

The Protocol for Neighbourhood Planning in Birmingham

Introduction

Birmingham City Council is committed to localisation and devolution so that people have a greater say over local services. We want people to be engaged in improving the quality of their neighbourhoods and creating more prosperous local economies. The Localism Act 2011 introduced a number of "rights" to empower communities. This includes Neighbourhood Planning. This opportunity requires communities taking on new roles and responsibilities for preparing statutory planning documents that will be subject to an independent examination and referendum.

To support communities in this new role the City Council has produced a Protocol for Neighbourhood Planning in Birmingham. This is intended to;

- provide general overview and advice to interested local community groups on the Neighbourhood Planning process,
- ensure there is clarity and transparency for local communities in terms of Council support,
- provide a coordinated approach within the Council in relation to Neighbourhood Planning.

The Protocol will be kept under review in light of experience of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders coming forward

What is Neighbourhood Planning

Neighbourhood Planning offers three new planning tools, all are intended to be community-led and pro-growth, encouraging development.

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| Neighbourhood Development Plans | These Plans can allow communities to establish general planning policies for the development and use of land within a defined |
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The principle of the Neighbourhood Planning tools is based on community led proposals being subject to an independent examination, and if approved by the Examiner a local referendum, in which residents on the electoral register within a set boundary can vote. If the Plan or Order is supported by over 50% of the turnout, the local authority in the case of a Plan must adopt it into its Local Development Framework, thereby representing a material consideration in the determination of planning applications, or “make” the Order so removing the need for separate planning permission.

Neighbourhood Planning proposals must be;

- In line with local and national planning policies
- In line with other laws
- In accordance with the local planning authority plans for growth.

Birmingham's plans for growth are included in the emerging Birmingham Development Plan (formerly called the Core Strategy) with which all statutory planning documents for the city including Neighbourhood Development Plans must be consistent.

There is no requirement for communities to undertake neighbourhood planning. For groups interested in using these new planning tools there are a number of publications from organisations funded by government to assist communities in neighbourhood planning. These details are given at the end of this document. It is important to understand how Neighbourhood Planning tools can and cannot be used.

The Role of the Local Planning Authority

For Birmingham this is the City Council. In summary the local planning authority is required to;

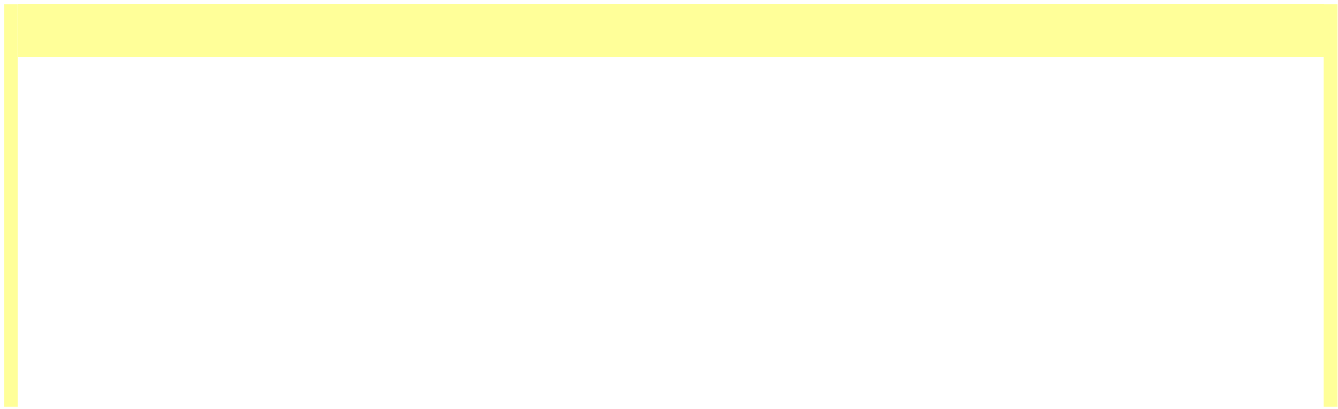
- Accept, publicise and determine applications for the designation of Neighbourhood Forums and Neighbourhood Areas.
- Publish a map of all its designated Neighbourhood Areas.
- Publicise at key stages a Neighbourhood Development Plan, Neighbourhood Development Order or Community Right to Build Order.
- Provide technical support for the Plan or Order.
- At submission check that a submitted Neighbourhood Development Plan, Neighbourhood Development Order or Community Right to Build Order meets the basic requirements.
- Arrange and fund an independent examination and publish the Examiner's decision.
- Decide whether to submit for referendum and the referendum boundary (taking into account the recommendation of the Examiner) and arrange and fund a referendum in accordance with the Neighbourhood Planning (Referendum) Regulations 2012.
- Bring the Plan or Order into force i.e. adopt the Plan into the Local Development Framework or make the Order, subject to a positive referendum result.

The Role of the Community

For the community as plan maker or order promoter the responsibilities include;

- Forming a group defined as a Neighbourhood Forum that meets the Regulations.
- Making an application to the LPA for designation as the Neighbourhood Forum.
- Making application for the Neighbourhood Area.
- Preparing the draft Plan or Order in accordance with the Localism Act, the Regulations and national and local planning policy.

- Consulting in accordance with the Regulations.
- Resourcing the work.
- Submission of a draft Plan or Order in accordance with the above to the local planning authority that has been prepared in accordance with the Regulations.



- Create and maintain a website for the Plan or Order.
- Maintain contact with the Council at key stages in drafting the Plan and advise of changes to programme.
- Engage local governance structures such as ward committees.
- Follow the Neighbourhood Planning Regulations.
- Maintain the principle of Neighbourhood Planning as a tool to promote growth.
- If appropriate undertake a Sustainability Appraisal of the Plan to assess its viability.
- If appropriate undertake a Transport Impact Assessment.
- Complete an Equality Assessment of the Plan.
- Demonstrate consultation on the draft plan through consultation plan and consultation record
- Following consultation to submit draft Plan and supporting information to the City Council.
- To advise the City Council if at any stage a decision is taken not to continue with the Plan and designation to be withdrawn.

Before a community group decides to embark on a Neighbourhood Planning process it should be understood that it can be a very intensive and long process (approximately 2 years) and requires considerable commitment and resourcing from the community. It is also useful to consider;

- what plans and programmes already exist?
- what more a Neighbourhood Development Plan, Neighbourhood Development Order, Community Right to Build Order could achieve for an area?
- what are the issues in your neighbourhood you want to address and are they planning issues?

