

Neighbourhood Planning: including Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders

Briefing

What is Neighbourhood Planning?

The government is radically reforming the planning system in an attempt to make it more locally driven and responsive with fewer centrally imposed requirements and restrictions. The Regional Spatial Strategies have been abolished and the National Planning Policy Framework is currently being reviewed in a bid to simplify it and decentralise planning policy where possible to the local level.

At the local level, the Localism Bill introduces a new concept called 'Neighbourhood Planning' which aims to give people greater ownership of plans and policies that affect their local area. It enables local people to put together ideas for development (relating to land-use or spatial matters) in their area via a "Neighbourhood Development Plan". Once adopted, this plan will form part of the statutory development plan with the District or Unitary Council.

The Localism Bill also allows communities to develop Neighbourhood Development Orders. These grant planning permission to a particular neighbourhood area. The Community Right to Build Order is a type of Neighbourhood Development Order focussing on new build.

Why is the government bringing this in?

The government wishes to support long term, sustainable economic growth to address housing need and economic downturn. There is a feeling however, that the current planning system is too top-heavy, confusing, and bureaucratic, meaning that communities often have little say in the planning stages of development where they live. This means that development can take place that is contrary to community wishes, is unsympathetic or unlinked to existing infrastructure, or that development is delayed or halted as a result of objections.

The government wants to change this by decentralising the planning system. It wants to empower local communities to have a greater say in, and responsibility for, development of detailed planning policy in their area, and give them the opportunity to bring forward small scale development themselves.

Neighbourhood Planning is the tool for achieving this.

What is a Neighbourhood Plan (referred to as a Neighbourhood Development Plan once it is formally adopted by the Planning Authority)?

A Neighbourhood Plan is a new type of planning policy document which will relate to the use of land, or to spatial matters (ie aspects related to how a place works) in very local areas – a parish or a neighbourhood.

The Neighbourhood Plan, once adopted will form part of the overall Local Development plan for the local authority and will be used to consider all planning applications in that area. In some cases, the Local Development Plan may not be signed off, but this should not hinder progress on developing a Neighbourhood Plan.

What is a Neighbourhood Development Order?

In addition to enabling the creation of Neighbourhood Development Plans, the Localism Bill will also allow communities to **permit** the development they want to see - in full or in outline – without the need for planning applications. This will be called the '**neighbourhood development order.**' It will be similar to the existing **Local Development Order.**

What is a Community Right to Build Order?

A 'community right to build order' is a type of neighbourhood development order.

It allows certain community organisations to bring forward smaller-scale development on a specific site, without the need for planning permission. This reform would give communities the freedom to develop, for instance, small-scale housing and other facilities that they want.

Any benefit from this development will stay within the community and be used for the community's benefit, for example, to maintain their affordable housing stock or to provide and maintain local facilities such as playgrounds and village halls.

Community right to build orders will be subject to a limited number of exclusions, such as proposals needing to fall below certain thresholds so that an Environmental Impact Assessment is not required. The proposals will be subject to testing by an independent person and a community referendum.

Frequently Asked Questions:

Do we have to produce a Neighbourhood Plan?

The simple answer is no, there is no statutory requirement for your town to produce a Neighbourhood Plan.

However, without a Neighbourhood Plan in place, the assumption will be that any development relating to landuse or spatial aspects in the local area, if in line with the Core Strategy for the District, which in turn must be in line with the National presumption in favour of sustainable development, is acceptable to the local community.

For some areas, existing supplementary planning documents and area action plans and may be more appropriate for communities to use with their local authority than a neighbourhood development plan or order.

Neighbourhood development plans or orders are simply an option for communities, who perhaps do not want to rely as heavily on the local authority throughout the process of producing a document, or who want the guarantee that their document will become part of the statutory development plan for the local area, if it successfully meets the right conditions.

Having a Neighbourhood Plan in place is not about stopping development, rather ensuring that any development is in line with the wishes of the community and is sympathetic to local need.

Who is responsible for producing a Neighbourhood Development Plan or Order?

Neighbourhood Plans and Orders cover local areas.

In parished areas - it would be the town or parish council that would take the lead on developing the Neighbourhood Plan, but in partnership with its community (residents and business).

In non-parished areas - the bill provides for Neighbourhood Forums to be set up to take on this role. It will be the local authority who approves the designation of a neighbourhood forum. The bill suggests that:

- The purpose of the neighbourhood forum is to further the social, economic and environmental well-being of individuals living in an area that consists of or includes the neighbourhood area concerned;
- neighbourhood forums can be established to '**promoting the carrying on of trades, professions or other businesses**' in a neighbourhood area – i.e. a business forum.

- To join a neighbourhood forum, an individual must **i) live in the area, or ii) work there or iii) be an elected member whose ward or electoral division falls within the neighbourhood area** – so they would not have as members those who simply ‘want to live’ in an area but would have workers/business owners and councillors.
- It is desirable for a proposed neighbourhood forum to have a membership with at least one individual from each of the three membership categories listed above – i.e. there should be at least one councillor and one business person in each and every forum.
- A membership of at least **21** individuals is required. This was originally set at 3.

The neighbourhood can cross authority boundaries. If proposals come forward for overlapping areas the council, including ward councillors, will need to arbitrate, and decide which boundary makes most sense in planning terms.

What is the process involved in producing a neighbourhood development plan or order? The process is the same for neighbourhood development plans and orders. Because they will form part of the statutory planning documentation, each must meet certain criteria to ensure that they are legally compliant and take account of wider policy considerations (e.g. national policy). They must:

- have regard to national planning policy – which will have a presumption towards sustainable development;
- be in general conformity with strategic policies in the development plan for the local area (i.e. such as in a core strategy); and
- be compatible with EU obligations and human rights requirements.

An independent qualified person will check that a neighbourhood development plan or order appropriately meets the conditions. The council will have to pay for this check. If it does not meet the criteria, there is an opportunity for the neighbourhood forum, town or parish council, to amend it.

If it does meet the criteria, it is then voted on in a local referendum, where it would need to gain the approval of a majority of voters of the neighbourhood, or town/parish, to come into force. If proposals pass the referendum, the local planning authority will be under a legal duty to bring them into force. Again it is the council who would pay for any referendum.

Neighbourhood development plans or orders will not take effect unless there is a majority of support in a referendum of the neighbourhood.

What does the Neighbourhood Plan look like?

There is no specific guidance on what the plan should look like beyond the need to meet the requirements outlined above. It is for the neighbourhood to decide what their plan contains, bearing in mind that it will probably have to be flexible enough to meet different needs and expectations. It could contain high level visions and objectives for the future of an area, or it could identify small projects for change or it might look more like a masterplanning document with a comprehensive land-use plan embracing spaces, movement, activities and the development of buildings.

How does it link to the Local Plan for our authority?

Once completed and adopted, the Neighbourhood Plan would become part of the Local Plan as illustrated in the diagram below:



It would need to be compliant with the Core strategy (where one exists) and the national planning framework.

Many authorities are currently in the process of updating their Local Plans – in fact only about 25% of planning authorities have an up-to-date core strategy in place. The government has suggested however that neighbourhood plans do not need to wait for Local Plans to be ready. Where neighbourhood planning is undertaken before an up-to-date council plan is in place, collaboration between the community and the council will be critical.

The local council should take an active role in advising and supporting the community group, sharing evidence and information and ensuring the neighbourhood plan fits with the strategic policies of its existing adopted development plans and national policy. It will be for the local council and examiner to determine the weight to be attached to policies in an existing local plan when considering neighbourhood plans.

What happens if our planning authority does not have a Core Strategy in place?

Any neighbourhood development plan that completes the neighbourhood planning process successfully will become part of the statutory development plan for the local area. This is regardless of what documents currently make up the development plan. It is important to remember that for a neighbourhood development plan or order to be successful it needs to be in general conformity with the existing development plan for the local area.

What happens in areas with more than one planning authority, for example, within National Parks?

There is little guidance on this as yet, but the message appears to be that it would be for the authorities in question to ensure that planning duties are upheld. The Localism Bill introduces a duty to co-operate in order to encourage and enable strategic planning. The duty covers local planning authorities and other public bodies.

What if neighbourhood development plans bring forward issues that require changes to the core strategy?

Neighbourhood development plans and orders must be in general conformity with the strategic policies in the development plan for the local area. If the community does identify issues that would require changes to the core strategy, it is up to the local authority to decide how to take this forward.

How much will it cost to produce a neighbourhood development plan?

The cost of the Plan will depend upon its size, scope and complexity. Government estimate it could cost upwards of £17,000 to produce.

The Governments Supporting Communities fund will provide financial assistance for professional support. The local authority has a duty to support but may or may not be able to provide financial assistance to the

development of the plan, although it will be for the council to fund the independent assessment and the referendum.

Developers and landowners may provide financial assistance where they have an interest in securing planning permission.

How long will it take?

This depends on the starting point for the neighbourhood, but could take anything up to two years or more if your community is starting from scratch.

We already have a Community Led Plan, or are working on one – do we need to start again?

The message here is a strong ‘no, you do not need to start again’. If you have an existing community led plan, now is an excellent time to refresh it to take advantage of both Neighbourhood Planning and the new Community Rights (see separate briefings on these).

For clarity, Community Led Planning (CLP) is a step-by-step process, that enables every citizen to participate in, and contribute to, improving the social, economic, environmental and cultural well-being of their local area. It relies on people coming together locally, researching local needs and priorities and agreeing a range of different actions which help to improve their neighbourhood.

Approximately 4,000 communities across England have already been involved in developing Community Led Plans since the late 1970s. These have allowed communities to take responsibility for making things happen locally, rather than waiting on others to do it for them. Their success has relied on volunteers who work closely with parish and town councils and are the driving force behind the work that takes place.

Whilst a Neighbourhood Plan is fundamentally concerned with the land-use and spatial aspects of a local community, there is no reason why it should not include wider policies and actions, along the lines of those found in a Community Led Plan. Indeed, in order to put together a robust set of proposals around land-use and spatial planning, many of the steps involved in producing a Community Led Plan are valid and necessary, such as creating a partnership and preparing an evidence base). In addition, many of the actions that can be achieved through a Community Led Plan go far beyond land use and spatial planning.

Therefore, **AMT suggest that if communities want to develop a Neighbourhood Development Plan, they should ideally do so as a chapter of their Town Action Plan.** It would be just the Neighbourhood Development Plan chapter that, if it succeeds at an independent examination, and receives a simple majority at a public referendum, would form part of the statutory development plan. This means that any planning applications/ land use in that parish/ town/ neighbourhood will be determined using those policies.

What support is available?

Support from your planning authority

The local planning authority has to provide ‘technical advice and support’ to communities preparing neighbourhood development plans. This could include gathering evidence, help with facilitation or advice on consultation. It can – but doesn’t have to – include financial support. You’ll need to think about how this is resourced and how much you’ll be able to do, and this will depend on how much neighbourhood planning activity comes forward.

The Neighbourhood Planning Frontrunners Scheme

All local planning authorities have had the opportunity to apply for grants of up to £20,000 to prepare a neighbourhood-level plan in close collaboration with the local community.

Applications are only eligible from local planning authorities. Therefore parish and town councils and private businesses seeking to make an application for the project that they wish to undertake would have to ask the local planning authority to make the application. Where more than one planning authority exists, for example in National Parks, it is for the two planning authorities to agree on how to apply.

Grants will be awarded on an approximately 4-monthly basis until the total value of eligible applications exceeds the remaining available funds, at which point grants will be awarded in respect of the applications that we received earliest.

[Find out more about the application process here \(including application forms\)](#)

[View a list of the initial 17 Frontrunners to be allocated funding](#)

Action for Market Towns support

Action for Market Towns, as the national charity supporting small towns, can support your approach to Localism in a number of ways. We are one of the lead organisations at the national level on community led planning, and can help you to learn from this to develop localism strategies in your area.

We have developed what we call the Localism Ladder, which sets out the steps that local authorities, businesses and communities need to take to deliver localism – as set out in the Localism Bill. We can work, on a one-to-one basis with you to chart out your aims for achieving Big Society and deliver a package of support tailored to your needs. We are currently working with a number of local authorities and their communities on facilitating the planning process and providing training and mentoring across a range of skills.

In addition, we offer a range of benefits to our members, such as access to case studies, discounted training and policy support - [find out more about joining AMT](#).

Advice for communities to support neighbourhood planning

The government is funding four national organisations with expertise in planning to provide assistance to local groups developing neighbourhood plans. The organisations sharing the £3.2m fund will provide services as follows:

[The Prince's Foundation](#) – is offering support to eligible groups in the form of workshops on the following – Planning “Reset” Scenario; Community Planning Workshop Scenario; and Enquiry by Design Stakeholder Engagement Process. [For more information visit their webpage](#).

[Locality](#) - will offer expert advice, assistance and guidance from a range of specialist providers to enable people to plan how they want their neighbourhoods to be. The service, to be launched shortly, aims to give communities the relevant skills, confidence and relationships to lead projects, be informed stakeholders and clients, and to find local solutions. [Click here for more information](#).

[The Royal Town Planning Institute](#) – is offering a single national Planning Advice Line where all callers can receive 15 minutes of free, independent and professional advice. It is also offering a neighbourhood planning service will also be provided to support people and communities in gaining knowledge about the planning system and how they can be involved. A team of community planning outreach co-ordinators have been recruited to work within target communities to build their own plans for the neighbourhood they live in. Details of the service can be obtained by calling 0207 9299453 or emailing info@planningaid.rtpi.org.uk

[National Association of Local Councils in partnership with the Campaign to Protect Rural England](#) – are running a project called “*Supporting Communities and Neighbourhoods in Planning*”, which will run until the end of March 2012. It has two elements: producing guidelines, useful publications and a website about the planning system and hosting 50 events on the planning system. [For more information visit the website here](#).

Community Organisers

The government funded Community Organisers programme aims to create a new home-grown movement of community organising for the 21st century, grown directly from the strengths, concerns and hopes of communities across the country. The aim is to locate 100-200 organisations between now and 2014 to become community organiser hosts.

Community organisers will work in local communities to build dialogues and create networks to help communities develop their collective power to act together for the common good. Their support will enable people to take action on their own behalf to tackle the issues which are important to them. [Find out more](#) about Community Organisers.



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