



Peterborough Statement of Community Involvement

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Peterborough City Council

Sustainable Growth Strategy

Town Hall

Bridge Street

Peterborough

Telephone: (01733) 863872

www.peterborough.gov.uk

Part 1: Introduction

Introduction

1.0.1 This Statement of Community Involvement (SCI) sets out how Peterborough City Council ('the council') will involve and consult with the public and wider stakeholders when planning for the future of the city and wider Peterborough area. Whilst government sets out minimum requirements for public consultation on planning matters, this SCI sets out the council's additional local commitments to consultation.

1.0.2 This SCI covers:

- Consultation arrangements in respect of Planning Applications (see Part 2);
- Consultation arrangements in respect of planning policy matters (such as a new Local Plan) (see Part 3); and
- Arrangements for community involvement in, and the requirements of, the Neighbourhood Planning process (see Part 4);

The SCI takes into account the commitments set out in the Rural Vision and Parish Charter 2015.

1.0.3 The commitments set out in this document are binding on the council.

What is planning?

1.0.4 Most new buildings, certain changes to existing buildings (including their use) or significant changes to the local environment need consent – known as planning permission.

1.0.5 The council, as your local planning authority, is responsible for deciding whether a development - anything from an extension on a house to a new shopping centre – should go ahead. In determining planning applications, regard must be had to the planning policies which have been adopted for the area (for example, a Local Plan, a Neighbourhood Plan or Supplementary Planning Document).

How to get involved

1.0.6 There are a number of ways that you can get involved in the planning decisions affecting you and your community. The main ways that you can get involved are:

- Having your say during public consultation periods for planning policy documents (Local Plan);
- 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 council; and
- Preparing your own plans and policies for your local area under the neighbourhood planning rules.

1.0.6 If you would like to be kept informed about the emerging Peterborough Local Plan you can register your contact details with the Planning Policy Team on 01733 863872 or email planningpolicy@peterborough.gov.uk .

Please note that this SCI was written based on national legislation that existed at October 2015. Should national legislation change, there may be elements in the SCI which no longer apply. The council will endeavour to update this SCI as soon as possible after national legislation change.

Part 2: Consultation Commitments on Planning Applications

2.1 Step 1: The Pre-application Stage

What needs planning permission?

- 2.1.1 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 2015 contains a number of 'blanket permissions' for a variety of different works.
- 2.1.2 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. Permitted development rights are often subject to compliance with standard conditions. It is the owner/developer's responsibility to check and comply with these conditions.
- 2.1.3 Some developments are subject to a system of prior approval of details. Prior approval means that the proposed development is 'in principle' permitted development. The council can consider whether prior approval of certain details is required in advance of a formal decision being issued. Following an application, if no information is requested by the council within fixed timescales, the application is approved. For certain types of prior approval, the council will notify occupiers of neighbouring properties and allow them to submit comments.

The council's pre-application advice service

- 2.1.4 Pre-application is the phase before a developer formally submits a planning application. Discussions with the council at this stage are recommended as they can ensure that future development enhances the built and natural environment whilst potentially speeding up the formal planning application process. The council do not undertake public consultation at this stage but do so at the formal planning application stage. Further information relating to the pre-application stage is available on the council's website.

Developer pre-application consultation with the community

- 2.1.5 Section 122 of the Localism Act 2011 introduced a duty for developers to consult local communities before submitting planning applications for certain types of developments, with such types of development to be defined by Government. However, to date, Government has stated that the only type of development where this is a requirement is for proposals for wind turbine developments that involve the installation of more than two turbines, or where the hub height of any turbine exceeds 15m. Government may introduce other types of development under Section 122 but until it does, the requirement to undertake pre-application consultation is not yet compulsory.
- 2.1.6 However, even if not compulsory, pre-application consultation will enable communities to raise issues with and make suggestions to the developer. This might reduce local opposition, increase the chances of a timely and positive decision from the planning authority and improve the resulting quality of development.

2.2 Step 2: Planning Application Process

Community consultation on planning applications

- 2.2.1 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. The level and extent of consultation will vary depending on the size, scale, location and nature of the proposed development.
- 2.2.2 Consultation on planning applications will take place with both statutory and non-statutory consultees. Who is consulted on each individual application will depend on the nature of the proposal and its location. All consultees have 21 days from the issue of the consultation notice to make comments on the application. However, some bodies such as Historic England will be allowed a longer period of time to comment where this is prescribed by legislation. The minimum statutory requirements are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2.2.3 How the council consults on planning applications is set out below:

Table one: consultation commitments by development type

Development type/size	Peterborough City Council consultation commitments
Major developments (residential sites of either 10 dwellings or more, or 0.5 hectares or more, or commercial developments of 1000 sq. meters or more in floor space or one hectare or more).	Newspaper notice, site notice and neighbour letters
All other developments	Neighbour letters and sometimes site notice where neighbours cannot all be identified

- 2.2.4 Planning applications can be viewed online using the council's Public Access system, available on our website. Using the system, it is possible to search for, view and comment on planning applications. It is also possible to track the progress of an application using the system.
- 2.2.5 Once a valid application has been received, we aim to provide 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. Applications for development subject to an Environmental Impact Assessment have a longer time within which we aim to provide a decision at 16 weeks. We will determine planning applications as soon as is possible after the 21 day consultation period has ended.
- 2.2.6 All comments on planning applications must be submitted in writing (letters, faxes and emails) to the council within the specified 21 day consultation period. All letters, faxes and emails received are placed on the planning file which is available for public inspection. They cannot be treated as confidential.

Consultation on amended planning applications

- 2.2.7 Sometimes the applicant will make a change to the development proposal to overcome particular issues. As a guide we will consult on these changes as set out below:

Table two: re-consultation on applications

Level of change	Re-consultation
Where the change is insignificant and would not impact on neighbours	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

2.2.8 Occasionally developers may wish to make amendments to a development that has already been granted planning permission. Where the proposed change is minor and classed as a non-material amendment, no consultation will be undertaken. Where the amendments are more significant and are classed as a material amendment (dealt with by way of varying or removing conditions via a 'Section 73' application) consultation will be undertaken in the same way, as for planning applications.

Who makes the decision on planning applications?

2.2.9 The council receives approximately 2,000 planning and related applications a year. The decision on the majority of these applications is delegated to officers in accordance with the details set out in the council's Scheme of Delegation and its Standing Orders. Generally speaking, the more minor a proposal, the more likely it is to be delegated to officers to approve or refuse the application.

2.2.10 The Planning and Environment Protection (PEP) Committee is currently made up of 10 councillors. The councillors have the task of considering planning applications against wider public interests and must make their decision purely on planning grounds. The PEP Committee determines applications for exceptionally large developments or major developments that do not accord with the Development Plan. In addition, the PEP Committee will also consider smaller applications if requested by a parish council or Member of Peterborough City Council. There are opportunities for objectors, applicants and others to speak at the PEP Committee meeting before a decision is made.

2.2.11 The planning officer's report, setting out all the planning issues and representations made, is 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 an application should be approved, having been considered against the Local Plan and any material considerations.

Reporting on decisions

2.2.12 The results of consultation on planning applications will be taken into account during the decision making process. Progress of a planning application, and the decisions made, can be tracked on the 'Public Access' system on the planning pages on the councils website.

2.3 Step 3: Appeals

Planning appeals

- 2.3.1 If the person who applied for planning permission does not like the decision that the council has made on their application (e.g. planning permission refused, or onerous condition applied to a planning permission), they may lodge an appeal with the Planning Inspectorate. No one else has the right to appeal the decision (for example, you cannot appeal a decision to the Planning Inspectorate if your neighbour gets approval for an extension that you objected to).
- 2.3.2 When a decision has been appealed against, the council informs all parties who objected during the application stage that an appeal has been lodged. All copies of letters and comments received during the original application stage are forwarded to the Planning Inspectorate.
- 2.3.3 If an application is approved by the Planning Inspectorate, the only recourse available to third parties would be to apply for judicial review of the decision. This is an extremely rare event.

2.4 Step 4: Enforcement

Community involvement in planning enforcement

- 2.4.1 Planning Enforcement (also known as Planning Compliance) describes the processes involved in ensuring that people comply with planning law and the requirements of a planning permission. The process involves little public consultation, as many investigations are confidential. The majority of cases come about from referral by members of the public, councillors or planning officers. Whilst there is no public consultation on a compliance case, the council will ensure that the complainant is informed of the outcome of our investigations.
- 2.4.2 A complaint can be made in respect of a development or advertisement that is occurring without planning permission; without complying with conditions that have been attached to a permission; or that is not in accordance with an approved plan. There is an electronic form for making complaints on the council website, alternatively a complaint can be made to the Planning Services Technical Team on 01733 453410.
- 2.4.3 If, following investigation, it is necessary to serve a formal notice (e.g. Stop Notice, Enforcement Notice or Breach of Condition Notice) it will be placed on the enforcement register of notices. This register can be viewed on request.
- 2.4.4 The council's Planning Compliance Plan provides a full description of the enforcement services. The Plan can be viewed on the Planning and Development pages of the city council's website.

Part 3: Consultation on Planning Policy

3.1 Introduction to Planning Policy

3.1.1 The National Planning Policy Framework (NPPF) sets national policy and also defines the Local Plan as the plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the local community. The term, Local Plan, can be used to describe a single development plan document or the combined development plan documents for the local planning authority area. The Local Plan is used by developers when preparing their proposals and by decision makers when determining applications for planning permission. The primary purpose of a Local Plan is to:

- Set the vision for how the local area will grow and change;
- Set policies for use by developers when preparing their proposals; and
- Be the key reference tool by decision makers when determining applications for planning permission.

3.1.2 The Local Plan deals with planning issues across the whole council area, and makes the big decisions on the location of housing, employment and roads, for example.

3.1.3 The council has a good track record of keeping its Local Plan up to date, and has already committed to keeping its policies up to date by aiming to adopt adopting a new Local Plan by early 2018.

3.1.4 There are other planning policy related documents which the council produces (or local communities, in the case of Neighbourhood Plans), as explained below:

- The **Local Development Scheme (LDS)** sets out the timetable for the production of a new Local Plan.
- **Policies Map:** This is a map on an Ordnance Survey base for the whole of a local planning authority's area which shows where policies in the Local Plan apply. The Policies Map may include inset maps for particular areas to show information at a larger scale.
- **Supplementary Planning Documents (SPDs):** These can cover a wide range of issues on which the planning authority wishes to provide guidance to supplement the policies and proposals in its Local Plan. They do not form part of the statutory development plan and are not subject to independent examination. The council can decide to produce an SPD on any appropriate subject whenever the need arises.
- **Neighbourhood Plans:** Local communities, including Parish Councils, can now prepare Neighbourhood Plans (NPs) putting in place policies to guide the future development of the area. Any NP must be in general conformity with 'strategic policies' in Local Plans and with national policy. NPs are not able to propose lower levels of development than those set out in up to date Local Plans but could propose higher levels, or offer other detailed policy proposals. It is up to local communities to decide if it wants to produce a Neighbourhood Plan. Any NP, if adopted, has the same status as a Local Plan.
- **Statement of Community Involvement (SCI):** i.e. this document
- **Authority's Monitoring Report:** This is a report which must be produced by the local planning authority (on an annual basis) to explain how the local development scheme is being implemented and the extent to which policies in the Local Plan are being achieved.

3.2 Who will we consult on an emerging Local Plan?

3.2.1 When producing Local Plan documents there are a number of groups that the council must consult with. These are identified as ‘specific consultation bodies’ and include:

- Parish councils;
- Neighbouring authorities; and
- Relevant government agencies.

3.2.2 In addition, there are also a number of ‘general consultation bodies’ who the city council may consult with if it is considered relevant to the document that is being prepared. These include:

- Voluntary bodies, some or all of whose activities benefit any part of the city council’s area;
- Voluntary 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

3.2.3 There are also people and organisations that the council considers it important to consult with, for example, residents, land owners, businesses, planning consultants, solicitors etc. Where requests have been made we will also consult directly with these people and organisations.

3.2.4 Although those identified above will be specifically contacted during the preparation of Local Plan documents, any individual, business, organisation or group is welcome to submit comments during consultation periods.

3.3 When we will consult

3.3.1 There are a number of stages in the plan preparation process where it is possible for the public, businesses and the consultation bodies identified above to become involved and make comments. The stages of preparation and consultation are set out below.

Table three: stages in Local Plan preparation

Public participation (Regulation 18)	During the first stage of public involvement the council will, as a minimum, contact the specific and general consultation bodies as appropriate to inform them of the commencement of the plan preparation process, and invite representations on the scope and content of the plan. There will be a minimum period of six weeks for comments to be made to the council. Following this first stage of consultation, the council may undertake a further six week consultation on more detailed options for the content of the plan. This will inform later stages of the plan preparation.
Pre-submission Publication (Regulation 19)	Following the consideration of all comments received, a draft plan will be produced, known as the proposed submission document. On publication of this document, all of the specific and general consultation bodies and any members of the public, businesses, land owners etc who made comments at the previous stage of consultation will be notified that the

	<p>submission documents are available for inspection. A statement of representation procedure will be included alongside the notification of submission documents. In addition, any individual, business or organisation can submit comments during the consultation period. All comments must be received within the stated consultation period, which will be a minimum of six weeks.</p>
Submission (Regulation 22)	<p>The council submits the Local Plan to the Secretary of State together with the representations received during the consultation undertaken under Regulation 19</p>
Independent Examination Hearing	<p>The submitted document, and the representations received will be considered by a Planning Inspector at an independent examination. Those individuals and organisations who have made representations may be invited by the inspector to submit a written statement during the examination. Individuals and organisations who made an objection to the document and have requested to speak at the examination will be contacted by the Inspector to be informed of the procedure for being heard.</p>
Inspector's Report	<p>The council will notify anyone who has requested to be notified, as soon as reasonably practicable, following the receipt of the Inspector's Report. The Report will also be made available on the council's website.</p>
Adoption of DPD (Local Plan)	<p>Assuming that the Inspector concludes that the document is sound, either with or without modifications, the council will consider whether to adopt the Local Plan. On adoption, the council will prepare a statement setting out the date of adoption, the modifications (if any) and where and when the adopted documents can be inspected. The opportunity to apply for judicial review will also be explained.</p> <p>The adoption documents will be made available on the council's website, and also at the locations where the submission documents were made available. The adoption statement will also be sent to any person who has requested to be notified.</p>

3.4 How we will consult

- 3.4.1 At the commencement of consultation periods, the identified specific and general consultation bodies that we have to consult with, as well as any individuals, organisations or bodies who have requested to be notified, will be contacted directly either in writing or via email.
- 3.4.2 All consultation and submission documents will be made available on our website and paper copies will be available to view at our Customer Service Centre at Bayard Place (or other advertised location). If appropriate, additional paper copies of documents may be made available to view at other locations e.g. local libraries. In addition to this, we may, if appropriate and cost effective, use other methods of consultation such as press releases, community events and meetings.
- 3.4.3 During all consultations it will be possible to make comments in writing, electronically via email or, if available, an online consultation portal. Verbal comments will not be recorded.

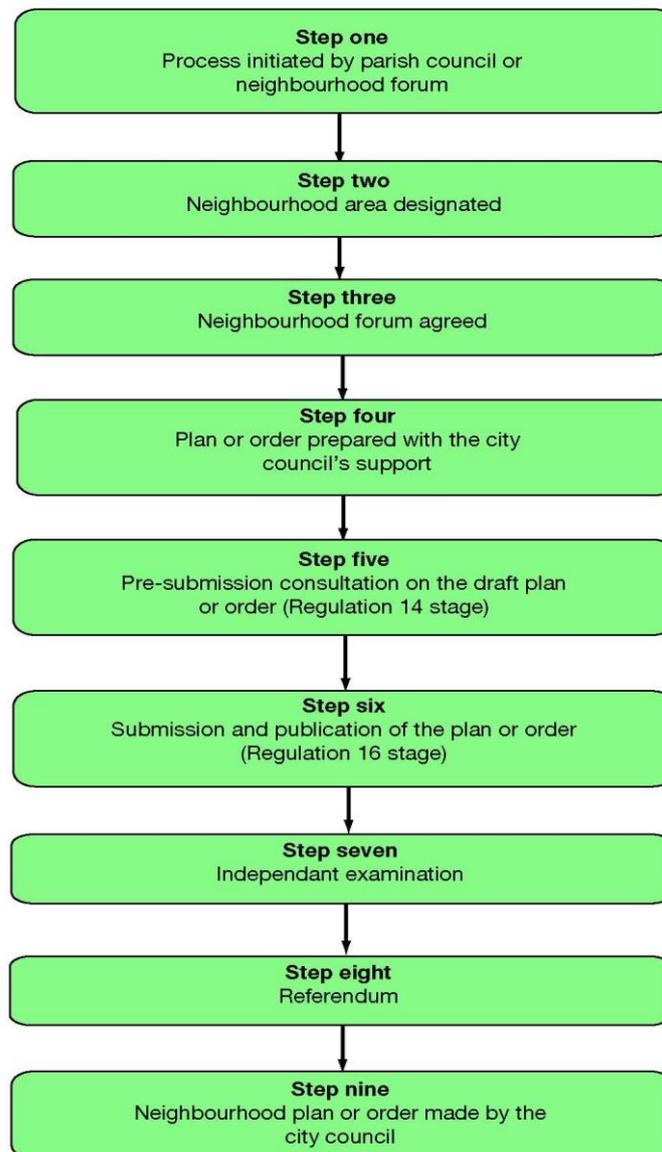
3.5 Consultation arrangements for Supplementary Planning Documents

- 3.5.1 Supplementary Planning Documents (SPDs) can be produced to supplement and add further detail to policies within the Local Plan. They may provide further guidance for development on specific sites or issues such as design.
- 3.5.2 When preparing an SPD, any individual, business or organisation can take part in the public consultation stage(s). If the council believes that there are specific individuals, businesses or organisations that will have a particular interest in an SPD, they will be invited to make comments.
- 3.5.3 We will invite comments on the draft version of any SPD that is produced. The consultation period will be a minimum of four weeks.
- 3.5.4 At the commencement of the consultation period, the draft SPD will be made available on the council's website and at the Customer Service Centre at Bayard Place (or other advertised location). If appropriate, additional paper copies of documents may be made available to view at other locations.
- 3.5.5 During all consultations it will be possible to make comments in writing, or electronically via email.
- 3.5.6 Following its adoption, the SPD will be made available on our website.

Part 4: Neighbourhood Planning

- 4.0.1 Neighbourhood planning was introduced to enable parish councils, or in non parished areas neighbourhood forums, to develop a planning strategy for their local area¹.
- 4.0.2 There are a number of steps in the neighbourhood planning process, as set out in the diagram below.

Figure one: Neighbourhood planning – the key steps



¹ Localism Act 2011 (<http://www.legislation.gov.uk/ukpga/2011/20/part/6/chapter/3/enacted>)
Neighbourhood Planning (General) Regulations 2012
(http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf)

- 4.0.3 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 specified development or class of development. Nationally and locally Neighbourhood Plans are by far the more common document produced.
- 4.0.4 The purpose of the next few pages of this SCI is to set out a step by step guide to neighbourhood planning, and how Peterborough City Council will assist. However, it does not cover every detailed legislative elements or every possible eventuality in the process of preparing a plan or order. Whilst every effort has been made to make the following text accurate, if the legislation differs in any aspect, then such legislation overrides the content of this SCI.

4.1 Step one – Process initiated by parish council or neighbourhood forum

- 4.1.1 Neighbourhood planning is an optional process that can only be initiated by a parish council or neighbourhood forum. Neighbourhood development plans, referred to hereafter as neighbourhood plans, and neighbourhood development orders, referred to as neighbourhood orders, cannot be prepared by Peterborough City Council.
- 4.1.2 If you live in the non-parished area of the city, you could either set up a community group for the purpose of preparing a neighbourhood plan or order, or approach other community groups to see if there is an interest in neighbourhood planning in your area. If you get stuck contact the council. Your forum should then ask the council to agree to a neighbourhood area being set up, and move onto step two.
- 4.1.3 Please note: Whilst you do not need to be formally constituted as an official forum at either step one or step two (section 61G(2) of the Town and County Planning Act) your forum must be at least “capable of being designated as a neighbourhood forum”.

4.2 Step two – Neighbourhood Area Designation

- 4.2.1 A neighbourhood area is the geographic area that a neighbourhood plan or order will cover.
- 4.2.2 In an area with a parish council, only the parish council can apply to have all or part of the area designated.
- 4.2.3 Parish councils may want to work together to prepare a joint plan or order for an area made up of more than one parish. If this is the case, consent must be obtained from each of the affected parish councils.
- 4.2.4 In an area without a parish council, a neighbourhood forum needs to be set up. There can only be one forum per neighbourhood area. The boundary for the area will be proposed by a group who will subsequently apply to be an official neighbourhood forum (if not already established as a neighbourhood forum). An area proposed by a neighbourhood forum cannot include any area covered by a parish council.

Pre-application stage

- 4.2.5 The council’s Strategic Planning Team offer pre-application advice for Parishes/Forums considering applying to designate as a neighbourhood area.

4.2.6 The council will provide an application form for neighbourhood area designations upon request.

Validation stage

4.2.7 Following receipt of an application the council will check:

- in the case of an application by an organisation or body, that the neighbourhood area does not include the whole or any part of the area of a parish council; and
- that none of the area proposed has already been designated as a neighbourhood area, and that there are no outstanding applications including any part of the proposed area which have yet to be determined by the council.

4.2.8 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.

Consultation on application

4.2.9 Once the application has been deemed valid we will publicise, as soon as possible, notice of the application. The notice of application will appear, as a minimum, on the council’s website and, if one exists, in at least one of the following: relevant library; community centre, parish council building and/or local notice board, with the following details:

- A copy of the area application, including map of the proposed area
- Details of how to make representations; and
- The date by which those representations must be received.

4.2.10 The period for making representations will normally be for a minimum of 6 weeks, however, if the application is by a parish council for the whole of their parish area, this is reduced to four weeks.

Decision on application: designation

4.2.11 The application will be assessed by a planning officer taking account of all consultation responses and a report prepared that will include one of the three following recommendations:

A. Area approved, without amendment
<p>B. Area approved, with minor amendments</p> <p>Minor amendments could be:</p> <ul style="list-style-type: none"> (i) In the case of an application by a parish council, to include the whole of the parish council area if this was not already the case; (ii) 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 enables a better fit with established boundaries; (iii) 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 significant geographic features, if appropriate to do so.
<p>C. Minded to approve an area, but only if significant amendments are made which are subject to a further round of consultation</p> <p>Significant amendments could be:</p> <ul style="list-style-type: none"> (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;

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| (ii) | In cases where a formal representation expressing desire to expand a proposed area is made by an adjacent parish council/s, to include the whole or part of the adjacent parish/es as identified in the representation providing the original applicant parish is in support of the amendment. |
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4.2.12 An appropriate Head of Service will review the report and its recommendations. The Head of Service decision will be final.

4.2.13 The Head of Service will also consider whether the area should also be designated as a business area. This will be a rare occurrence and only likely if the area is wholly or predominantly business in nature. An explanation of the implications of being designated a business area are available on request.

4.2.14 The council will, via the Head of Service, determine applications within the following timescales:

Table three: timescales for deciding neighbourhood areas

Situation	Minimum Timescale (from the date of application being publicised)
A parish council has applied for the whole of the parish area	8 weeks
Area falls within the areas of two or more local planning authorities	20 weeks
All other areas	13 weeks

4.3 Step three – Neighbourhood forum agreed, if needed

(Not applicable to areas with a parish council)

4.3.1 All applications to become a neighbourhood forum should be made using the council application form that is available on request. Neighbourhood forums must meet the following conditions:

1. Established for the main purpose of promoting or improving the social, economic and environmental well-being of an area;
2. The neighbourhood forum covers a designated neighbourhood area;
3. Membership has been, and remains open to individuals living, working or acting as elected members in the area concerned;
4. Membership is made up of at least the number required by law², each of whom lives or works within the neighbourhood area.

4.3.2 Once a neighbourhood area has been designated in a non-parished area, applications to become a neighbourhood forum will be welcomed by the council.

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

- A copy of the application;
- A statement that if a formal designation as neighbourhood forum is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn;

² Set out in the Localism Act 2011

- Details of how and when to make representations (the period for making representations will be six weeks). A potential alternative forum may come forward at this time.

4.3.4 In addition, the council, if appropriate, may also undertake additional advertising of the application.

4.3.5 If an alternative neighbourhood forum wanted to put itself forward to prepare a neighbourhood plan or order for the designated neighbourhood area it must submit the same information as required by the original applicant within the six week consultation period.

4.3.6 The information supplied in a valid application and all representations received during the consultation will be considered. A report will be produced by a planning officer that will include a recommendation for one of the following:

A. Neighbourhood forum rejected with reasoning

An application may be rejected because, for example:

- i. The group does not meet the required conditions.
- ii. Through the consultation process a valid alternative neighbourhood forum has been put forward that is considered more appropriate to represent the neighbourhood area.

B. Neighbourhood Forum approved without amendment

4.3.7 The Planning and Environmental Protection (PEP) Committee will review the report and choose one of the above options. Its decision may differ from the recommendation made in the officers' report.

4.3.8 As soon as possible after either designating or refusing an application, the council will publicise the decision in the same way it publicised the application. 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 will be published. If the designation is refused, a 'refusal statement' setting out the reasons for refusal will be published. Where refusal is on the basis that a valid alternative neighbourhood forum is considered more appropriate, the application for the alternative neighbourhood forum and supporting evidence will also be published on the council's website.

4.3.9 A neighbourhood forum designation lasts for five years beginning on the day in which it is made by the council.

4.3.10 Under the provisions of the Localism Act, the council may withdraw a neighbourhood forum designation if it is considered that the organisation or body is no longer meeting the conditions and the applicable designation conditions and criteria. Where a designation is withdrawn, the council will give reasons to the organisation or body.

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

4.4 Step four – Plan or order prepared with Peterborough City Council’s support

- 4.4.1 Once a neighbourhood area has been designated, the parish council or approved neighbourhood forum can choose to prepare a neighbourhood plan or a neighbourhood order (or both) for said area.
- 4.4.2 The production of a neighbourhood plan or neighbourhood order will be ‘owned’ by the parish council or neighbourhood forum; the process will be led by them, not Peterborough City Council.
- 4.4.3 In preparing a neighbourhood plan and/or order, parish councils and neighbourhood forums should:
- Decide on an approach to effective engagement that will give all residents and individuals with an interest in the neighbourhood area opportunity to have a say on the emerging plan or order.
 - Try to get the community on board with the idea of a neighbourhood plan or order from the outset. If this is not the case, it will be difficult to produce a document that reflects fully the priorities and aspirations of the community.
 - Be mindful that a neighbourhood plan or order can only be adopted by Peterborough City Council if it meets the basic conditions (see step six).
- 4.4.4 The Localism Act (2011) places a duty on the council to provide advice and assistance to parish councils and neighbourhood forums in developing proposals for plans and orders, however, there is no requirement to provide financial assistance.
- 4.4.5 In delivering this advice and assistance, the council will:
- Nominate an officer to assist in the preparation of any neighbourhood plan or development order. However, it should be noted that this is a limited resource, allocated on a first come first served basis and will provide for free up to ten days work per neighbourhood area. Please note that if you are waiting for assistance, or you do not require assistance, there is nothing to stop you proceeding on your own;
 - Meet with the parish council/neighbourhood forum where necessary (as part of the ten days work). Meetings will take place at the council offices, during normal office hours, unless in exceptional circumstances;
 - Strategic Environmental Assessment (SEA) screening to determine whether SEA is required;
 - Provide up to five copies of Ordnance Survey base map(s) of the applicable neighbourhood area.
- 4.4.6 The advice and assistance provided may include, for example:
- Help understanding the Localism Act and Neighbourhood Planning Regulations;
 - Proof reading questionnaires;
 - Advice on the research and evidence needed to justify a policy approach.

4.5 Step five – Pre-submission consultation on the draft plan or order (Regulation 14 stage)

- 4.5.1 The neighbourhood planning regulations require that before submitting a neighbourhood plan/order to the council, the parish council or designated neighbourhood forum **must**:
1. Publicise in a manner that is likely to bring to the attention of people who live, work or carry on business in the neighbourhood area:
 - a. Details of the neighbourhood plan/order and where they can be inspected.
 - b. Details of how to respond to the publicity and make representations (comments).
 - 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.
 2. Consult any relevant consultation body whose interests the parish council or neighbourhood forum considers may be affected by the proposals³.
 3. Send a copy of the draft proposals to the Peterborough City Council.
- 4.5.2 It is up to the parish council or neighbourhood forum to decide who else to consult on the draft plan in addition to those required above.
- 4.5.3 The requirements for consultation during the preparation of a neighbourhood development order are similar to those for a neighbourhood plan, except that the consultation bodies that must be consulted are different. The council will be able to advise on this.
- 4.5.4 The following methods could be used to publicise the consultation on the neighbourhood plan/order:
- Contact the local press with a press release;
 - Place a formal public notice in the local newspaper;
 - Undertake a leaflet drop to residents and businesses in the area;
 - Ask if posters can be put up in libraries, community buildings and other public buildings in and around the area;
 - Ask the council's Strategic Planning Team to advertise the consultation on their website.
- 4.5.5 Following the consultation period, the parish council/neighbourhood forum will be able to amend the plan or order in light of representations received if it wishes to do so. However, if the changes made are significant, it is recommended that this Step five (Regulation 14) consultation is repeated before proceeding to Step six.
- 4.5.6 The Peterborough City Council will print and pay for 20 copies of a draft plan/order, in colour and including maps.
- 4.5.7 The council will help to ensure that appropriate consultation is undertaken, including providing advice on the contact details for consultation bodies (subject to any data protection issues) and using its website for publicity. Furthermore, the council has the right to comment on proposals during the formal consultation. Whilst the city council will always try to reach agreement with the promoters of the neighbourhood plan or order, it may formally object during the consultation if it is considered that the plan or order does not meet the basic conditions.

³ As set out in Paragraph 1 of Schedule 1 of the Neighbourhood Planning (General) regulations 2012

4.6 Step six – Submission and publication of the plan or order (Regulation 16 stage)

Submission and publication of a Neighbourhood Development Plan or Order

4.6.1 Following the completion of Step 5, the parish council or neighbourhood forum can submit the Neighbourhood Plan or Order to Peterborough City Council (via the Strategic Planning Team). The submission must include all of the following:

1. A map or statement identifying the area covered by the proposed neighbourhood development plan or order (a map must be provided for an order);
2. A consultation statement which contains:
 - a. Details of everyone who was consulted about the proposed neighbourhood development plan or order and how they were consulted;
 - b. A summary of the main issues and concerns raised by those who responded;
 - c. A description of how the issues and concerns have been addressed in the proposal.
3. The proposed neighbourhood development plan or order;
4. Basic conditions statement: A statement explaining how the proposed neighbourhood development plan or order meets the requirements set out in paragraph 8 of schedule 4B to the 1990 Act, as summarised below:

	Order	Plan
Has regard to national policies and advice contained in guidance issued by the Secretary of State.	✓	✓
The plan contributes to the achievement of sustainable development.	✓	✓
The plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or and part of that areas).	✓	✓
The plan does not breach, and is otherwise compatible with EU obligations.	✓	✓
Any other prescribed conditions are met and prescribed matters have been complied with in connection with the plan.	✓	✓
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.	✓	✓
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.	✓	✓

5. With regard to environment considerations, either:
 - (i) An environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 (a); or
 - (ii) Where it has been determined (under regulation 9 (1) of those Regulations) that the plan or order proposal is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for determination.

4.6.2 Once it has been established that the submission is valid:

- Peterborough City Council will, as soon as is practicable, publicise the details of the proposed neighbourhood plan or order, where and when it may be inspected, how to make representations and the deadline for receipt of those representations, on its website and at other suitable locations within the neighbourhood area;
 - The period during which representations may be made will be a minimum of six weeks from the date on which the proposal is first publicised;
 - The council will notify any consultation body which is referred to in the submitted consultation statement of the Regulation 16 consultation;
 - Following the close of the period for making representations, any representations that have been received will be forwarded to the person appointed to conduct the examination of the plan. (It is not the job of the parish council, neighbourhood forum or the city council to consider and respond to such representations).
- 4.6.4 Peterborough City Council will pay for up to twenty copies of the submission version of the plan or order, in colour and including maps.
- 4.6.5 There will be additional publicity if the order proposal includes development that would be covered by the regulations relating to Environmental Impact Assessment.
- 4.6.6 The city council is entitled to make representations. Any representations that it makes will be forwarded to the examiner for consideration in the same way as all other representations.
- 4.6.7 Assisted by comments received, the council will check that the applicant has completed and met the requirements of the Localism Act (steps one to five). If the council is satisfied, it will notify the applicant and the order or plan can proceed to independent examination. However, if the council is not satisfied, proposal will be refused and the applicant will be notified with reasons for refusal.

4.7 Step seven – Independent examination

- 4.7.1 Peterborough City Council will aim to agree with the parish council or neighbourhood forum a suitable examiner to undertake the examination. If an agreement can't be reached, other measures will be put in place.
- 4.7.2 All documents submitted by the parish council or neighbourhood forum, and a copy of all the representations received by the city council during the Regulation 16 consultation will be submitted for examination. Peterborough City Council will make all of the arrangements necessary to hold the examination.
- 4.7.3 The examiner must consider whether the plan or order meets the basic conditions (as set out in Step six).
- 4.7.4 The general rule is that the examination will take the form of written representations, but a hearing in public will be arranged if the examiner considers that it is necessary. The examiner will decide how any hearing will be conducted.
- 4.7.5 The examiner must produce a report on the submitted plan or order, which must recommend:
- a. That the plan or order proceeds to a referendum; or
 - b. That the 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 proposed plan or order is refused.

- 4.7.6 In relation to option b, the only modifications that can be made are those that the examiner considers necessary to make the proposed plan or order meet the basic conditions or other fundamental statutory requirements. If the report recommends proceeding to a referendum, the examiner must also make a recommendation whether the area for the referendum should extend beyond the neighbourhood area.
- 4.7.7 Peterborough City Council will pay the fee for the person conducting the examination and provide a room free of charge if needed for any hearing session as part of the examination. The council will also pay for printing of up to twenty copies of the final plan or order, in colour and including maps.
- 4.7.8 Following the examination, the Corporate Director for Growth and Regeneration will consider the examiner's recommendations, the views of the parish council or neighbourhood forum on the content of the examiners recommendations and then decide whether the proposed plan or order (with modifications if necessary) should be put to referendum. In making this decision, considerations will include the recommendation of the examiner and whether the plan / order meets the basic conditions.

4.8 Step eight – Referendum

- 4.8.1 Peterborough City Council will make arrangements for the referendum to take place. An individual is entitled to vote in the referendum, provided that they would be eligible to vote in an election for councillors and their address on the electoral register falls within the referendum area.
- 4.8.2 The 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 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?”
- 4.8.3 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?”
- 4.8.4 If the plan or order proceeds to referendum, as a minimum, the referendum area must be the neighbourhood area to which the proposed plan or order relates. The council may extend the referendum area if it is appropriate to do so. If the council decides to extend the referendum area, it will publish a map of that area.
- 4.8.9 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 more than 50% of those who vote are in favour, the plan or order must be ‘made’ (adopted) by Peterborough City Council.
- 4.8.10 If the majority vote against the plan or order in the referendum, the council will publicise the outcome and notify people in an appropriate manner.
- 4.8.11 If the council has designated a neighbourhood area as a business area 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 council has the discretion as to whether or not to 'make' the plan or order.

4.9 Step nine – Neighbourhood plan or order made (adopted) by Peterborough City Council

- 4.9.1 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 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).
- 4.9.2 Once the council has resolved to make the plan or order, as soon as is practicable it will:
1. Publish on its website:
 - a. A statement of the city council's decision and reasons for making that decision;
 - b. The neighbourhood development plan or order;
 - c. Details of where and the times when these documents can be inspected;
 2. Make the decision statement and plan or order available for inspection at Bayard Place (or other advertised main office locations) and any suitable location within the relevant neighbourhood area during normal opening hours; and
 3. Notify and send a copy of the decision statement to:
 - a. The parish council or neighbourhood forum who put forward the proposal;
 - b. Any person who made a written representation in respect of the proposal.
- 4.9.3 The council will pay for printing of the final plan or order, in colour and including maps.
- 4.9.4 If the 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), it will, as soon as possible after reaching that decision, publish on its website a statement of the council's decision and reasons for making that decision, along with details of where and when the decision statement can be inspected. It will make the decision statement available in the same places as listed above, and send a copy to the same people as listed above.
- 4.9.5 Once a neighbourhood development plan is adopted by the council it will become part of the statutory development plan for Peterborough (decision making on planning applications will remain the responsibility of the council as Local Planning Authority).
- 4.9.6 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 publication of the decision to make the plan or order; or
 - Publication of the decision relating to the councils consideration of the examiner's recommendations; or
 - From the date of declaration or the result of the referendum.

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