

An Introduction to: Neighbourhood Planning

Introduction

- The Localism Act received royal assent on 15 November 2011.
- The Act introduces new neighbourhood planning powers intended to give communities powers to determine '*on what basis development will be accepted*'.

The Purpose of Neighbourhood Planning

- The Government is committed to stimulating economic growth and development. The planning system is viewed as an important tool.
- Neighbourhood planning is intended to give local people powers to have greater say in planning decisions, and the ability to influence development.
- Neighbourhood planning provides additional powers to local communities to establish development that might be otherwise be contrary to planning policy.
- However, where development meets current planning policy and other planning requirements, then the easiest route may still be to submit a planning application.

Defining 'Communities'

- The word 'community' is used endlessly in relation to neighbourhood planning.
- For planning purposes, 'community' generally refers to those living in an area defined by a boundary, usually depicted by a parish or town council boundary.

Defining 'Community Groups'

- A 'community group' refers to the body given responsibility for neighbourhood planning.
- A number of different community groups can be granted the powers to undertake neighbourhood planning on behalf of a community:

In areas with a parish or town council: in the first instance the town or parish council for an area should take the lead on neighbourhood planning.

In areas without a parish or town council: 'neighbourhood forums' can be created to lead on neighbourhood planning, subject to a number of requirements. For example, it must have at least 21 members and be open to new members.

Community Trusts: a Charitable Trust can be created to build, hold and manage any assets resulting from neighbourhood planning. It is subject to certain requirements, such as at least 50 per cent of trustees must live in the community.

Neighbourhood Planning: An Overview of the Provisions

- The Act sets out three main provisions in relation to neighbourhood planning, which are:

Neighbourhood Plans: policy documents to set out a framework for future development, including infrastructure and planning gain requirements, and design standards.

Neighbourhood Development Orders: granting of planning permission by a community without the need for a planning application to be submitted by a developer.

Community Right to Build: a community is able to build development or buy assets to hold in perpetuity, subject to certain thresholds.

Neighbourhood Plans

- Neighbourhood plans enable communities to establish general planning policies for future development and the use of land.
- Communities will be able to say, for example, where new homes and offices should be built, and what they should look like.
- A plan can be detailed, or general, depending on what local people want.
- It can set out a 'wish list' of planning gain matters to be sought from development.
- What a neighbourhood plan can't be used for is to stop development. This is because it must provide for at least as much development as is identified in an adopted Local Development Framework.

Neighbourhood Development Orders

- Orders provide the means by which a community can grant permission for the amount, type and style of development it wants.
- A development order can apply to one site or a number of sites across a community area.
- Planning permission is not required if a developer comes forward with plans that match the details of the development order.

Community Right to Build

- There are a number of different ways in which the powers can be used:
 - To purchase buildings for the benefit of a community, such as post offices, village shops, pubs or community halls.
 - To establish or run a local service, including museums, libraries, allotments.
 - To build new houses or businesses, subject to certain thresholds.
- Where development is proposed, the process for a neighbourhood development order must be followed.
- Any development or assets must be held by a Community Trust for the benefit of the community.

Neighbourhood Planning Process: An Overview

- The process for preparing neighbourhood plans and neighbourhood development orders is pretty similar:



1. Define the Neighbourhood

- An application, including a plan to define the area, is made by the parish or town council or neighbourhood forum to the local planning authority.
- The local planning authority will check the suggested boundary and if the community group meets the right standards.
- If more than one application is submitted, for the same area, the local authority will decide which community organisation will be granted the responsibilities for neighbourhood planning.
- Only if the local planning authority is satisfied can the community group undertake neighbourhood planning.

2. Prepare the Plan or Development Order

- Local people can choose to draw up either a plan, or a development order, or both. However, the same ground rules apply:
 - The community must be engaged in the drafting process
 - The plan or order must generally be in line with local and national planning policies
 - The plan or order must be in line with other laws
 - An Environmental Impact Assessment of the plan or order is required
 - Once a plan or order has been drafted, it is then handed over to the local authority to take through the subsequent procedures

3. Independent Check

- Once a neighbourhood plan or order has been prepared, an independent examiner will check that it meets the right basic standards.
- If the plan or order doesn't meet the right standards, the examiner will recommend changes. The planning authority will then need to consider the examiner's views and decide whether to make those changes.
- If the examiner recommends significant changes, then the parish, town council or neighbourhood forum may need to consult the local community again before proceeding.

4. Community Referendum

- The local council will organise a referendum on any plan or order that meets the basic standards. This ensures that the community has the final say on whether a neighbourhood plan or order comes into force.
- People living in the neighbourhood who are registered to vote in local elections will be entitled to vote in the referendum.
- In some special cases - where, for example, the proposals put forward in a plan for one neighbourhood have significant implications for neighbouring communities - people from other neighbourhoods may be allowed to vote too.
- The local planning authority must bring it into force if more than 50 per cent of people voting in the referendum support the plan or order, if 50 per cent do not support the plan or order then the local authority will not adopt the plan order.

5. Legal Force

- The local planning authority are required to publish the final version of the plan or order on behalf of the community group.
- Once a neighbourhood plan is in force, it carries real legal weight. Decision-makers will be obliged, by law, to take what it says into account when considering proposals for development in the neighbourhood.
- A neighbourhood order will grant planning permission for development that complies with the order. Where people have made clear that they want development of a particular type, it will be easier for that development to go ahead.

Front Runner Scheme

- Following publication of the draft Localism Bill, the Government announced the Front Runner scheme.
- Local planning authorities are invited to apply for grants to be used to help gain insight into how the provisions for neighbourhood planning are likely to work in practice.
- Local authorities are expected to collaborate with established community groups in a manner similar to that envisaged in the Localism Act in relation to preparing a neighbourhood plan or neighbourhood development order.
- £50m has been set aside to fund the scheme up to March 2014, whereby bids are expected to be invited for funding roughly every four months.
- Under this scheme, grants of up to £20,000 are to be made available to local planning authorities towards the cost of each planning document.
- The last round of bids was in November 2011. On 5th March 2012, the Government announced a further 108 Front Runners, including seven in Yorkshire.

What Next?

- The Regulations were published on 1st March and will come into effect on 6th April 2012.
- The Regulations set out the procedures and processes for neighbourhood planning which will need to be adhered to in order for the full legal weight to be given to the implementation of the powers.
- If the Regulations are not fully met then the whole process or parts of the process will need to be repeated.
- Before neighbourhood planning is progressed to far, an application to the local planning authority will need to be made for the community organisation to be formally recognised.
- The local planning authority will need to publish the application before it is approved.
- Without appropriate designation, the community organisation will not be able to progress a neighbourhood plan or development order through the statutory process to the point where it is published and adopted for use.

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