

Copeland Borough Council

Neighbourhood Planning and Protocol

(February 2013 (Amended August 2020))

Copeland Borough Council recognises the value of neighbourhood planning in fulfilling local community planning priorities, and in helping to make strategic planning policy work at a local level.

Neighbourhood planning was introduced under Part 2 of the Town and Country Planning (England) 2012 and the Neighbourhood Planning (General) Regulations 2012, enabling local communities to prepare neighbourhood Development Plans also known as Neighbourhood Plans and to create Neighbourhood Development Orders.

A Neighbourhood Plan enables communities to set general planning policies for development and land use within their defined Neighbourhood Area. The level of detail in the plan is set by the local community. A Neighbourhood Development Order effectively grants planning permission within a designated Neighbourhood Area.

For the most up to date information on Neighbourhood Planning please visit:

Copeland Borough Council (Planning area outside of the Lake District National Park (LDNP): <https://www.copeland.gov.uk/content/guide-neighbourhood-planning>

Neighbourhood Planning Government Guidance: <https://www.gov.uk/guidance/neighbourhood-planning--2>

Key Stages in the Neighbourhood Planning Process:

Stage 1: Neighbourhood Area Designation

The Town or Parish Council apply to the LPA for a specific geographic area to be designated to which the Neighbourhood Plan will apply. The LPA consult for a minimum of 6 weeks to ensure that people who live, work or carry on business in the area have the chance to comment. The Neighbourhood Area is then either approved or refused by the Council and the outcome publicised as required under the legislation.

Stage 2: Preparing the Plan

Following the acceptance of a Neighbourhood Area the Town or Parish Council undertakes evidence gathering and public engagement activities. This should allow as many people as possible, who will be impacted by the plan, to engage in the process. The Town or Parish Council then prepare, and consult on, a draft plan to reflect the outcomes of their local engagement.

Stage 3: Plan Submission

Under Regulation 15 the Neighbourhood Plan is submitted and the plan is then publicised for a minimum of 6 weeks by the LPA and representations are invited. The LPA will publish the Plan on its website and will publicise it within the plan area.

Stage 4: Examination

The LPA appoint an independent Examiner to undertake an examination of the proposed Neighbourhood Plan to assess whether the plan meets the basic conditions and other tests within the legislation and to consider any comments which have been received. The Examiner may then recommend modifications to the Plan if required. The Examiner then provides their report to the LPA who publish the report and takes the decision on whether to send the Neighbourhood Plan to referendum.

Stage 5: Referendum

The Local Community are asked to vote for the Neighbourhood Plan in a Neighbourhood Planning Referendum organised by the Council. The Neighbourhood Plan must be considered favourably by over 50% of those who vote in order for the Council to adopt it.

Stage 6: Adoption

Following a positive result at Referendum the Neighbourhood Plan is then made by the Council. The Neighbourhood Plan is then part of the Borough's Local Development Plan and used by the LPA when determining planning applications.

Copeland Borough Council Protocol and how we will Support Neighbourhood Planning

The purpose of this protocol is to set out how the Borough Council will support and work with Parish and Town Councils and Neighbourhood Forums who wish to work on any of the three types of neighbourhood planning –

- Neighbourhood Plans
- Neighbourhood Development Orders
- Community Right to Build Orders

(Note; (1) the term 'Neighbourhood Plans', where used in the remainder of this document covers all three forms of neighbourhood planning established by the [Localism Act](#);

(2) the protocol also covers Neighbourhood Forums, which may be set up to produce Neighbourhood Plans where there is no Parish or Town Council.)

We will positively engage with Neighbourhood Planning and will provide appropriate assistance from officers within the Strategic Planning Team to advise the group preparing the Plan. We will provide technical advice and support, and will also provide a formal consultation response at the draft plan

Neighbourhood Plans Protocol February 2013 (amended August 2020)

stage setting out any relevant issues which need to be addressed. The following list sets out more detail of how we will work proactively with Neighbourhood Planning:

- Work with bodies carrying out neighbourhood planning via a recognised point of contact in the Strategic Planning Team.
- Work with and advise Parish Councils on the integration of (statutory) neighbourhood planning with the production and review of (non-statutory) Parish or Community Plans.
- Take part in county-wide discussion and assist in the development of Cumbria-wide approaches and resources to support neighbourhood planning.
- Give feedback to Parish Councils on actions taken, and information received, by the Council, which may be relevant to producing and carrying out Neighbourhood Plans.
- Update Borough Council Members, officers and partners on the progress and implications of emerging Neighbourhood Plans, and make sure that completed plans are circulated to those in the Borough Council who should know about them.
- Keep an up to date list on the Council website of Neighbourhood Plan Areas (within Copeland Borough and the Lake District National Park where boundaries overlap) and the status of the plan
- Have regard to Neighbourhood Plans in the Council's planning-related and general work. In particular regard will be given to 'made' plans and policies in planning application decision making and Local Plan production.
- Advise on the best ways to meet local wishes through neighbourhood planning, parish/community plans, or other suitable planning measures;
- At key stages in the process, check that emerging Neighbourhood Plans comply with legal requirements and planning policy (national and borough-wide);
- Fulfil our duties under the regulations, including advertisement of key stages (on the Council's web site and elsewhere as appropriate), arrangement and support of the independent examination, and carrying out a referendum;
- Take the lead in securing any support funding available from central government or elsewhere;
- Provide reasonable officer time and resources for technical purposes, including geographic information and access to all public documents in the Local Plan evidence base. Wherever possible, we will agree timescales with neighbourhood plan teams.
- We will collaborate with the Lake District National Park Planning Authority where a neighbourhood area crosses the National Park boundary. We will agree reasonable arrangements with the Authority if the Borough Council is called upon to assist in, or provide administrative or democratic processes for, neighbourhood areas within Copeland's part of the National Park.

The Role of Parish Councils, Town Councils, Neighbourhood Forums or other Community Organisation in Neighbourhood Planning:

Neighbourhood Plans are produced by the Parish Council, Town Council or other body (Neighbourhood Forum or community organisation in unparished areas). The Neighbourhood Plan is designated by the Borough Council. This involves the following responsibilities.

- Understand and observe the Regulations.
- Be aware of guidance and advice being produced by the Council for Protection of Rural England, Cumbria Association for Local Councils and others.
- Keep the local community informed and involved.
- Maintain contact with the Borough Council (Strategic Planning Team, so that the Borough Council can carry out its responsibilities in a timely manner. (This especially applies to the designation of a Neighbourhood Area or Forum, checking the draft plan for compliance with the law and strategic planning policies, independent examination, and referendum.)

The LPA will offer help and guidance in understanding the regulations, further advice is also available at: <https://www.gov.uk/guidance/neighbourhood-planning--2>

Keeping the Community Informed

The LPA will maintain on the Council's web site, pages explaining and referring to neighbourhood planning, its processes and the progress of neighbourhood planning exercises in Copeland (including those in the Lake District National Park, for which the Borough Council is not the planning authority).

The Parish, Town Council, Neighbourhood Forum or other Community Organisation, should take its own steps to keep its community informed on progress.

In terms of the early stages of consultation local residents and other local stakeholders (this could include local interest and volunteer groups) must be consulted, by the group preparing the Neighbourhood Plan. The plan will be publicised once it reaches the Submission stage by the LPA and representations will be sought.

Monitoring and Review

Copeland Borough Council will collaborate with Parish, Town Councils Neighbourhood Forums or other Community Organisations to monitor progress on neighbourhood planning in the Borough, so that anyone involved with or interested in neighbourhood planning will be kept up to date and able to benefit from any lessons to be learned. We will regularly review this protocol and update when new evidence becomes available.

Please note that at the time of updating this Protocol Covid 19 social distancing measures remain in place and as such paragraphs 077 and 078 of the Planning Practice Guidance Apply.

<https://www.gov.uk/government/collections/planning-practice-guidance>