



**locality**

the power of community

# Frequently Asked Questions

A toolkit for neighbourhood  
planners

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# The wider planning system

## What does planning do?

The planning system ensures the right development happens in the right place at the right time. It identifies what development is needed, what areas should be protected or enhanced and assesses whether proposed development is acceptable.

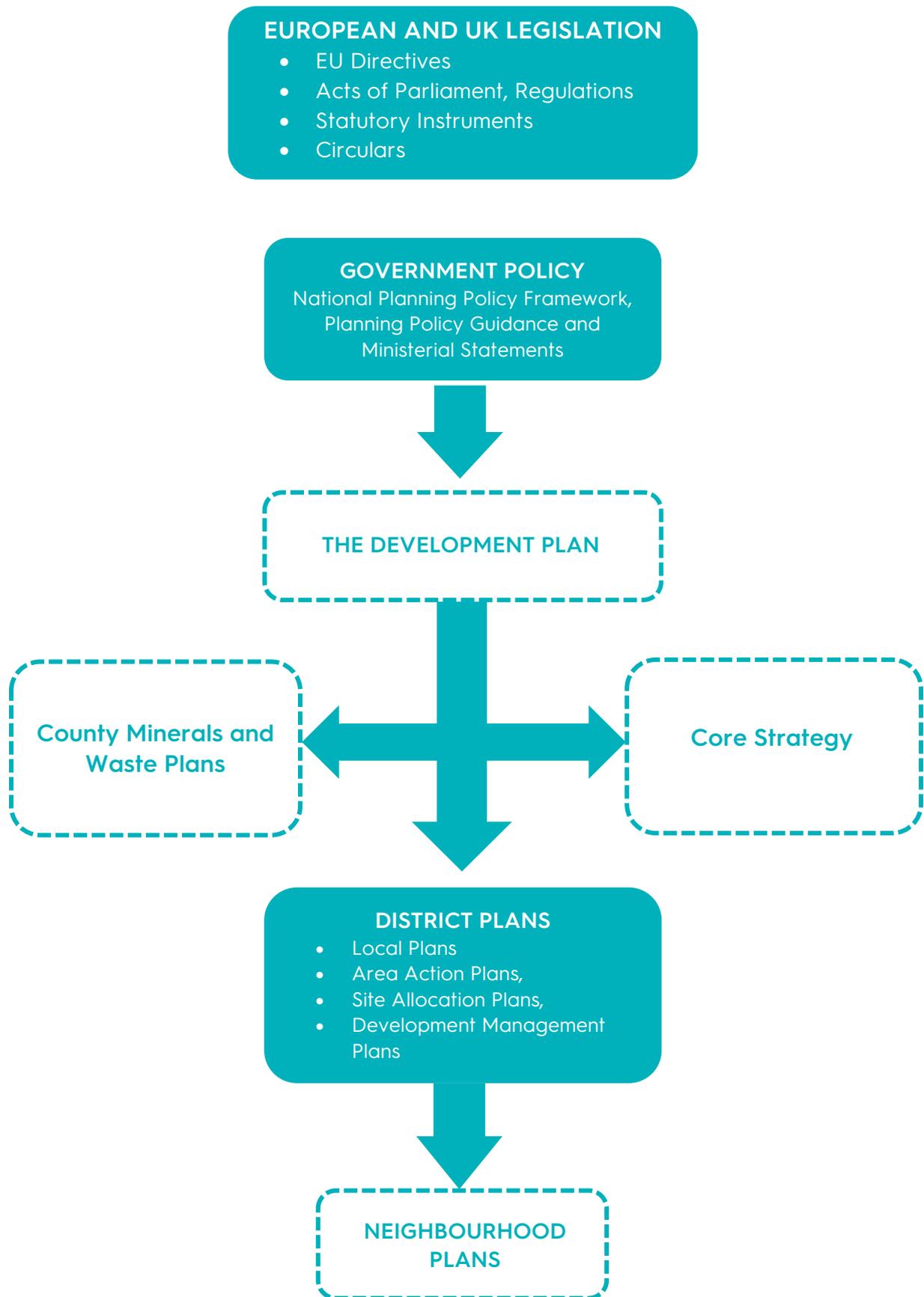
## How does planning work?

We have what's called a plan-led system. There is a hierarchical structure of guidance and plans covering the national, strategic, local and neighbourhood levels, which all interconnect and link with each other. The English planning system is also influenced by European and UK-wide legislation and policy.

At national level, the Government sets out national planning policies and guidance. This is set out in the National Planning Policy Framework and in an online resource known as Planning Practice Guidance.

At a local level, local councils can develop plans for their area that usually cover the next 20 or so years. These plans set out the amount and type of development needed and where it should go. They set the framework against which decisions on individual planning applications will be made.

At a neighbourhood level, neighbourhood groups can prepare neighbourhood plans that set out policies and proposals for the next 20 or so years in their neighbourhood area.



## What is development?

Planning permission is only needed if the work being carried out meets the statutory definition of 'development' which is set out in section 55 of the Town and Country Planning Act 1990.

### Development includes:

- Building operations (e.g. structural alterations, construction, rebuilding, most demolition)
- Material changes of use of land and buildings
- Engineering operations (e.g. ground works)
- Mining operations
- Other operations normally undertaken by a person carrying on a business as a builder
- Subdivision of a building (including any part it) used as a dwelling house for use as 2 or more separate dwelling houses

The categories of work that do not amount to 'development' are also set out in section 55 of the Town and Country Planning Act 1990. These include, but are not limited to the following:

- Interior alterations (except mezzanine floors which increase the floorspace of retail premises by more than 200 square metres)
- Building operations, which do not materially affect the external appearance of a building. The term 'materially affect' has no statutory definition, but is linked to the significance of the change which is made to a building's external appearance
- A change in the primary use of land or buildings, where the before and after use falls within the same use class.

## Applying for planning permission

There are two main types of application - applications for full planning permission and applications for outline planning permission.

An application for full planning permission results in a decision on the detailed proposals of how a site can be developed. If planning permission is granted, subject to compliance with any planning conditions that are imposed, no further engagement with the local planning authority is required to proceed with the development granted permission, although other consents may be required.

An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'. Reserved matters are those details of a proposed development which an applicant has chosen to 'reserve' for consideration at a later date. They are access, appearance, landscaping, layout and scale. Another application for the approval of reserved matters must be made.

Applications can also be made for:

- Discharge of conditions attached to a grant of permission
- Amending proposals that have already got planning permission
- Amending planning obligations
- Lawful development certificates
- Prior approval for some permitted development rights
- Non-planning consents for example for advertisements or tree preservation orders

### What is a lawful development certificate?

There are two types of lawful development certificate. A local planning authority can grant a certificate confirming that:

- (a) An existing use of land, or some operational development, or some activity being carried out in breach of a planning condition, is lawful for planning purposes or
- (b) A proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes

## Planning application process



## Who decides whether development can go ahead?

Most planning applications are determined by the local planning authority; your local Council. Some will be decided by planning officers, but the more complex or locally important proposals will be decided by elected members; local councillors.

If permission is refused or the local planning authority does not make a decision within specified time periods, the person making the application can appeal to the Planning Inspectorate. So some applications will be determined by a planning inspector acting on behalf of the Secretary of State or even the Secretary of State who sometimes determines applications directly in certain circumstances. In London, the Mayor has similar powers.

## Can Parish or Town Councils take the decision on a planning application or appeal?

Parish councils are statutory consultees in the planning process which means there is a requirement to consult them on planning applications for certain types of development.

Local planning authorities must also notify any designated neighbourhood forum of any planning applications in their area where there is a neighbourhood plan that is post-examination or made.

Parish councils do not have the power to make decisions on planning applications or appeals within their area.

## How are decisions on planning applications and appeals made?

The law indicates that the decision taker must make the decision in accordance with the development plan unless there are material considerations that indicate otherwise.

The development plan can consist of a number of different documents or plans. It consists of:

- Strategic Plans (in London this is the London Plan)
- Local Plans, development plan documents, adopted by local planning authorities<sup>1</sup>, including any 'saved' policies from plans that are otherwise no

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<sup>1</sup> Local plans are most often prepared by a single LPA, however sometimes plans are produced jointly by several LPAs.

longer current and those development plan documents that deal specifically with minerals and waste

- Neighbourhood plans where these have been approved at referendum
- Any 'saved policies' from the former Regional Spatial Strategies or Structure Plans until these are replaced by Local Plan policies.

A material consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). Many different issues can be regarded as material considerations including the effect on nearby properties through such issues as loss of light, privacy or outlook, noise and disturbance, previous case law or applications and so on. Issues that are not usually regarded as material considerations relate to ownership or covenants, value of property or competition between businesses.

The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided it has regard to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

Therefore making a decision on a planning proposal begins with the relevant development plan policies and takes into account any material considerations.

## Planning conditions

Sometimes planning permission is granted subject to conditions. Conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.

Whilst local planning authorities can impose conditions as they think fit, they should only be imposed where they are:

- Necessary
- Relevant to planning and to the development to be permitted
- Enforceable
- Precise and
- Reasonable in all other respects.

## Community Infrastructure Levy

The Community Infrastructure Levy came into force in 2010 and is a planning charge designed to help local authorities deliver infrastructure to support development in their area.

Most new development is liable to be charged although there are some exemptions. The amount of the levy is set by the local planning authority, but this must be publicly examined by an independent person to make sure it is set at an appropriate level and it will also be kept under review.

The amount will be set out in a charging schedule. It will therefore be different in different parts of the country as it is based on the investment in infrastructure that is needed to support development in the area, but it should not threaten the economic viability of development.

### Community Infrastructure Levy and neighbourhood planning

In places where the Community Infrastructure Levy is being introduced it could be used to at least part fund some of the proposals or priorities in a neighbourhood plan.

Where development has taken place 15% of the levy is passed directly to parish and town councils. Where there is a neighbourhood plan or neighbourhood development order and these have been made, 25% of the levy revenue from development that takes place in the area is given to the parish or town council.

You can find more information in our [Community Infrastructure Levy: Neighbourhood Planning](#) guidance document.

## Planning obligations

Planning obligations, also known as Section 106 agreements (based on that section of the 1990 Town & Country Planning Act) or sometimes called developer contributions, are agreements made between local planning authorities and developers. They are attached to a planning permission to make acceptable development which would otherwise be unacceptable in planning terms. The land itself, rather than the person or organisation that develops the land, is bound by a Section 106 agreement, something any future owners will need to take into account. They usually focus on site-specific impacts and are often used to secure affordable housing or infrastructure improvements.

A Section 106 agreement can:

- Restrict the development or use of the land in a specified way
- Require specified operations or activities to be carried out in, on, under or over the land
- Require the land to be used in any specified way or
- Require a sum or sums to be paid to the authority as a one off payment or regularly

## Can I contact the local planning authority before submitting a planning application?

It can often be useful to send your ideas to the local planning authority or to meet with a planning officer before you submit a planning application. Some local planning authorities make a charge for this service, sometimes known as pre-application advice. However, it is often helpful to know early about potential issues or problems with what you would like to do.

Seeking pre-application advice is encouraged as it can help to ensure that you submit all the necessary plans, information and other documents needed with the planning application and seek to resolve any potential issues with your proposal that might prevent permission being granted.

## What's 'permitted development'?

Certain categories of development are what's known as 'permitted development'. This means that certain types of work can be undertaken without needing to apply for planning permission. They derive from a general planning permission granted by Parliament. Permitted development rights cover dwellings and some commercial work, but not flats, maisonettes or other buildings.

In some parts of the country, permitted development rights are more restricted. For example, in Conservation Areas, National Parks, Areas of Outstanding Natural Beauty, the Norfolk and Suffolk Broads and World Heritage Sites. There are also different requirements for listed buildings.

In addition, sometimes permitted development rights can be removed by the local planning authority through the issue of what's called an Article 4 Direction. This means that a planning application will need to be submitted for work which normally does not need one.

You should always check with the local planning authority to see whether your proposal is permitted development or not before any work begins.

The Town and Country Planning (General Permitted Development) (England) Order 2015 is the principal order that sets out the different classes of development which do not usually need a planning application.

Check out the interactive guidance on the [Planning Portal](#) website which provides guidance on many common projects.

## What is the Use Classes Order?

Common uses of land and buildings have been grouped together in use classes. The uses within each class are, for planning purposes, considered to be broadly similar to one another. For example, shops, restaurants, cafes and financial services are in the same use class. However, not all uses of land fit within the use classes order.

When no use classes order category fits, the use of the land or buildings is described as *sui generis*, which means 'of its own kind'. Examples of *sui generis* uses include scrap yards, petrol stations, taxi businesses or casinos.

Where land or buildings are being used for different uses which fall into more than one class, then overall use of the land or buildings is often regarded as a mixed use, which will normally be *sui generis*.

The exception to this is where there is a primary overall use of the site, to which the other uses are ancillary. An example of this is a factory with an office and a staff canteen, the office and staff canteen would normally be regarded as ancillary to the factory.

## When does a change of use require planning permission?

A change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of 'material change of use'; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.

Movement from one primary use to another within the same use class is not development and does not require planning permission.

If planning permission is required for change of use, there may be permitted development rights which allow change of use without having to submit a planning application.

Otherwise a planning application will be required.

## What is the presumption in favour of sustainable development?

This is contained in the National Planning Policy Framework. This states:

“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”

The NPPF sets out economic, social, and environmental objectives for achieving sustainable development. The NPPF states a presumption in favour of sustainable development, including requirements for plan making. In terms of decisions on planning applications, requirements include approving proposals that accord with an up-to-date development plan.

Where there are no relevant or up-to-date development plan policies, permission should be granted unless the NPPF's policies, or any adverse impacts, significantly outweigh the benefits. For example, if a neighbourhood plan has been produced for an area where the LPA does not have a demonstrable five year land supply for housing, there is potential for housing policies within the neighbourhood plan to be considered out of date and a presumption in favour of granting permission would apply.

However, paragraph 14 of the NPPF takes forward the protections for neighbourhood plans provided by a Written Ministerial Statement from December 2016.

In simple terms this means that when considering applications for housing, housing policies within a neighbourhood plan will still be considered up to date even without the LPA having a five year land supply (and therefore applications can be considered against these policies and refused if not in accordance), provided that the following apply: the plan became part of the development plan no more than two years before the decision on the application is made, the plan contains housing policies and allocations that will meet the identified housing requirement of the area, where the local authority has at least a three year

supply of deliverable housing sites, and housing delivery was at least 45% of that required over the previous three years.

If this criteria is not met, the housing policies in the neighbourhood plan would be considered out of date.

## What's the difference between planning and building regulations?

Building regulations make sure that buildings are safe, accessible and energy efficient. Planning permission deals with the use of land, the appearance of buildings and the impact of development on the environment, its locality and the people who live and work nearby.

You will usually need building control approval if you are building, extending or altering a building.

Sometimes you won't need building control approval, but you may still need planning permission or vice versa. Most of the time you will probably need both.

## How to comment on a planning application

Each planning application has to be advertised so that local people and businesses have an opportunity to view the proposal and make comments on it. There are different requirements for different types of application. Usually a notice at or near the proposed site will be posted and/or letters will be sent to those closest to the site inviting comments. For larger proposals, an advertisement is usually placed in a local newspaper.

**Details of all planning applications and appeals are available from the Council's website or at their offices.**

There is usually a limited time period for comments to be made. It is important that you ensure any comments you wish to make are given by the deadline to ensure they will be taken into account.

If the application is to be determined by a planning committee, it is possible to attend these public meetings and also to speak at these meetings if you would like to.

You can also contact your local Councillor or MP.

## Statutory timescales for applications

Minor applications	8 weeks
Major applications	13 weeks
Applications which requires environmental assessments	16 weeks

## What can I comment on?

Planning issues such as:

- The scale and size of the proposal
- Its design and appearance
- The impact on existing buildings
- Potential impact on light or privacy or overlooking
- The effect on traffic or parking
- Noise and disturbance
- Effect on trees or landscape or wildlife

What re not planning issues?

- Property value
- Land ownership disputes
- Competition for existing businesses
- Preference for an alternative development
- Loss of a view

## Appeals

If a local planning authority refuses planning permission or grants it subject to conditions or fails to deal with an application within statutory time limits, the applicant has the right of appeal to the Secretary of State via the Planning Inspectorate, an independent government agency.

An independent inspector is appointed by the Secretary of State to consider each appeal and the inspector will make their decision in line with the development plan for the area unless there are other material considerations that justify taking a different view.

The inspector may decide that permission should be refused or granted or subject to conditions. Sometimes the decision will differ from the local planning authority's or from what local people seek. This does not mean that the inspector has disregarded the views of the local planning authority or of the local community, but means they have given different weight to all the relevant issues in reaching their decisions.

Planning appeals can also be recovered from the Planning Inspectorate by the Secretary of State for his or her own determination in certain circumstances. These cases will be considered by an inspector who writes a report and makes a recommendation as to whether permission should be granted or not. The Secretary of State will then reach a view taking the inspector's assessment into account.

The Secretary of State also has the power to take over applications from the local authority for his/her own decision. This is known as 'call in'. The process is similar to that for recovered appeals as an inspector will be appointed to hold an inquiry into the proposals and report and make a recommendation to the Secretary of State.

### Types of appeal

1. Written representations for most proposals
2. Hearings for those schemes requiring discussion in a more informal setting
3. Public inquiry for more complex or controversial schemes including where legal issues may be at issue

### Enforcement

Sometimes work is carried out without planning permission or in breach of a permission, for example a structure is built or a restaurant is open for longer than is permitted. Sometimes this arises from a genuine mistake but others can be wilful breaches of planning control.

If you are concerned that development has occurred without planning permission, you can ask your local planning authority to investigate. They have responsibility for taking whatever action may be necessary in the public interest.

There are a number of ways to tackle alleged breaches, but it should be noted that taking action is discretionary and planning authorities should act proportionately. Most authorities will have a local enforcement plan that sets out what they will do when a breach is brought to their attention. This might include seeking informal ways of resolving the issue or asking for a retrospective application to be submitted or formal action which can include prosecution.

#### **What types of things will a Council typically investigate?**

- Building or engineering works that do not have planning permission
- Changes of use of land or buildings that do not have permission

- Non-compliance with planning conditions attached to a grant of permission
- Unauthorised works to listed buildings
- Unauthorised works to protected trees
- Unlawful display of advertisements

**Effective enforcement is important to:**

- Tackle breaches of planning control which would otherwise have an unacceptable impact on the amenity of the area and local residents
- Maintain the integrity of the decision-making process

## What is community-led housing?

Community-led housing is a way for local communities to provide their own decent and affordable homes. Community-led housing is designed and managed by local people and is built to meet the needs of the community; it is not for private profit. So it is often designed to help certain groups for example young people, older people or those in need of affordable family homes. It's often eco-friendly and sustainable. Housing can be rented to local people at affordable rates kept low over the long term or sold to create an income for the community.

### **Community-led housing can help to provide:**

- Affordable housing for those who are in need (such as unemployed people or single parents), young people looking to buy their first house or older
- Residents wanting to downsize
- Reasonably priced homes for families
- Housing that meets the community's wants and needs
- Reduce a long waiting list for council housing.

There are real benefits in considering community-led housing or other kinds of community-led development during the preparation of a neighbourhood plan or immediately after a plan is made.

Community groups often want to go further than can be achieved by planning policies alone. Community-led development can be a means to achieving these benefits and also address land and development viability problems.

### **Different models of community-led housing include:**

- Cohousing
- Self-help housing
- Cooperative and tenant controlled housing
- Community land trusts
- Projects run by community organisations

# Neighbourhood planning

Neighbourhood planning was introduced in 2012. Local communities can produce a neighbourhood plan for their local area. The plan sets out the community's vision for the area and puts policies in place that will shape the future.

The idea behind localism is that decision-making will be passed to a more local level. There are two main parts to neighbourhood planning; neighbourhood plans and Neighbourhood Development Orders (including Community Right to Build Orders).

## What are Neighbourhood Development Orders?

A Neighbourhood Development Order can grant planning permission for specific types of development in a specific neighbourhood area. They can therefore apply to a specific site(s) or a wider area.

Once in place there would be no need for anyone to apply to the local planning authority for planning permission if the type of development sought is covered by the order. This then should make it quicker and easier for acceptable development to go ahead.

A Neighbourhood Development Order must still be in line with national planning policy, with the strategic vision for the wider area set by the local planning authority, and any other legal requirements.

Orders can be prepared by a parish or town council or neighbourhood forum.

## The Process

### Defining the neighbourhood

The town or parish council, or neighbourhood forum, formally submits a neighbourhood area application to the local planning authority, including the proposed boundary of the neighbourhood area. For parish councils applying for the whole of their area, designation must be made. In all other cases, the application is then publicised for six weeks and comments invited. The local planning authority has the power to amend the boundary of the proposed area or approve the application but designate it as a business area as well.

### Preparing the Order

If approved, the town or parish council or forum then starts preparing the order. They must engage the community and notify statutory consultees. This stage must include a six-week consultation period to publicise the proposals and consider responses. It should involve any affected landowner or tenant.

### **Independent check**

The draft order must then be submitted to the local planning authority, who will formally publicise the proposal for six weeks. An independent examiner will then be appointed to consider any representations and check it conforms to national and local policy. Changes may be recommended.

### **Referendum**

Once satisfied with the order the local council will organise a referendum. A majority of people voting must support the order if it is to be made by the local planning authority.

### **Legal force**

If supported, the local planning authority will then bring the order into force and publicise its decision.

## **What's the Community Right to Build?**

The Community Right to Build gives communities the chance to gain planning permission without needing to ask the local planning authority.

If your community wants to construct or rebuild community buildings such as a community centre or community-led housing, a Community Right to Build Order could be worth considering.

A Community Right to Build Order is a type of Neighbourhood Development Order and forms one of the neighbourhood planning tools introduced in the Localism Act 2011. It can be used to grant outline or full planning permission for specific development which complies with the Order and can be used for development including homes, shops, businesses, affordable housing, community facilities or playgrounds.

A Community Right to Build Order is put together by local people who can decide on the type, quantity and design of buildings they want and in the locations they want them.

Once an Order has been drawn up with the involvement of local people, it is publicised and consulted on before being submitted to the local planning authority. The local planning authority will then arrange for an independent examiner to test whether the Order meets the relevant legal tests, such as ensuring it is in line with national planning policies and certain basic conditions.

If the independent examiner gives their approval, the Order is put to a local referendum. If more than 50 per cent of those who vote in the referendum are in favour of the Community Right to Build Order, it will be 'made' and planning permission will have been granted. What is important about this process is that

the community gives permission for the building to go ahead – not the local authority as happens with a traditional planning application.

A Community Right to Build Order can be produced at the same time as a neighbourhood plan, or separately.

## What is a neighbourhood plan?

A neighbourhood plan is a community-led planning framework for guiding the future development, regeneration and conservation of an area. It is about the use and development of land which typically includes a vision, aims, planning policies, and specific proposals for improving the area or providing new facilities.

It can focus on one or two issues such as heritage, transport or housing or can cover a wide range of issues. It can allocate sites for specific kinds of development, but it doesn't have to. It is up to those producing the plan to decide on its scope and content.

A neighbourhood plan, once made, will become part of the statutory development plan for the area. This statutory status is important as it means neighbourhood plans have more weight than other local documents such as village design statements or parish plans.

You can find more information in our [Neighbourhood Plan Roadmap Guide](#).

## Can a neighbourhood plan stop development?

No. A neighbourhood plan must support the strategic needs set out in the Local Plan; it cannot promote less development than set out in the Local Plan or undermine its strategic policies. National policy is clear that it should not be used to constrain the delivery of a strategic site allocated for development in the Local Plan.

This means that a neighbourhood plan cannot prevent development identified in the development plan. However, it can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan. It can also allocate different sites to those in a Local Plan, but should discuss with the local planning authority why the Local Plan allocations are considered to be no longer appropriate. In rural areas, all settlements can play a role in delivering sustainable development.

The plan can shape and guide that development by identifying sites or by shaping development criteria on layout, design, materials, garden and parking requirements or deciding on infrastructure priorities.

The plan can also identify areas for protection such as open spaces valued by the community or green spaces that meet Local Green Space criteria set out in national policy. This shows that the plan can direct development to certain locations and away from others.

### Who leads a neighbourhood plan?

Town and parish councils and, in unparished areas, neighbourhood forums. These are known as qualifying bodies.

The task for both neighbourhood forums and parish/town councils is to lead and co-ordinate the process of producing a neighbourhood plan. It is up to the neighbourhood forum or town/parish council how it chooses to undertake the work and whether it commissions other organisations to work with it or on its behalf.

It should be emphasised that however diverse the make-up of the neighbourhood planning body, it needs to consider the wider diversity of views of the local population. This means effective community engagement at the beginning of - and throughout - the process is very important.

### How to set up a neighbourhood forum

Where there is no parish or town council, a prospective neighbourhood forum of at least 21 people must be formed to lead and co-ordinate the plan-making process. Under legal requirements, a neighbourhood forum must have:

- the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned
- a purpose that reflects the character of the area in general terms
- membership open to people living and working in the area and elected members for the area (reasonable steps must be taken to secure at least one of each) and
- a minimum of 21 members from above groups.

It is good practice to try to make sure the membership of the neighbourhood forum reflects the character and diversity of the local population, with people from different places in the area and different sections of the community. For example, it could include older and young people, different ethnic groups, residents of different economic means and business owners.

You can find more information in our [Establishing a Neighbourhood Planning Forum](#) guidance document.

## How to run a steering group

Often the parish/town council enlists the help and support of volunteers from the local community via a steering group to undertake day to day tasks and coordination of the work and enthuse the community.

It is important to have a good mix of people on steering groups. Often steering groups are made up of parish or town councillors and members of the public.

It is important to remember, that the parish council still has responsibility for the plan and all the final decisions made. The steering group should therefore report to the parish council on a regular basis and receive ongoing endorsement from the parish.

It is advisable to have robust terms of reference so that it is clear who will do what and what people's responsibilities will be.

### Typical terms of reference might include:

- background
- purpose including reporting back to the parish/town council
- principle
- tasks and activities
- membership including appointment and dismissal
- roles
- meeting arrangements
- finance
- changes to the terms of reference
- dissolution of the steering group

A clear purpose and objectives for the steering group are critical. Make sure members are clear about how the group will represent the whole community and what their responsibilities will be. Being clear about the group's purpose and members' roles should help attract the right sort of people who are able to deliver the tasks required. A chair or facilitator should be appointed who will be responsible for setting the agenda and ensuring meetings run smoothly.

Training for all members can be useful to help members feel confident about the process and increase their knowledge. It can also help in identifying skills gaps or knowledge gaps where it might be helpful to seek support and advice on.

## What makes a good steering group member?

- be active
- contribute ideas when needed
- ask questions and test ideas
- explore options
- seek consensus
- help and support other members
- ensure the community as a whole is represented and heard

## Identifying the area

For town or parish councils, there is an assumption that the neighbourhood area will be the same as the parish boundary. However, they may choose a smaller and more focused area, such as a town or local centre. It is also possible to agree to work with adjacent parish/town councils to produce a joint neighbourhood plan. Working in partnership with adjacent parishes can make sense if parishes are small and/or share similar issues and can help with managing resources.

Once the area has been identified, it will need to be submitted to the local planning authority for designation.

Prospective neighbourhood forums will need to identify a neighbourhood area and submit it to the local planning authority for designation.

Neighbourhood areas cannot overlap. Where more than one prospective neighbourhood forum is looking at the same neighbourhood area, or areas that overlap, negotiations would need to take place, preferably before submitting either area for designation. Solutions could be to amend the neighbourhood area boundaries to create two separate and distinctive areas with no overlap, or for the prospective neighbourhood forums to merge into one forum and to propose a neighbourhood area that they can agree on.

It should be noted, there can be only one neighbourhood area for each neighbourhood plan and only one neighbourhood plan for each neighbourhood area. There can be more than one Neighbourhood Development order in each neighbourhood area.

It can be quite challenging to decide on what the area should be. A good rule of thumb is to ask 'what is the local neighbourhood?'. However, the area is defined it is important that the boundary is clearly defined by physical characteristics and is logical.

### Areas could be identified by considering:

- Village or settlement boundaries
- Physical appearance or characteristics including residential areas or features like rivers or railway lines
- Catchment areas for facilities such as local parks, schools, medical centres, work places or businesses
- The areas where community groups operate
- Administrative boundaries, wards or postal districts

### How long will it take to produce a neighbourhood plan?

It will be up to individual areas to decide on the pace at which they wish to progress their plans.

However it is anticipated that on average the process is likely to take between one and two years.

### How much does it cost to do a neighbourhood plan?

There is no fixed format or template for a plan and so the cost will depend on how complex the plan is and its scope. Costs might include preparing evidence, engagement with the community, undertaking accompanying documents such as strategic environmental assessments, employing consultants to support the process, room hire and printing costs. The cost of the referendum and the independent examination are met by the local planning authority.

Case studies of some plans that have been made range from about £4,000 to £20,000, but others have cost a lot more. The plan will cost as much or as little as you want it too and will also depend on the skills and expertise of those producing the plan. You might for instance be able to get printing at cost from a local business or sponsorship for a community event.

It is useful to agree what support and information the local planning authority can make available as this should help to reduce costs.

To help with the costs of producing your plan, the following support is available:

- Grants of up to £9000 for all groups
- Groups facing more complex issues may also be eligible for:
- an additional £8000 of grant support;
- Technical support to help provide evidence, advice, policy direction and process support. This comes in the form of discrete packages of work. For example, a housing needs assessment, evidence base and policy

development, and a health check prior to submitting your neighbourhood plan for examination.

You can find out more information on grant support and technical support and the eligibility criteria by clicking [here](#).

## What can a neighbourhood plan cover?

A neighbourhood plan is a planning document that guides future development in the plan area. It can only deal with the development and use of land.

Neighbourhood plans cannot deal with non-planning matters.

Neighbourhood plans did not have to include policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.

A neighbourhood plan can also allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria.

Although neighbourhood plans cannot deal with non-planning issues, often other issues and community projects or actions will have been considered through the community engagement process. Whilst these issues cannot be delivered through the planning system and therefore cannot be included as planning policies, non-planning content can be included separately from the plan, for example in a separate section or in an appendix.

### Examples of non-planning issues

- improving the local train or bus service
- introducing a 20 mph speed limit or other traffic management measures
- working in partnership with other organisations
- better or different management of the village hall or play area

## How does a neighbourhood plan fit into the planning system?

Neighbourhood plans must be in general conformity with the strategic policies of the development plan. Once made (adopted) neighbourhood plans become part of the development plan and are used in the determination of planning applications to guide development in the area alongside other relevant planning policies.

## Can a neighbourhood plan or order be produced before or at the same time as the local Council is working on a new Local Plan?

Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan.

A draft neighbourhood plan or order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic conditions. So whilst a draft neighbourhood plan or order is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant and useful in developing the plan or order. For example, up to date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or order contributes to the achievement of sustainable development.

Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan
- the emerging Local Plan
- the adopted development plan

With appropriate regard to national policy and guidance.

The parish, town council or forum and the local planning authority should work together positively to share evidence, resolve any issues or conflicts and produce complementary plans. It is important to minimise conflicts between policies in an emerging neighbourhood plan and those in an emerging Local Plan because if there is any conflict between the plans, then the conflict has to be resolved in favour of the policy in the last i.e. most recent document to become part of the development plan.

## Engaging your community

Neighbourhood plans are led and developed by the community. Effective community engagement is key to developing a good plan and a successful outcome at referendum. Finding out what people think and using their local knowledge will also help with developing robust evidence to support the plan.

Planning legislation requires publicity and consultation to take place on emerging neighbourhood plans. When a completed neighbourhood plan is submitted for independent examination, it will have to be accompanied by a consultation

statement, demonstrating that the legal requirements for consultation have been met.

Early engagement to help develop the plan's vision and aims is essential. This will also help to raise awareness about the plan and will encourage people to volunteer to help with it. Specific groups such as school children or older people can be included. At this stage ask general, more open questions about what people like or dislike about the area, what they value and what they would like to see improved.

Mid-stage engagement can help to identify key themes and issues and could be more focused on green spaces or potential sites for development. It could also seek feedback on any options identified.

Once a draft plan has been produced, it must be subject to a six-week consultation known as Regulation 14 or pre-submission stage. This is a requirement of the neighbourhood planning regulations.

After the pre-submission period of consultation, the draft plan will be reviewed and once finalised, submitted to the local planning authority who will then undertake a further six-week period of consultation.

The process of making the plan is just as important as the plan itself. Regular engagement with, and feedback to, the community will help to keep up momentum and involvement.

There are different ways of consulting depending on the proposed content of the plan. However, usually a mix of techniques works well.

### Community engagement ideas

- public meetings, exhibitions and roadshows
- stands at community events
- questionnaires and surveys
- website, social media, newsletters, leaflets and posters
- workshops and focus groups

You can find more information in our [Neighbourhood planning community consultation](#) guidance document.

## How to engage with landowners and developers

Landowners are people and businesses that own or have an interest in, the various parcels of land and buildings in your neighbourhood area. Examples might include derelict sites or vacant buildings, farmland, woods or green space, industrial units or shops.

Developers are people or businesses that invest in development projects such as the redevelopment of existing buildings or the construction of new ones. Developers can be well-known large-scale housebuilders to a local resident wishing to develop a small plot of land. Organisations such as housing associations can also develop land or buildings.

Early and ongoing engagement with landowners and developers can help to deliver your plan and minimise objections or issues at later stages.

### Why engage with landowners?

- Identify potential sites for development
- To help identify any constraints on a site such as contamination or access
- To get agreement that the site or land is available for development or a designation such as a Local Green Space
- To avoid surprises at later stages of plan making

### Why work with developers?

- To make sure the site is suitable for development and to help decide how much development the site can take
- To ensure that development is viable and can be delivered on a site
- To help with drawing up schemes
- To get information about the local market and demand for housing in your area

Once you have identified the landowners and developers, the next step is to talk to them. This can be nerve racking and often is resisted by local residents. The key is to engage with them in an open and transparent way. Engage as soon as you can and continue that engagement throughout the process as this will allow discussions and issues to be resolved sooner rather than later.

Be transparent; invite landowners and developers for a meeting but set an agenda and take notes. These can be published and form part of your evidence

base. Ensure that more than one person from the Group attends the meetings and ideally a third party is there.

Recognise there will be commercial sensitivities and that often the conversations will take place in confidence. Make sure the community is aware of what is happening and understands the need for development; outcomes rather than the details can be still be minuted.

Sometimes developers can be invited to address the community in an open day.

Invite comments from landowners, developers and businesses as an integral part of your engagement.

### Is evidence needed for a neighbourhood plan?

Yes. Whilst there is no tick box' list of evidence needed, you will need evidence to inform the development of policies and to demonstrate that the policies are backed by facts.

Evidence can take many forms; it can be quantitative such as published facts and figures from sources such as the Census data or qualitative i.e. opinions given in consultation responses. The key is to ensure that the policies in the plan are based on proportionate and robust evidence so that the intention and rationale of the policy is explained and understood.

There is a wealth of information to tap into. The local planning authority should share its evidence base with you. There will be published data about your area and its characteristics for instance population data or on car ownership.

Information is available from organisations and bodies such as Historic England or the Environment Agency or on websites such as MAGIC. Locally based organisations or charities or amenity groups will also hold valuable information. Existing documents such as a village design statement may be useful too.

If there are gaps in the evidence, then specific evidence will need to be collected, for example by undertaking a landscape character assessment or housing needs survey.

We have produced a number of guidance documents and toolkits which can help you build your evidence base, including:

- Housing Needs Assessment at neighbourhood plan level; and
- Site assessment for neighbourhood plans.

You can access these [here](#).

## Key timescales for decisions

Whilst there are no prescribed timescales for parish and town councils or forums in which to make decisions, certain decisions taken by the local planning authority must be taken within prescribed timescales.

These are:

- the designation of a neighbourhood area (13 weeks or 20 weeks depending on the area applied for)
- the designation of a neighbourhood forum (13 or 20 weeks depending on circumstances)
- the decision on whether to put a neighbourhood plan or order to referendum after the receipt of an examiner's report (5 weeks)
- the period of time for the local planning authority to seek further representations and make a final decision in those cases where the local planning authority wants to make a decision that differs from that recommended by the examiner (6 weeks further consultation and 5 weeks from the end of that period)
- the time period within which the referendum must be held after deciding the plan or order should be put to referendum (5 weeks)
- the time period to bring a plan or order into force after it has been approved in a referendum (8 weeks)

## Neighbourhood plan process

### 1. Getting Started

- Clarify why a plan is needed.
- Publicise the intention to produce a plan. Identify and contact key local partners.
- Dialogue with the local planning authority.
- Produce a project plan with costings.

### 2. Defining the neighbourhood area

- Determine the neighbourhood area.
- Submit neighbourhood area proposal.
- LPA consults\*.
- LPA approve.

### 3. Neighbourhood forum

- Put together prospective neighbourhood forum.
- Submit forum proposal.
- LPA consults\*.
- LPA determines area.

### 4. Community engagement & involvement

- Publicity.
- Engage local partners. Initial community engagement (broad issues).
- Provide feedback.
- Ongoing community engagement (aims, content, detail).

### 5. Building the evidence base

- Review existing evidence and identify gaps.
- Compile new evidence.
- Analysis of evidence.

### 6. Themes, Aims, Visions Options

- Identify key issues and themes and prioritise.
- Develop key aims.
- Look at options.

### 7. Writing the plan

- Policies, proposals, site allocations.
- Consider sustainability, diversity, equality, delivery.

### 8. Consultation

- Consultation on plan\*.
- Amend plan.

### 9. Submission

- Submit to LPA.
- LPA publicises\*.

### 10. Independent examination

- LPA appoints examiner.
- Examination takes place.
- Examiners report.

### 11. Referendum

- Publicise referendum\*\*.
- Referendum.

### 12. LPA makes the plan.

\*Minimum time – 6 weeks

\*\*Minimum time – 25 working days

## What's the difference between a neighbourhood plan, parish plan, community plan or village design statement?

	Neighbourhood Plans	Parish Plans	Village Design Statements (VDS)
<b>Purpose and aims</b>	Sets out the type of development and its location and guides the future development of the area.	Takes a holistic approach by setting out a vision for how the community wants to develop in the future and identifies actions needed to achieve this.	Sets out the key characteristics of the locality so that new development is in keeping with local character and development is of a high quality.
<b>Scope</b>	It is only concerned with the development and use of land and buildings and so is planning related.	It can include everything important to the community including economic, social and environmental issues so can go beyond planning matters.	It is about the design of new development.
<b>Status</b>	Once adopted or made the plan becomes part of the statutory development plan for the area and must be used in the determination of planning applications so has more weight than either parish plans or VDS. It can also set out the amount, type and location of development subject to meeting the basic conditions.	It could be adopted by the local planning authority as a material consideration to be considered in the determination of planning applications.	It could be adopted by the local planning authority as supplementary planning guidance and be used by the local planning authority in the determination of planning applications.

## Basic conditions

In order to be made, or adopted, the neighbourhood plan must meet the so called basic conditions. These include compliance with European and national legislation, contributes to the achievement of sustainable development, having appropriate regard to national policy and being in general conformity with existing strategic local planning policy. There are also two additional ones that apply to neighbourhood development orders and these relate to listed buildings and their settings and conservation areas.

### What are the basic conditions?

- having regard to national policies and advice
- contributing to the achievement of sustainable development
- being in general conformity with the strategic policies in the development plan
- not being in breach of, and being otherwise compatible with, EU obligations
- not likely to have a significant effect on a European site

## What is a 'strategic policy' and what is meant by 'general conformity'?

The local planning authority will confirm which strategic policies are. Generally, these will be policies that deal with the homes and jobs needed in the area as well as commercial or leisure development, infrastructure, health, community and cultural facilities and the conservation and enhancement of the environment. Other things to bear in mind are whether the policy sets out an overarching objective, the scale at which the policy operates, whether it seeks to shape the broad characteristics of development, whether it is central to achieving the plan's vision

General conformity means that the neighbourhood plan should support and uphold the principle of the strategic policy. If there is any conflict, the degree of conflict will be considered. The rationale and evidence for the neighbourhood plan policy will also be taken into account as it might provide a distinct local approach or additional layer of detail without undermining the strategic policy.

You can find more information in our [General Conformity with Strategic Local Policy](#) guidance document.

The neighbourhood plan should not promote less development than that identified in the development plan for the local area (such as new housing allocations). It can allow greater growth levels. Also, it can specify policies and guidance on how new development should be designed, orientated and located.

A robust programme of community engagement and proportionate evidence base should help to make sure that a neighbourhood plan is based on a proper understanding of the area and of the views, aspirations, wants and needs of local people. Producing a clear project plan with key milestones could be very helpful in guiding the plan-making process.

Once a neighbourhood plan has been completed, it will have to be submitted to the local authority and then be subjected to an independent examination. This will make sure that the proper legal process has been followed and that the plan meets the basic conditions.

### Independent examination

The independent examiner will test whether the draft neighbourhood plan or order meets the basic conditions and other matters which are:

- the plan has been prepared and submitted for examination by a qualifying body
- it has been prepared for an area that has been properly designated
- it does not relate to more than one neighbourhood area
- it specifies a time period
- it does not include provision about excluded development
- its policies relate to the development and use of land for a designated neighbourhood area.

Usually, the examiner should be able to undertake the examination by written representations. This means that the documents accompanying the plan and any representations made during the consultation period on the draft plan will be the main source of information for the examiner.

However, if the examiner considers it necessary to give a person a fair chance to put a case or to make sure there is adequate examination of an issue, a hearing can be held. The examiner will set the agenda for this, selecting the issues s/he wishes to discuss and invite the participants which will always include the parish or town council or forum and the local planning authority. Hearings will always be held in public.

The examiner must make one of three recommendations: that the plan can proceed to a referendum on the basis it meets all the necessary legal requirements or that the plan can proceed to a referendum subject to

modifications or the plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the examiner considers the plan can proceed to referendum with or without modifications, the referendum area is also considered, and the examiner can recommend the referendum area be extended beyond the neighbourhood area.

The examiner must send their report to the local planning authority and the qualifying body.

### **What happens after the examiner's report is received?**

The local planning authority must then decide what action to take in response to each of the report's recommendations. If the authority propose to make a decision which differs from that recommended by the examiner, it must notify the qualifying body, any consultation body previously consulted and anyone making representations on the draft plan of their proposed decision and reasons and invite further representations.

Any representations must be submitted within 6 weeks of the local planning authority first inviting representations. The local planning authority may, if it considers it appropriate to do so, refer the issue back to independent examination. Once the period for representations is over, the local planning authority must issue its final decision within 5 weeks, or within 5 weeks of receipt of the examiner's report if the issue was referred back to examination.

The local planning authority is then responsible for organising a referendum if the plan is to proceed. If more than 50% of people voting, vote in favour of the plan, the local planning authority must make, or adopt, the plan. Once it is made, it becomes part of the statutory development plan for the area and will be used in taking decisions on planning applications in the area.

# Neighbourhood Planning

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Locality  
33 Corsham Street, London N1 6DR  
0345 458 8336

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