

Neighbourhood planning in Islington:

A short guide

Updated December 2013



1 About neighbourhood planning

Under the Localism Act (2011), communities have the opportunity to plan for the development of their local areas.

There are three ‘tools’ which communities can use to do this:

- **Neighbourhood Plans** (which set out a strategy for the physical development of an area)
- **Neighbourhood Development Orders** (which allow specified types of development within an area without the need for planning permission)
- **Community Right to Build Orders** (which allow community organisations to bring forward small-scale development without the need for planning permission).

Before any of the above can be produced, local communities need to get the council to designate a **Neighbourhood Area** and a **Neighbourhood Forum**, which, when designated, can then create Neighbourhood Plan for the area. These are designated for a period of 5 years.

Groups representing business interests can also get the council to designate them as a Neighbourhood Forum for a related **Neighbourhood Business Area**. These may be appropriate for areas which mostly contain employment uses (e.g. industrial estates). They may also be appropriate in mixed areas (e.g. town centres) but, where an area includes residential communities, the Neighbourhood Forum will need to include residents.

Before neighbourhood plans and orders come into force, they need to be examined by an independent advisor and voted on by the local community in a referendum.

The council’s role in neighbourhood planning

Neighbourhood planning is led by local community groups, not the council.

Neighbourhood planning is intended to support – but not replace – the council’s Local Plan.

The council’s role in neighbourhood planning is limited to:

- Assessing applications for, and designating, Neighbourhood Areas and Neighbourhood Forums
- Organising referenda on Neighbourhood Plans/Orders
- Providing guidance and technical assistance to groups involved in neighbourhood planning.

Contact details for neighbourhood planning in Islington are provided in Chapter 5 of this guide.

2 Setting up a Neighbourhood Forum and establishing a boundary

Five steps to getting a Neighbourhood Forum established are set out below.

➤ **Step 1: Get together.**

Establish a community group of at least 21 unrelated people who live in or run businesses in your community, and who sufficiently represent the local area. It is a good idea to contact your local ward councillors and get them involved. This core group will assume responsibility for neighbourhood planning in your area.

This community group may be an existing residents' or tenants' organisation, or it may be brand new. Either way, the group must have a formal constitution. A model constitution is provided at the back of this guide.



➤ **Step 2: Agree a boundary.**

Establish the boundaries of the area that your prospective neighbourhood forum want to plan for. This will ultimately be up to you, but here are some tips:

- Make sure that your area reflects a 'real' neighbourhood that people identify with.
- Have a look at existing area boundaries (e.g. council wards, conservation areas, Core Strategy Key Areas) to guide you in setting your neighbourhood area boundary.
- The bigger the area, the more complex the planning – and the more difficult it will be to achieve a representative forum and to secure backing from other residents. Don't forget, you can always start off small and get bigger in the future.
- Check in with your neighbouring communities. If they are also planning to set up a neighbourhood forum you will need to agree a boundary, as areas cannot overlap.



➤ **Step 3: Meet with the council.**

Once you have some tentative boundaries agreed, and a draft constitution, contact the council to set up an informal meeting (contact details are in Chapter 5 of this guide). They will be able to help you refine details, and also advise how to make a formal application to the council (or more than one council if your boundary straddles two Local Authorities).





➤ Step 4: Apply.

Make a formal application to the council. Please note that the requirements for Neighbourhood Area and Neighbourhood Forum applications are different, therefore, for formal purposes, two separate applications must be made. However, these applications can be made at the same time, so long as they are clearly separate. The council can provide full details of what is required, but some key requirements include:

- The name and contact details of the person submitting the application (note: this will be made public)
- A covering statement identifying the name of the Neighbourhood Forum, and setting out how the Neighbourhood Forum meets the conditions in the act (see box below)
- A name, address, contact details and signature for all members of the proposed Neighbourhood Forum (note: these details will not be publicised).
- A written constitution for your Neighbourhood Forum
- A map clearly identifying the boundary for your Neighbourhood Area



➤ Step 5: Wait for a decision.

The council will advertise the application for the proposed Neighbourhood Forum and Neighbourhood Area, and will seek views from residents over a period of 6 weeks. Officers will then write a report setting out whether the council should approve or reject the application. Islington Council's Executive Committee will make the final decision.

What the Localism Act requires

The Localism Act states that, to be considered acceptable, a Neighbourhood Forum **must**:

- Be established for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area,
- Include a minimum of 21 individual members, each of whom lives in the Neighbourhood Area concerned, works there, or is an elected member, and
- Have a written constitution.

It is important that applications demonstrate that these conditions have been met. If this is not demonstrated, the council will not be able to approve your application.

3 Producing a draft Neighbourhood Plan or Order

To start the process of planning for your area, you will first need to collect together your community's ideas. Try to keep aspirations realistic by identifying the things that you would like to achieve as a minimum and focusing on those.

The first step is to decide which of the 'tools' available to you should be used to effect change in your area. The table below outlines the three different options and suggests when each might be of use. Note that you can produce more than one of these if you want to.

Tool	What is it?	When should we use it?
Neighbourhood Plan	Defined as "a plan which 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 Plan will usually identify areas or sites for development, change of use and/or protection and provide guidance on building heights, etc. It may cover the whole of a Neighbourhood Area, or part of it.	Useful for planning where new housing and other development should go. General guidance for building design can be set out (e.g. heights, bulk) without going into huge detail.
Neighbourhood Development Order	Relaxes permitted development rights so that planning permission is not required for certain things (within part or all of a Neighbourhood Area). It cannot be used to grant planning permission for a development where permission is already granted. Permission through an NDO can be subject to conditions / restrictions or granted unconditionally.	For a specific type of development where impacts may be limited, e.g. to grant permission for: <ul style="list-style-type: none"> • Roof conversions or rear extensions to a set design, • Changes of use (e.g. for shop units), or • Industrial units in an industrial estate.
Community Right to Build Order	Allows community organisations to allow smaller-scale development on a site without the need for planning permission. The order has to be made by a community organisation (not necessarily a Neighbourhood Forum) on a site within a Neighbourhood Area.	Useful for communities who want to develop a small-scale site (e.g. for housing or a community centre) but do not want to plan for further development in their area.

There are some essential things to consider when drawing up proposals for a Neighbourhood Plan or Order. If you do not take account of these there is a risk that the Neighbourhood Plan or Order will not get adopted.

1. Your Neighbourhood Plan/Order must be **lawful** and in accordance with **higher level policies**. These are:
 - International, European and national designations (e.g. heritage and natural environment), and European environmental and human rights laws,
 - The government's National Planning Policy Framework,

- The London Plan,
 - The council's Local Plan.
2. You can **plan for more development** than is envisaged for your area by the council's Local Plan, **but not less**. Neighbourhood planning cannot be used to prevent the homes and commercial premises which Islington needs from being built. Your Neighbourhood Plan/Order should therefore guide development, not stop it.
 3. A Neighbourhood Plan should identify:
 - a. **What** sort of development it will accommodate (e.g. number of homes, amount of commercial floorspace),
 - b. **Where** this development will go (i.e. on which sites),
 - c. **When** this development is likely to take place, and
 - d. **How** this development will happen (i.e. who is likely to fund and build out the development).
 4. You must ensure that you **involve people** living, working and owning property in and around the affected area in the development of your Neighbourhood Plan/Order. In addition you will need to **consult relevant local, regional and national organisations** – and demonstrate how you have taken any feedback on board.

Basic conditions for Neighbourhood Plans/Orders

The Localism Act and the 2012 Neighbourhood Planning Regulations defines five **basic conditions** which Neighbourhood Plans/Orders must comply with. These are:

1. They must have appropriate regard to national policy
2. They must contribute to the achievement of sustainable development
3. They must be in general conformity with the strategic policies in the development plan for the local area
4. They must be compatible with human rights requirements
5. They must be compatible with EU obligations.

The council can provide more advice to Neighbourhood Forums on how these basic conditions can be met.

4 Getting a Neighbourhood Plan or Order in place

As Neighbourhood Plans and Orders are statutory documents, it is important that they are properly scrutinised before they are adopted. The three steps to adoption are:

1. Independent examination
2. Community referendum
3. Legal adoption

Independent examination

Your completed Neighbourhood Plan/Order will need to be examined by an independent planning inspector who will check that it meets **basic conditions** (see previous section). The independent examination will usually just involve written representations (comments). However, the inspector may consider it necessary to listen to different viewpoints at a public hearing.

Before submitting your Neighbourhood Plan/Order for examination, it is a good idea to submit it to the council for a pre-examination check. The council will be able to provide advice on whether it meets the basic conditions, and can help you to arrange the independent examination.

At the end of the examination, the inspector may recommend changes to the Neighbourhood Plan/Order to make sure it meets required standards. The Neighbourhood Forum will need to decide whether to make those changes. If the changes are significant, it may be necessary to re-consult your local community before proceeding.

Community referendum

Following the examination, the approved Neighbourhood Plan/Order will need to be subject to a referendum. For it to be taken forward for adoption, the Neighbourhood Plan/Order will need to achieve more than 50% of votes in favour.

All registered voters living in the Neighbourhood Plan/Order's area of coverage will be entitled to vote. In some cases, voters from neighbouring areas may also be allowed to vote (e.g. where the impacts of the Neighbourhood Plan/Order are significant).

Legal adoption of the Neighbourhood Plan or Order

If there is support for the Neighbourhood Plan/Order, the council must bring it into effect. Neighbourhood Plans will be legally adopted as part of the council's statutory Development Plan. This means that decisions on planning applications will need to be taken in line with the Neighbourhood Plan.

Once the council adopts a Neighbourhood Development Order or Community Right to Build Order, development specified in these orders will immediately become permitted development.

5 More advice

More neighbourhood planning guidance/advice is widely available on the internet. For example you could try:

- The DCLG's Neighbourhood Planning introductory guide
- Locality's Neighbourhood Plans Roadmap Guide: <http://locality.org.uk/resources/neighbourhood-planning-roadmap-guide/>
- The Neighbourhood Planning Regulations 2012
- Urban Design London's guide: <http://www.urbandesignlondon.com/wordpress/wp-content/uploads/UDL-Neighbourhood-Planning-guide-12.pdf>
- Cabi Design Council's guide: <http://www.designcouncil.org.uk/our-work/cabi/services/plan/neighbourhood-planning-toolkits-and-guidance/>

The government has provided funds to four community organisations who you may wish to approach to get help and advice:

- Planning Aid (part of the Royal Town Planning Institute)
- The Prince's Foundation for the Built Environment
- Locality (The Building Community Consortium)
- Campaign to Protect Rural England (CPRE) in partnership with the National Association of Local Councils (NALC)

It's also a good idea to Google what other Neighbourhood Forums are up to and establish contacts with people who are a bit further down the track.

If neighbourhood planning seems a bit daunting, there may be other ways of achieving your aspirations. For example, it may be possible for the council to take the lead on producing a plan for your local area. Examples of existing plans are the Angel Town Centre Strategy and the Archway Development Framework, which the council has adopted as Supplementary Planning Documents.

To find out more about neighbourhood planning, or if you are interested in submitting an application for a Neighbourhood Forum/Area, please get in touch with us.

Email: ldf@islington.gov.uk

Telephone: 020 7527 7109

Address: Neighbourhood Planning
Spatial Planning and Transport
Islington Council
222 Upper Street
London N1 1XR

EXAMPLE CONSTITUTION FOR NEIGHBOURHOOD FORUMS

1. Name

The name of the NEIGHBOURHOOD FORUM shall be (referred to as “the NEIGHBOURHOOD FORUM” in this document).

2. Area of the NEIGHBOURHOOD FORUM

The area of the NEIGHBOURHOOD FORUM is as shown on the map of the related NEIGHBOURHOOD AREA, as designated by the local authority.

3. Objectives

The objectives of the NEIGHBOURHOOD FORUM shall be:

- (a) to promote and improve the social, economic and environmental wellbeing of the neighbourhood area;
- (b) to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
- (c) to remain independent of any party political, religious, trade or campaign organisation
- (d)etc.....

4. Role and responsibilities

The NEIGHBOURHOOD FORUM and its membership shall progress its neighbourhood planning responsibilities as set out in the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012, having regard to the objectives set out in Section 3.

5. Membership

The membership of the NEIGHBOURHOOD FORUM is open to any person who lives in the area, who works in the area or who is an elected councillor for the area. A list of members will be kept by the Secretary. Members agree to make best endeavours to attend meetings, to participate in decision-making and to assist in the work of the NEIGHBOURHOOD FORUM.

6. Election of officers

The NEIGHBOURHOOD FORUM will elect from among its number a Chair, Deputy Chair, Secretary and Treasurer by secret ballot held biannually. Where a vacancy arises for one of these four officer positions, the NEIGHBOURHOOD FORUM may agree to hold an extraordinary general meeting in order that the vacancy can be filled, on the basis that such vacancies would be publicised, nominations invited and an election held where the number of candidates exceeded the number of places available.

7. Voting rights of members of the NEIGHBOURHOOD FORUM

Only those members of the NEIGHBOURHOOD FORUM that have attended at least 60% of the meetings during the previous year can vote. In the event of a vote that results in a majority not being achieved, the Chair (or in their absence, Deputy Chair) shall have a casting vote.

8. Committees of the NEIGHBOURHOOD FORUM

The NEIGHBOURHOOD FORUM may appoint representatives to committees of the NEIGHBOURHOOD FORUM and shall determine their composition, terms of reference, duration, duties and powers.

9. Meetings of the NEIGHBOURHOOD FORUM

- (a) Meetings will be quorate if at least 2 officers (including either the Chair or Deputy Chair) and at least 6 other members are present.
- (b) The NEIGHBOURHOOD FORUM will meet on a regular and continuous basis as required to discuss and decide issues and to take the actions required to meet its objectives.
- (c) At least 7 clear days' notice of meetings shall be given where practical. Technical experts and promoters of development schemes, including developers, agents, council officers and representatives of other organisations may attend meetings at the request of the Chair, Deputy Chair or Secretary to give information, advice and to set out options for action. Such experts and promoters cannot take part in the choices made by or decisions taken by the NEIGHBOURHOOD FORUM.
- (d) Individual members have a duty and are required to declare in advance any financial, party political, employment, land ownership or other organization interest that has a bearing on the work of the NEIGHBOURHOOD FORUM in general or an agenda item in particular.
- (e) Copies of all minutes of meetings of the NEIGHBOURHOOD FORUM and of committees thereof shall be approved at the next prescribed meeting of the NEIGHBOURHOOD FORUM, but the draft minutes shall be circulated within 14 days from the date of that meeting, to NEIGHBOURHOOD FORUM members and other appropriate parties.
- (f) The NEIGHBOURHOOD FORUM can meet to discuss items of business in private where it considers it appropriate to do so. The decision to meet in private will be agreed in advance and decided by a majority vote. Notice of such a meeting will be given to the public in the usual way. However, the Notice will record that the meeting, or a part thereof, shall be held in private.

10. Wider community involvement

The NEIGHBOURHOOD FORUM will take all reasonable steps to involve the wider community in making choices about any proposal that affects the social, economic or

Neighbourhood planning in Islington

environmental future of the area. The NEIGHBOURHOOD FORUM will use reasonable endeavours to base its actions upon the views and informed choices of the wider community.

11. Complaints

Any complaint about the behaviour of a member in respect of their work for the NEIGHBOURHOOD FORUM shall be made in writing to the Chair. The Chair and Secretary will investigate the complaint and decide on action as appropriate. If the complaint concerns the Chair or Secretary, then other members of the NEIGHBOURHOOD FORUM will be appointed by in their place by vote.

12. Control of Finance

The Treasurer shall keep a clear record of income and expenditure, where necessary, supported by receipts. The Treasurer will report back to the NEIGHBOURHOOD FORUM on planned and actual expenditure. The NEIGHBOURHOOD FORUM will seek funding from private, public and charitable organisations. The acceptance of the terms of any funding will be a decision of the NEIGHBOURHOOD FORUM.

13. Alterations to the Constitution

This constitution may be altered and additional clauses may be added at a general meeting. Changes must be agreed with the consent of two-thirds of those members who are present and who have attended at least 60% of the meetings of the NEIGHBOURHOOD FORUM in the previous year.

14. Dissolution

If the NEIGHBOURHOOD FORUM by a two-thirds majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall agree a date for a meeting to be held to discuss the proposed resolution to dissolve. If the resolution is supported by a majority of those persons present and qualified to vote, the NEIGHBOURHOOD FORUM shall be deemed to be dissolved.

Upon dissolution, any remaining funds after all bills and charges have been settled shall be returned to the provider from which the funds were received. No individual member of the NEIGHBOURHOOD FORUM shall benefit from the dispersal.

15. Approval and adoption of the Constitution

This Constitution was adopted by:

.....NEIGHBOURHOOD FORUM, on

.....[DATE]

Signed by the Chair :