

# Neighbourhood Planning

**RTPI South West  
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# Giving communities and individuals more power

- Localism Act
- Principles
- Regulations
- Front-Runners
- Support



## Defining Some General Terms

### **Localism**

#### ***Is the ethos...***

Doing everything at the lowest possible level and only involving central government if absolutely necessary

### **Decentralisation**

#### ***Is what we have to do...***

Giving power to individuals, professionals, communities and local institutions

### **Big Society**

#### ***Is what we're trying to achieve...***

A society where people, neighbourhoods and communities have more power and responsibility and use it to create better services and outcomes.

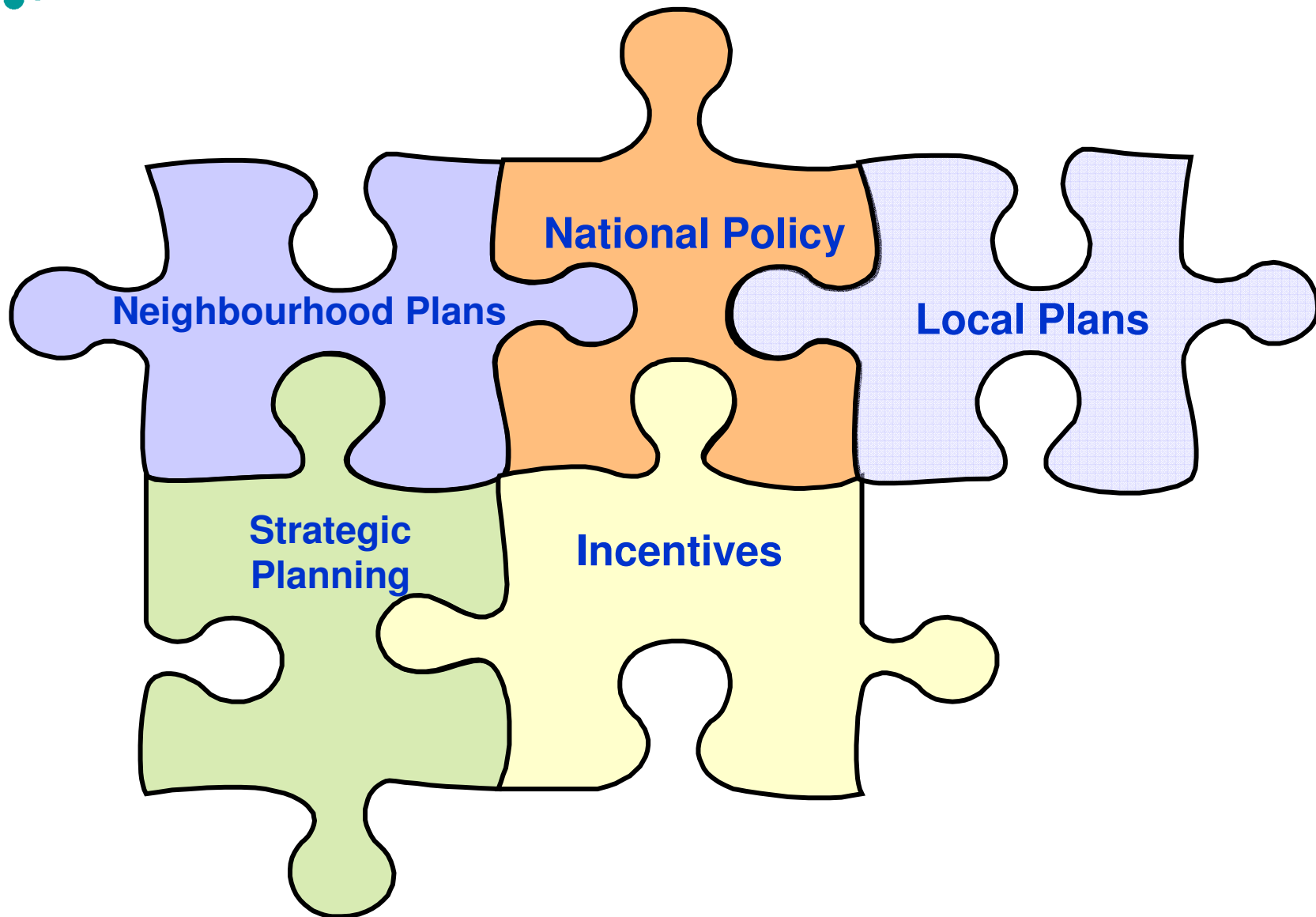


# Localism Act - Giving communities and individuals more power

Through a package of **Rights:**

- The Right **to Plan**
- The Right **to Build**
- The Right **to Challenge**
- The Right **to Buy**

# Planning Reform Agenda





## Neighbourhood Planning – Building on the Best of Community-led Planning

- What is new ? Real statutory weight
- Building on the best of community-led planning
- Community-led – reduced LPA discretion
- All existing tools remain available
- Focus and flexibility is key
- The Basic Conditions
- Shaping not stopping development





“When people know that they will get proper support to cope with the demands of new development; when they have a **proper say** over what new homes will look like; and when they can influence where those homes go, **they have reasons to say “yes” to growth.**”

Greg Clark MP, 18/11/10

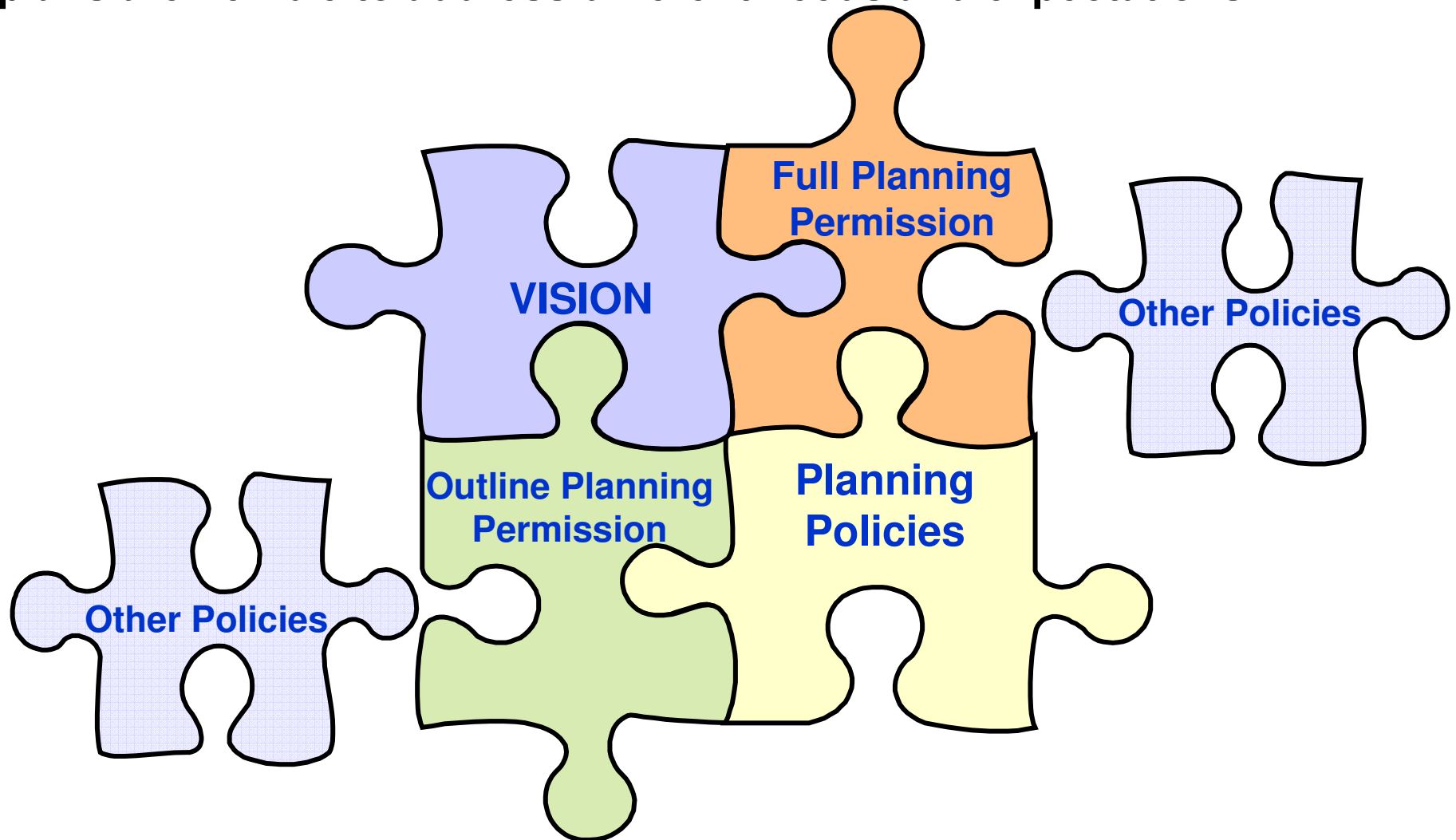


## Planning at neighbourhood level

- The Government is giving neighbourhoods far more ability to determine the shape of the places in which people live through 'neighbourhood plans'.
- Empower communities – residents and business- to **take control of the future of their areas**
- Neighbourhood led
- Light-touch but robust– real power and safeguards
- Flexible - inspire innovation and creativity
- Pro-growth - exploring ways of enabling community supported development
- Critical role for local plan in setting strategic context
- New basis for partnership work with local authority

## Flexibility- putting neighbourhoods in control

**For neighbourhood to decide what a neighbourhood plan contains – plans are flexible to address different needs and expectations**



## Certainty - Basic Conditions for Neighbourhood Planning

- they must be appropriate having **regard to national policy**;
- they must be in **general conformity with the strategic policies** in the development plan for the local area
- they must be **compatible** with EU obligations
- they must be **compatible** with human rights requirements

For neighbourhood development orders and community right to build orders:

- they must have **regard to** the protection and enhancement of listed buildings and conservation areas.



A community applies for a neighbourhood area to be designated

If there is a parish or town council, they take the lead

If no parish or town council, a neighbourhood forum is designated

Work up details with the community and  
Consult **statutory consultees** as appropriate

The local authority can help here

Submit proposals to the local authority

LPA to advise on general conformity with Local Plan and when/which statutory consultees to involve

The examiner is checking the basic conditions – a plan or order must:

- have an appropriate fit with local and national policy;
- have special regard for listed buildings and conservation areas;
- be compatible with EU and ECHR obligations

Independent Examination

Local authority checks proposals

A simple majority is required here

Community referendum

Make a plan or order

## Secondary Legislation - General principles

- Keep regulations to a minimum
- Ensure neighbourhood plans are deliverable, sustainable and credible to be part of the local development plan
- Ensure neighbourhood orders are appropriate to grant development consent for compatible development
- Enable communities to enter into a positive dialogue with local planning authorities
- Meet our EU environmental and human rights obligations
- **Regulations on referendums and charging are being dealt with separately – avoid duplication**

Basic requirements in Localism Act – who can apply

The regulations set out:

- 1) The basic requirements of a neighbourhood area application such as:
  - a **plan or statement** that sets out the proposed neighbourhood area;
  - a **statement** of why the area is appropriate for neighbourhood planning;
  - a **statement** that the group submitting the application is capable of being a qualifying body
- 2) LPA to publish the application for 6 weeks and invite comments
- 3) LPA to decline applications where the parish or town council, or prospective neighbourhood forum has made more than **one** application

# Neighbourhood Forums

Membership requirements and criteria in Localism Act;

The regulations set out:

1) Applications must include:

- Neighbourhood Forum's\* **name and written constitution**;
- Name of the neighbourhood area;
- **Contact details** of the Neighbourhood Forum; and
- A statement of how the Neighbourhood Forum meets the conditions for neighbourhood forums in the Act.

2) LPA publishes notice of application for 28 days and allow for further applications

3) LPA publishes decision on designation of a forum

\*At this point the body applying must be capable of being a neighbourhood forum



## Consulting on proposals



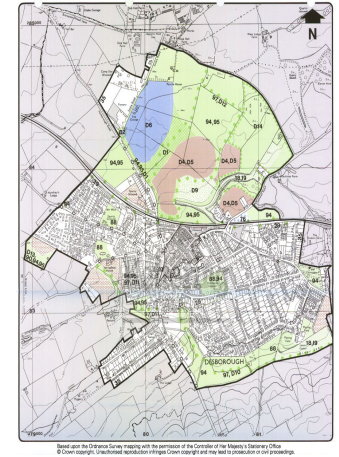
The regulations set out:

- Forum/Parish Council to **publicise** the proposals— bringing them to the attention of a majority of those who live, work or operate business in the neighbourhood area.
- Forum/Parish Council to publish contact details for **representations** and information about the proposed timetable for consultation.
- Minimum **6 week** consultation period
- Forum/Parish Council to consult any **statutory consultees** whose interests are affected – LPA can advise

# Submitting Proposals

The regulations set out:

- Forum/Parish Council to submit proposals with:
  - a **plan or statement** showing the area covered by the proposals;
  - a **consultation statement**;
  - the **title** of the draft plan/order; and
  - a statement outlining how the proposal meet the **basic conditions**
- The consultation statement to:
  - identify the names of persons whom the qualifying body consulted;
  - how those persons were consulted;
  - a summary of the main issues raised; and
  - how those issues have been addressed
- LPA to publish proposals for 6 weeks and make draft orders available for inspection



## Independent Examination

- **Details set out in the Localism Act**
- Independent Examiner must have appropriate qualifications and experience and meet other requirements in Act (e.g. independent)
- Examiner appointed by LPA but appointment must be agreed with parish council or neighbourhood forum
- Examiner to look at written representations and only if necessary will hold a public hearing
- Examiner is limited to only considering whether proposals passed regulatory requirements (e.g. consultation) and whether neighbourhood plan/order meets 'basic conditions' (e.g. national policy)
- Examiner produces a report which summarises their findings.

## Making a Plan/Order



The regulations require:

- LPA to publish the examiner's **report**
- LPA to publish the **decision (to put plan/order to referendum)** on their website;

After the referendum takes places.....

- LPA to publish **decision (to make plan/order) and reasons** on website and make available for inspection
- LPA to send a copy of their decision and reasons to:
  - The Forum/Parish Council
  - The Environment Agency
  - Natural England
  - Historic Buildings and Monuments Commission for England
  - Anyone who has made written representations
  - **For orders** - Any known owner or tenant of all or part of the land to which the order relates
- LPA to publish the plan/order on their website and make available for inspection

## Front Runner projects

- **Four ‘waves’ of frontrunners giving 125 Neighbourhood Planning Front Runner projects**
- **Almost two thirds of frontrunners led by Parish/Town Councils**
- **Six business-led front runners.**
- **Front Runner projects range from those covering small neighbourhood areas or a single issue plan to large and complex projects.**
- **Aim is to produce a DPD or LDO**
- **25 (20%) in the south west**

- **Committed to providing up to £50 million until March 2015 to make neighbourhood planning a success**
- **Providing £3m this year to support communities with advice on a range of planning issues, including neighbourhood planning.**
- **Published an easy to understand guide to Neighbourhood Planning on 13 October (available at <http://www.communities.gov.uk/publications/planningandbuilding/introductionneighbourplanninge>).**
- **Recognise communities may need some additional guidance - considering the most appropriate means of providing this.**
- **Also looking at what support can be made directly available to communities more generally to help support neighbourhood planning activities.**



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