planning strategy, policies and/or allocations of land for types of development across the whole, or specific parts, of the LPA's area.

**Enforcement Notice** - a formal notice issued by the local planning authority requiring steps to be taken to remedy a breach or breaches of planning control. The powers to issue enforcement notices are conferred by the Town and Country Planning Act 1990 (as amended). Such notices must be served on anyone with an interest in the land (e.g. freeholder, long term leaseholder, mortgage lender). Failure to comply with a notice is an offence.

**Judicial review** - a legal challenge through the High Court usually made by a third party against the legality of a decision made by a public body such as the city council.

**Local Development Document (LDD)** - any document, prepared in accordance with the statutory requirements, which sets out the LPA's policies, including supplementary policies and guidance, relating to the development and use of land in their area. All LDDs are part of the LDF. There are different types of LDD.

**Local Development Framework (LDF)** - the collective term for the whole package of planning documents which are produced by a local planning authority to provide the planning framework for its area. The LDF includes LDDs, the LDS, SCI and AMR.

**Local Development Scheme (LDS)** - a document which sets out the local planning authority's intentions and timetable for the preparation of new DPDs.

**Local Plan** - a term used to describe a Development Plan Document (and the combined Development Plan Documents for the local planning authority area). It is also the term used for a type of statutory plan prepared under legislation that preceded the Planning and Compulsory Purchase Act 2004.

**Local Planning Authority (LPA)** - the local authority which has duties and powers under the planning legislation. For the Peterborough area, this is Peterborough City Council.

## **Glossary of terms and acronyms used in this statement of community involvement**

**Neighbourhood Development Order** - a statutory document, prepared by a neighbourhood forum or parish or town council, or jointly, which automatically grants planning permission in relation to a particular neighbourhood area for development, or a particular class of development.

**Neighbourhood Forum** - a community group or organisation with a written constitution, covering a specified neighbourhood area (no part of which is the area covered by a town or parish council) which has been designated by the local planning authority for the purposes of neighbourhood planning.

**Neighbourhood Plan** - a statutory development plan, prepared by a neighbourhood forum or parish or town council, or jointly, which sets out policies in relation to the development and use of land in a particular neighbourhood area.

**Statement of Community Involvement (SCI)** - one of the types of LDD; it sets out the council's approach to how and when it will consult with the community in the preparation of planning documents, and making decisions on planning applications.

**Supplementary Planning Document (SPD)** - one of the types of LDD; they expand on policies or provide further detail to policies contained in a DPD.