

24th May 2011

Existing Tools for Neighbourhood Planning

Introduction

1. The Royal Town Planning Institute has produced this paper to show how neighbourhood planning can be undertaken within the existing planning system, and give examples of neighbourhood planning in action. This is intended to demonstrate how local communities can get on with shaping their areas in advance of the Bill being enacted.
2. The neighbourhood planning mechanisms provided for in the Localism Bill are intended to augment the range of options already available to communities to create a vision for their future, by giving those communities the power both to plan and to deliver for themselves – with checks and balances regarding accountability, representativeness and compatibility with other programmes. Other informal or non-statutory neighbourhood planning activities will continue, with the option that they can be developed into statutory plans, if doing so would meet the community's aspirations.
3. More information about the Localism Bill's provisions on neighbourhood planning, and the RTPI's response to them can be found on our dedicated web page: www.bit.ly/localismbill.
4. The range of tools below is not intended to be exhaustive, but simply show examples of approaches that communities can take to planning for their areas, highlighting some common threads. The RTPI intends to continue to gather examples of practice in this area, and highlight the best of each type on its website www.rtpi.org.uk/item/4591.
5. All of these measures are of course additional to the engagement of communities and neighbourhoods in higher-level statutory plan-making processes, such as core strategies, a vast amount of which takes place, successfully addressing communities' aspirations across the UK.

Working with local planning authorities

6. Part of the background to the Localism Bill's neighbourhood planning proposals arises from cases where neighbourhoods feel that their local planning authority has frustrated their attempts to plan or deliver for themselves. This frustration may arise for two main reasons: (a) there is a difference of policy emphasis or approach between neighbourhood and local planning authority, and/or (b) the local planning authority does not have the resources to commit to neighbourhood-level planning.
7. Many, and possibly most, local planning authorities would welcome neighbourhoods coming forward to pursue their own initiatives, especially where the local planning authority does not have the resources itself to undertake the detailed work necessary to back such plans up.
8. While traditionally much of the work on plans has been done by local authority planning officers, with decisions being made by councillors, there is little in the regulations that would prevent

work being undertaken by others, apart from key decisions, such as formally adopting certain statutory plans. (The Localism Bill does not circumvent the need for statutory neighbourhood plans to be adopted by the local planning authority.)

9. In recent years, in response to slower than anticipated progress with Local Development Framework coverage in England, both the Labour and Coalition governments have taken steps to reduce the regulatory burden on plan preparation, and so increase flexibility, a process continued by parts of the Localism Bill. In particular, changes to the prescriptions on managing the planning process through “Local Development Schemes” and “Statements of Community Involvement” have made the preparation and adoption of Supplementary Planning Documents – the type of plan commonly used for local design guides and site development briefs – more flexible and responsive. In addition, the removal of the requirement for Local Development Orders (see below) to be based on an adopted development plan policy has made them a more practicable proposition.
10. These moves make neighbourhood planning in partnership with local planning authorities more viable as an option in addition to the Localism Bill Proposals.

Planning for Your Neighbourhood - Non-Statutory Options

11. A wide range of tools not governed by planning law (i.e. non-statutory) are available to communities to plan for their areas, including:
 - Village appraisals
 - Village design statements
 - Parish plans
 - Community-led planning / Community Action Plans
 - Town Action Planning / Market Town Healthcheck
12. In addition, there are tools that can be used to make plans for specific sites within a neighbourhood – these are explored at the end of this paper.
13. The advantage of these non-statutory neighbourhood planning tools is that their scope is not restricted to those matters that are covered by planning law – in this respect they may be more “complete” than statutory plans, which tend to focus on developments requiring planning permission. Such tools can be used to create a vision for the area, including guiding the way a community manages its area and its activities, regardless of its development aspirations. But they can have a wide range of applications for the planning system, from simply enabling the community to develop a vision for its future, through building consensus in responding to planning (and other) issues, to being a means of gathering evidence for statutory planning processes.
14. These tools, and others, are promoted by many organisations working in the field of community development, particularly in rural areas (although their benefits transfer easily to urban areas). We will provide further details of these organisations and initiatives through our website.

15. A general principle that can be applied to these documents is that they can be taken into account in deciding planning applications, as their provisions carry some weight as “material considerations” in planning decisions, especially where the policies of statutory plans are silent or inconclusive. The weight that can be applied to non-statutory community plans increases with evidence of community support, sustainability appraisal, and conformity with more strategic plans and national policy.
16. Furthermore such non-statutory tools (or parts of them) can be developed into the types of statutory plans set out below.

Practice Example: Non-Statutory Guidance

Alton and Petersfield Town Design Statements, East Hampshire

Alton, population 17,000, has undertaken a Market Town Healthcheck and a Town Design Statement.

Petersfield is the second Town Design Statement later adopted as non-statutory planning guidance by East Hants District Council.

Other design statements have also been adopted as Supplementary Planning Guidance by the council, including Liss VDS, Lasham, Rowlands Castle and East Meon.

<http://www.easthants.gov.uk/ehdc/formsfordownload.nsf/0/7e8ea2891825837480257585005068d8?OpenDocument>

www.easthants.gov.uk/ehdc/planningpolicy.nsf/0/d2ea5d15bf14fc26802576c4003c8350?OpenDocument

Planning for Your Neighbourhood - Statutory Options

17. There are three key reasons why a community might want to prepare a neighbourhood plan:
 1. to put in place development policies and proposals which will be able to deliver the neighbourhood’s aspirations for their area;
 2. to put in place development policies and proposals to determine at the neighbourhood level how wider aspirations of the Local Development Framework are to be delivered; and/or
 3. to put in place development management policies to ensure that development that takes place respects and reinforces the character or environment of the area.
18. Ahead of the Localism Bill there are two types of statutory plan – “development plan documents” and “supplementary planning documents”. A development plan document carries the full weight of law in that, generally speaking, the local planning authority must determine planning applications according to policies in the development plan (noting that there may be several development plan documents applying in any area, covering different issues). One type of development plan document is an “area action plan” (AAP) which could be used for neighbourhood plans (see below). The strength development plan document policies have is the result of the processes they need to go through, and the checks and balances involved: the level of investment needed to achieve this may not be desirable for all neighbourhood planning activity, but it is an option that is open to communities working with their local planning authority.
19. Supplementary Planning Documents (also known as supplementary planning guidance) are not part of the development plan, but supplementary to it, as the name suggests. They are usually used to give more detail to policies already contained in a development plan document; for

example, if a development plan policy calls for high quality design that reflects the character of an area, a supplementary planning document can set out details of what that might mean, e.g. as a design guide, specifying appropriate materials, building heights, details, etc., or greater information about how a particular site might be developed (see also “Site Specific Options” below).

20. There are some things that supplementary planning document cannot do, however, such as designate a site for development, as such proposals require environmental appraisal and public examination, and are therefore reserved for development plan documents.
21. In addition to these options, the Localism Bill will introduce “Neighbourhood Development Plans”, which, like development plan documents, will be a part of the development plan.

Area Action Plans: a type of development plan document that includes area-wide policies and site specific proposals; because an AAP allocates sites for development, it needs to be subject to strategic environmental assessment/sustainability appraisal (SEA/SA) and independent public examination. Under the current 2004 Act, there is no provision for a neighbourhood to demand that an AAP is produced, or for a neighbourhood body to produce an AAP independently for later adoption by the local planning authority; but there are no specific provisions that prevent these. It would need to persuade the council that it was a good idea to produce one.

A Supplementary Planning Document (see para 19) in the form of a design guide for the area, may be used to set out what the character of the area is and how development can respect and reinforce that character. Design guides do not allocate development sites, and so do not require environmental assessment or public examination. Such a supplementary planning document could also include standards such as parking provision, open space, etc., that are specific to the area. Referendum powers might be used where the local planning authority is not convinced that such a supplementary planning document is needed, but in many areas, local planning authorities would welcome the support of neighbourhoods in defining and protecting the character of their areas. There are many examples of places in which communities have developed their non-statutory village design statements and parish plans into supplementary planning document design guides with their local authority.

Practice example: Parish Plans and Village Design Statements as supplementary planning document

Carrick and Caradon, Cornwall

Many of the former district councils in Cornwall adopted Parish Plans, or elements of them, as supplementary planning documents.

Carrick and Caradon district councils worked jointly on a project funded by Planning Aid, using a community planner to work with a parish from each district to have appropriate elements of their Parish Plan adopted as supplementary planning document. The aim of the project was to establish a protocol to enable the adoption of further parish plans and to ensure that the wishes of the community taken into account in development management decisions. In five months to March 2008 the St Just in Roseland Parish plan was produced and adopted as supplementary planning document; it is still used in development management decision making.

Uttlesford District incl Great Dunmow, Essex

These have been a really valuable tool for the District Council, both in the final outcome (a usable targeted document) and also in the process which produced them.

As well as producing a plan these exercises can help to pull a community together, identify new leaders and identify projects which the local community can get behind. These are much better ways to involve people in the process than with a consultation on a more removed Core Strategy – it actually means something to people in their daily lives.

The Great Dunmow Town Design Statement was originally prepared as a non-statutory guide by an independent group with town council support. Innovative engagement techniques attracted contributions from 2000 people out of the town of 7500 made some kind of comment or contribution. The local youth group built a model of the whole town. The finished product has been cited as good practice in the East.

One of its hallmarks is a broad approach, encompassing all aspects of the environment but without treading on the local planning authority's toes with respect to development sites. This can be difficult to get over to people, who may feel they want 'no more development'. The local authority, Uttlesford District Council adopted the TDS.

Further information:

<http://www.uttlesford.gov.uk/main.cfm?Type=PLDPP&MenuId=1106>

<http://www.greatdunmowtds.org/>

22. There are other types of statutory planning-related policy documents that could be led by neighbourhood planning principles, including conservation area appraisals and management plans. CA appraisals and management plans are tools that define the character of conservation areas and make proposals for their enhancement. In existing practice they are sometimes adopted by the local planning authority as a supplementary planning document, but not always. In particular CA management plans can be used to help secure funding for environmental enhancements.

Planning for Your Neighbourhood – Using Permitted Development

23. “Permitted development” is the name given to the types of building work and changes of use that can be undertaken in law without the need to apply for planning permission. These are mainly defined in national law through the “General Permitted Development Order”.
24. Local planning authorities already have the power to issue Local Development Orders, whereby specified classes of development are permitted within a designated area without the need for individual planning applications.
25. Local Development Orders have been available to local planning authorities since 2004, but the first one was only formally designated in 2010 (in High Wycombe town centre), partly as a result of government relaxing the conditions for making an order. The Localism Bill proposes to introduce powers for neighbourhoods to make “Neighbourhood Development Orders”, that would have the same effect.
26. Neighbourhoods may find it easier to work with their local planning authority on a local development order, rather than go down the more complex route of a neighbourhood development order under the Localism Bill. This would be a particularly effective tool for commercial areas including Business Improvement Districts.

Practice Example: Local Development Order

Carnon Downs, Cornwall

A village design guide and Local Development Order have been produced for Carnon Downs. The local development order is currently with the SoS awaiting final adoption. The design guide provides the evidence and rationale for the local development order and was developed through a project team approach that was led and supported by Cornwall Council and fully involved local residents.

This process greatly improved communication and mutual understanding between Cornwall Council and the parish on all planning matters. Positive outcomes from the Design Guide include:

- *All contentious planning applications now influenced in some way.*
- *Parish Council reviews planning applications differently and more professionally.*
- *Relationships with Cornwall Council improved.*
- *Parish Plan objectives met.*
- *Guide provides evidence base for future pre-application discussions.*
- *The basis for input to local spatial planning*

The local development order Extended Rights will permit (within certain limitations): extensions at the front of properties, additions to the roof at the front, and porches up to 5 square metres. Different rights will apply to different character areas within the village.

27. Options for planning using permitted development rights are not limited to extending rights through a development order; it is also possible to restrict permitted development rights through what is known as an “Article 4 Direction”. Such directions are available to local planning authorities to remove types of development that normally have permitted development rights; this does not mean that development cannot take place, only that the requirement to apply for permission is introduced. Article 4 Directions are most often used in conservation areas to ensure that the local planning authority has control over minor developments, such as changes of windows, where this would be important to the character of the area; however they can have other uses. The disadvantage of Article 4 directions is that the imposition of control can lead to compensation being payable, and they also put greater pressure on a council’s planning enforcement service, so they are not popular with resource-strapped local planning authorities.
28. Article 4 Directions require both detailed evidence before being applied, and careful monitoring afterwards; in these respects, the involvement of neighbourhoods is often critical to their success, and so they are very much neighbourhood planning tools.

Planning for Your Neighbourhood – Site-Specific Options

29. Where a neighbourhood group has the resources to deliver its own development, a simple planning application should usually be sufficient to meet its needs, remembering that in the vast majority of cases, local planning authorities grant planning permission. The process is also well recognised and has established checks and balances, including the right to appeal against refusal. A robust pre-application consultation process demonstrating the support of the community is also a strong material consideration in favour of a community-led proposal.
30. Communities can also press the need for particular development through a policy or site allocation in the local plan, and their success in achieving this will be greatly supported if they have a consensus-based vision in place, such as a parish plan or village design statement.
31. Existing national planning policy (PPS3: Housing) includes provisions for “rural exceptions”. This enables the local planning authority to grant permission for housing development in rural areas

that would normally be contrary to general development policies, subject to a clear demonstration that this will meet identified local needs. Such needs could be identified by the community through their neighbourhood planning activities, and they could then work with a landowner and housing association to deliver new homes.

32. Where a site has been identified for development – either through a development plan allocation or through a planning consent – the neighbourhood could lead on shaping the proposals to develop the site, which may be in partnership with the local planning authority, the landowner and/or a developer.
33. This could be in the form of a **non-statutory masterplan**: the weight accorded to it as a material consideration for development management decisions would be influenced by the extent and robustness of consultation, degree of accordance with the development plan, and whether SEA/SA/EIA were undertaken. The local planning authority would have the option of converting such a masterplan to a Supplementary Planning Document (supplementary planning document).
34. A particular type of masterplan is the **concept statement**, an idea promoted by the then Countryside Commission. Concept statements are powerful tools for envisaging the future development of a site by focusing first on areas of consensus, and expressing these in broad and straightforward terms.

Getting help with Neighbourhood Planning

35. The Royal Town Planning Institute (RTPI) has over 23,000 members who work in the public, private, voluntary and education sectors. It is a charity with the purpose to develop the art and science of town planning for the benefit of the public as a whole. As well as promoting the importance of planning, the RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, practice advice, training and development.

Planning Aid

36. While the RTPI is not equipped to directly assist communities in neighbourhood planning, we run Planning Aid England, a locally-based advice and support service for communities and individuals based on a network of 1,200 RTPI members who give their time and expertise free of charge – a service that is at the heart of localism. Similar services are offered by separate charities in London, Wales and Scotland.
37. The services provided by Planning Aid are intended for those who would be unable to afford the fees of a planning consultant.

- Planning Aid England: www.rtpi.org.uk/planningaid/ - Tel: 0330 123 9244
- Planning Aid for London: www.planningaidforlondon.org.uk – Tel: 020 7247 4900
- Planning Aid Wales: www.planningaidwales.org.uk – Tel: 02920 625000
- Planning Aid for Scotland: www.planningaidscotland.org.uk – Tel: 0845 603 7602

Planning Consultants

38. Many of our members work as consultants providing advice and services for people, businesses and other organisations whether they are planning a development or opposing one. Planning

consultancies range from a single person working from their own home, to global companies dealing with major infrastructure projects. You can find them listed under “Planning Consultants” in most telephone directories. Some directories will highlight consultants who are members of the Royal Town Planning Institute (“MRTPI”), which is an indication of quality and professionalism. Note that a neighbourhood planning project might also benefit from the services of other professionals, such as an architect, surveyor or environmental manager.

General Advice on Planning

39. In England and Wales, the government runs the “Planning Portal”, a website that provides a wide range of information on planning topics. As well as providing general planning information both for professionals and the general public, the Portal includes information on planning for most individual councils, including their planning policies and a tool to submit applications online.

- The Planning Portal: www.planningportal.gov.uk

Your Local Planning Authority

40. In most cases, the local planning authority is your district, borough or unitary council; if you live in a national park the national park authority may be the planning authority.

- Find your council: mycouncil.direct.gov.uk

Local Community Organisations

41. A good neighbourhood planning project requires the support of the community, and there are many organisations that may already be working in your community, including a town or parish council in many places. The following is a selection of national organisations representing community groups working in their neighbourhoods, and all provide advice and support to such groups; they will be able to put you in touch with people working in your area.

- ACRE – Action with Communities in Rural England - the national umbrella body of the Rural Community Action Network (RCAN), which operates at national, regional and local level in support of rural communities across the country: www.acre.org.uk
- Action for Market Towns – supports communities in maintaining vibrant and viable small towns: <http://towns.org.uk>
- CDF – Community Development Foundation – a charity and social enterprise that helps communities develop strategies to influence the decisions that affect their lives: www.cdf.org.uk
- Civic Voice – the national charity for the civic movement in England and represents civic societies and amenity groups: www.civicvoice.org.uk
- Community Matters – a network of grassroots community organisations in the UK: www.communitymatters.org.uk
- Groundwork Trust – a group of charities working to help people and organisations create better neighbourhoods: www.groundwork.org.uk

- Locality – a network for community-led organisations: www.locality.org.uk
- NALC – National Association of Local Councils – represents the interests of town and parish councils in England: www.nalc.gov.uk
- NCVO – National Council for Voluntary Organisations – an umbrella body for voluntary and community organisations in England (with affiliated bodies in the rest of the UK): www.ncvo-vol.org.uk
- Rural Services Network – supports providers of services in rural areas: www.rsonline.org.uk
- Urban Forum – a national charity and a membership organisation that supports communities to have a greater say over decisions that affect them: www.urbanforum.org.uk

Royal Town Planning Institute

The RTPI is a charity registered in England (262865) and Scotland (SC 037841)