

Frequently Asked Questions about Neighbourhood Planning

March 2012

1. Can my community have a neighbourhood plan?

Neighbourhood planning is available everywhere. The Localism Act gives parish (and town) councils a leading role in neighbourhood planning in an area which includes all or part of a parished area. We think this is right because they are the tier of local government which is closest to the local community, and have an electoral mandate to speak on its behalf. They have established experience of representing local communities and considering planning issues.

Outside parished areas, neighbourhood planning can be carried out by anyone who wants to set up or join a group including residents, business and local councillors who are designated a 'neighbourhood forum' by the local authority. The minimum requirements are that neighbourhood forums should be open to those living and working in the neighbourhood area, have a written constitution and have at least 21 members.

2. What help can I expect from my local authority?

The Localism Act places a legal duty on local planning authorities to support and advise parish councils and neighbourhood forums which want to do neighbourhood planning. The extent of support and advice that is provided will be different in each area depending on the skills, resources and needs of the local authority and the group preparing the plan.

The sorts of things that might be included are sharing evidence and information on planning issues, helping with consultation events, providing advice on assessments and evidence, providing advice on national and local plan policies with which the Neighbourhood Plan or Neighbourhood Development Order will need to fit and helping communities communicate with external partners where this is required. 'Front-runner' projects are coming up with some really good ideas and practice to share on how local authorities are working with community groups and parish councils in developing their Neighbourhood Plan.

In two-tier areas, for example, where there are district and county councils, communities will also want to involve the upper-tier authority in their discussions particularly where infrastructure issues such as highways or countryside matters are involved.

3. What are the costs of a Neighbourhood Plan likely to be?

There is no fixed format or template for a Neighbourhood Plan and it is not intended that neighbourhood plans should be mini-Local Plans or Core Strategies. Communities may, for example, wish to concentrate on a few policies only which have a major impact on their area.

For example, in some of the neighbourhood planning front-runners, draft plans are focusing on issues such as density or housing for older people or rural diversification which are of particular importance. The cost of preparing a plan is, therefore, likely to vary depending on the complexity and size of the proposed scope of the plan and the status of the plan prepared by the local authority.

There is no check-list of evidence or additional reports which a Neighbourhood Plan must contain. We expect that communities will want carefully to scope the content of their neighbourhood plans as a preliminary exercise to ensure that they reflect their own priorities and that they will want to assess the extent of support they are able to obtain including from local businesses and, where appropriate, local developers as well as from central and local government. They will also want to look at what existing evidence is available for planning in the area, such as assessments prepared by the local authority for their Local Plan.

4. Will we have to employ specialists to support our Neighbourhood Plan at examination?

No. A Neighbourhood Plan can include as few or as many planning policies as the community wants and can relate to all or just part of the neighbourhood area. Similarly a Neighbourhood Development Order can grant planning permission for major development schemes, a few new houses, a new shop or pub, or permit extensions of a certain size or scale across the whole neighbourhood area. These are very flexible tools.

The amount of evidence that needs to be produced will depend on the scale and ambitions of the Neighbourhood Plan or Neighbourhood Development Order. There is no tick-box list of evidence which will automatically be required for all plans. The Plan or Order may be able to use existing available evidence such as that used by the local authority in its local plan preparation or, in two tier areas, by the County Council. If in doubt, the local authority can advise – they have a duty to support.

It is important to remember that these are really powerful planning tools – the Neighbourhood Development Order grants planning permission and the Neighbourhood Plan will be used to determine planning applications. Therefore it is important that they are supported by evidence.

In addition, local businesses and, where appropriate, local developers may also be useful sources of evidence to support a Neighbourhood Plan.

5. What funding or support is there for those who want to do neighbourhood planning?

We have committed to providing up to £50 million until March 2015 to make neighbourhood planning a success, ensuring local councils can fulfil their legal duty to support groups and parish councils doing neighbourhood planning. The Government is also funding four support organisations to provide direct help and assistance to community groups and parish councils undertaking neighbourhood planning.

We are considering what support should be provided directly to communities from April 2012, using our new powers in the Localism Act. In addition, local businesses and, where appropriate, local developers may also be prepared to support the costs of producing a Neighbourhood Plan.

6. Does the Neighbourhood Plan have to conform to the Local Plan?

Neighbourhood plans are a powerful tool for shaping the development and growth of a local area. They are not just re-stating the council's plan but setting out the community's views on the development and use of land in their neighbourhood. This includes setting policies on where development should go, how development is designed or, using a neighbourhood development order, to give permission for certain types of development without the need for a subsequent planning application. The Localism Act includes a "basic condition" that neighbourhood plans have to be in general conformity with the strategic policies of the local plan.

In most cases we expect that some of the most important strategic policies with which neighbourhood plans will have to generally conform is the assessment of what the requirement is for housing and other development across the local authority's area. Neighbourhoods will come to their own view on policies which should be decided at the neighbourhood level (i.e. non-strategic), whilst contributing to meeting the needs of the wider area.

Unlike many of the parish, village or town plans produced in the past, a Neighbourhood Plan becomes a formal part of the planning system. It forms part of the Local Development Plan and sits alongside the Local Plan prepared by the local authority. Planning applications will need to be decided against both the Local Plan and any appropriate Neighbourhood Plans, and any other material considerations.

7. How will the production of a Neighbourhood Plan relate to local Authorities which are putting Local Plans in place?

The Government wants local authorities to get up-to-date local plans in place as soon as possible and neighbourhood planning doesn't alter that ambition. Where an up-to-date Local Plan isn't in place, the community and the local authority should work together to produce complementary neighbourhood and local plans. In many cases local authorities will have an emerging Local plan which can be informed by the neighbourhood planning process.

The relationship of neighbourhood and local plans is vital to the success of the reformed planning system. We are learning from the experience of the neighbourhood planning front-runners how important it is for communities to be truly engaged in local plan work where the strategic planning policies for the local area are established. The Government is keen for local people to take the opportunities to influence their local plan, as well as bring forward a neighbourhood plan for their immediate area.

8. Can we do a Neighbourhood Plan, if our local Council hasn't finished its Local Plan yet?

It is not a necessity that the Local Council has an approved up-to-date Local Plan in place before a community embarks on the preparation of a Neighbourhood Plan. In many cases, local authorities will have an emerging Local Plan in preparation. We would expect local councils and neighbourhoods to work together in developing local and neighbourhood plans.

9. Who carries out the examination – is it only a planning inspector?

The examination of a Neighbourhood Plan can be carried out by anyone with appropriate qualifications and skills who meets certain requirements set out in the Localism Act and is acceptable to the local authority and the community.

This could be a planning consultant or other planning professional, an employee of another local authority or a planning inspector. They will be appointed by the local authority, but with the appointment agreed by the parish council or neighbourhood forum.

10. Do we need to carry out a Strategic Environmental Assessment?

Not every Neighbourhood Plan will need an environmental assessment of the type produced for local plans and not every Neighbourhood Development Order will need an Environmental Impact Assessment. This will entirely depend on whether what is proposed in the Neighbourhood Plan or Order is likely to have significant environmental effects. All neighbourhood forums and parish councils wanting to undertake neighbourhood planning should be in contact with their local authority including at the start of the exercise when the scope of the work is being discussed. The local authority will be able to advise the forum or parish council if they think the emerging Neighbourhood Plan will need to be subject to an assessment.

If an environmental assessment is found to be required, the gathering of evidence for it and its preparation can be integrated into the process of producing the Neighbourhood Plan and may not require the involvement of external consultants.

11. Does the parish council have to run a referendum?

It is important that the whole community has the opportunity to be involved in a Neighbourhood Plan which may have significant effects on the shape of that community in the future. Alongside the

importance of wide community engagement in developing the plan, a referendum is an important way of doing this and providing democratic legitimacy for the content of the plan.

Parish councils will not have to run the neighbourhood planning referendum – this will be the responsibility of the local authority which runs elections in the neighbourhood area. We are looking to build on the existing referendum rules that govern local elections and maximise opportunities for referendums to be combined if that is appropriate.

12. What role does a local authority have once the Neighbourhood Plan has been approved at a referendum?

A Neighbourhood Plan which has had a successful examination and has been approved by a majority of those voting on it in a local referendum must be approved by the local authority.

We expect that in the vast majority of cases, the examination of a Neighbourhood Plan will be light touch. The examination may be conducted by anyone who has the necessary skills and experience and is acceptable both to the local authority and the Neighbourhood. The purpose of the examination is to ensure that the plan has been prepared in accordance with the law and is consistent with national policy and in general conformity with the strategic policies of the Local Plan.

13. How will the presumption in favour of sustainable development relate to our neighbourhood plan?

The presumption in favour of sustainable development is principally a means of ensuring that local plans are put together in a way which reflects an evidence-based assessment of the social, economic and environmental needs of an area.

Our planning reforms strengthen the role of plans (including neighbourhood plans and local plans) in decision-making. The presumption makes clear that planning applications which are in line with local and neighbourhood plans should normally be approved. This should be a strong incentive to put neighbourhood plans in place in order to help shape the development of a neighbourhood.