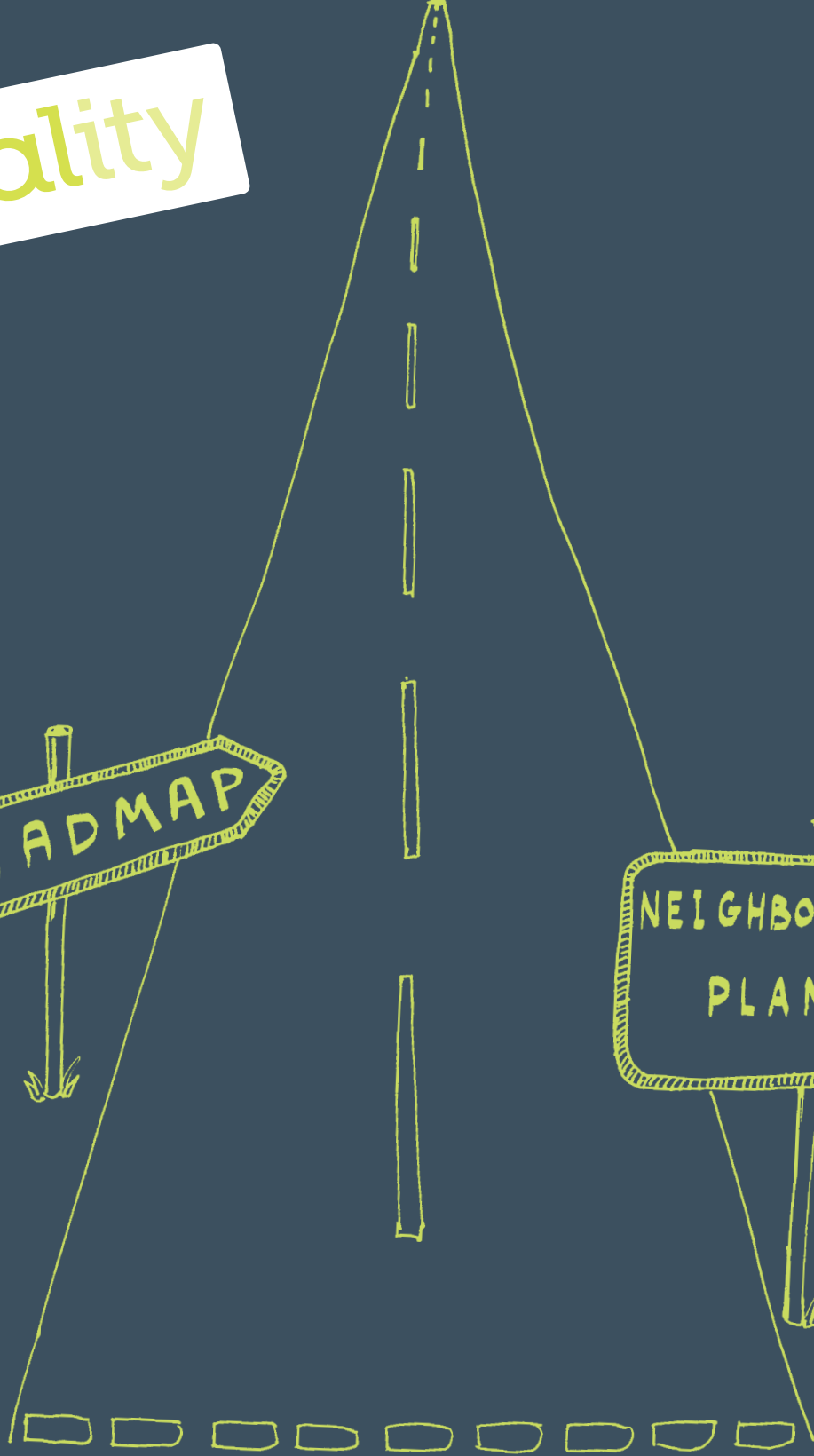


# Locality - A Quick guide to Neighbourhood Plans

locality



# Quick Guide to Neighbourhood Plans

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## Introduction

Since April 2012, local communities have been able to produce Neighbourhood Plans for their local area, putting in place planning policies for the future development and growth of the neighbourhood.

This guide gives a concise summary of the process for producing a Neighbourhood Plan under the Localism Act, together with suggestions for good practice.

This guide focuses on Neighbourhood Plans rather than Neighbourhood Development Orders or Community Right to Build Orders or other community-led planning tools.



## Elements of Neighbourhood Planning

The elements of neighbourhood planning under the Localism Act are:

### Neighbourhood Plans

A Neighbourhood Plan is a community-led framework for guiding the future development and growth of an area. It may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or allocation of key sites for specific kinds of development. All Neighbourhood Plans must meet Basic Conditions, which are described later in this guide.

Neighbourhood plans relate to the use and development of land and associated social, economic and environmental issues. It may deal with a wide range of issues (like housing, employment, heritage and transport) or it may focus on one or two issues that are of particular importance in a local area.

A Neighbourhood Plan will be subject to examination and referendum and then form part of the Local Development Plan. This statutory status gives Neighbourhood Plans far more weight than some other local planning documents, such as parish plans, community plans and village design statements.

### Neighbourhood Development Orders

A Neighbourhood Development Order is a means for parish/town councils or neighbourhood forums to grant planning permission for certain kinds of development within a specified area. These orders may apply to the whole or just part of the neighbourhood area.

### Community Right to Build Orders

A Community Right to Build Order can be used to grant planning permission for development schemes, e.g. housing. Local community organisations that meet certain requirements or parish/town councils are able to prepare Community Right to Build Orders.

It is necessary to gain a more than 50% 'yes' vote in a public referendum to bring these plans and orders into force.

## Making the Decision to Prepare a Neighbourhood Plan

Neighbourhood Plans enable communities to take the lead in producing part of the statutory development plan for the area. Crucially, unlike a parish plan, these neighbourhood plans must be used to determine planning applications in a neighbourhood area. It can represent a serious commitment and any group of people considering preparing a Neighbourhood Plan will need to carefully weigh the opportunities against the time/cost implications and come to a balanced view. This is where the flexibility of neighbourhood planning to adapt to time/resource considerations is important. Obviously, a simpler plan with few policies will have less resource implications than a more comprehensive and complex one. Possible sources of help should be identified e.g. the local authority through its duty to support.

Considerations may include what other tools can be used to deliver the community's ambitions, the adequacy of existing local policies, skills available and alternative use of resources, such as delivering existing parish or community plans.

## Project Plan

Effective project planning is important to successful neighbourhood planning. A project plan can identify key stages, actions, an indicative timetable, and available resources and costs. The plan could also allocate responsibilities for coordinating different aspects of the process.



# Producing a Neighbourhood Plan

## Neighbourhood Area

The first formal step in neighbourhood planning is the submission of the proposed neighbourhood area to the local planning authority for designation. The following must be submitted in the area application:

- a map identifying the proposed neighbourhood area
- a statement explaining why the area is appropriate to be designated as a neighbourhood area
- a statement explaining that the body making the area application (the parish or town council or prospective neighbourhood forum) is capable of being a qualifying body.

For town or parish councils, there is a strong presumption 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, or an area beyond the parish's boundaries if that makes a sensible area to plan for. Adjacent parish/town councils may agree to work in partnership to produce a joint Neighbourhood Plan.

Prospective 'neighbourhood forums' (see below) will also need to apply for a neighbourhood area to be designated.

## Qualifying Bodies

Where there is a town or parish council, then that is the qualifying body for leading a Neighbourhood Plan in a designated neighbourhood area that includes all or part of the council's area. Further arrangements apply in a multi-parished area, which are not set out here.

Where there is no parish or town council, a neighbourhood forum of at least 21 people must be formed for the neighbourhood area. This should reflect the "inclusivity, diversity and character of the area" and efforts must be made to include at least one person living in the area, one person working in the area and one councillor. The forum will lead the development of the Neighbourhood Plan.

An application by the prospective neighbourhood forum to be designated as the "neighbourhood forum" for a particular neighbourhood area has to be submitted to the local planning authority.





The following must be submitted in the forum's application:

- the name of the proposed neighbourhood forum
- a written constitution for the proposed neighbourhood forum
- the name of the neighbourhood area to which the forum relates and a map identifying that area
- contact details of at least one member of the proposed neighbourhood forum (this will be made public)
- a statement explaining how the proposed neighbourhood forum meets legal requirements (see below).

## Duty to Support

Once the neighbourhood area is designated by the local planning authority, that authority is legally required to provide advice and assistance to those bodies producing a Neighbourhood Plan in its area. This 'duty to support' could include things like:

- making existing data and maps available for the evidence base
- identifying key local strategic policies from the Local Plan
- advising on relevant national policies/guidance
- sharing information on key contacts, stakeholders and best practice plan-making activity
- making available venues and helping to arrange community engagement activities
- checking the plan prior to formal submission to give community confidence
- providing technical support, such as assistance in laying out and illustrating a plan and writing plan policies
- providing members for neighbourhood forums or more informal working groups
- setting up a neighbourhood planning web page on the local authority's website.

## Building the Evidence Base

Planning policy and proposals need to be based on a proper understanding of the place they relate to, if they are to be relevant, realistic and to address local issues effectively. It is therefore important that Neighbourhood Plans are based on robust information and analysis of the local area; this is called the evidence base.

A review of existing evidence should be undertaken – particularly as there is already lots of evidence for planning. This may include things like:

- the evidence under-pinning the Local Plan
- socio-economic data for district/ward (census, ONS, etc.)
- technical reports (e.g. retail studies)
- transport studies and public transport data
- mapping of local area
- conservation area appraisals and statutory lists (listed buildings, historic environment record and scheduled ancient monuments)
- details of environmental protection designations, such as tree preservation orders and sites of special scientific interest
- plans from other public bodies or statutory undertakers
- existing plans for an area, such as a community plan or parish plan.

It may be necessary to develop new evidence (or update existing evidence) at neighbourhood level. This could include:

**Economic:** business surveys, viability, vacancy/floorspace survey, available sites survey, land values, employment need survey, etc.

**Social/Community:** housing condition survey, housing needs survey, audit of community facilities, 'Building for Life' assessment of housing, etc.

**Environmental:** heritage audit, conservation area appraisals, review of local lists, urban design analysis, open space survey & analysis, etc.

**Infrastructure:** transport linkages, schools capacity, transport capacity analysis, traffic/pedestrian flow surveys, etc.

## Community Engagement

Community engagement is necessary and important for several reasons. It is a requirement of planning legislation including for Neighbourhood Plans. It is essential in developing consensus and creating community support. Finding out what people think and drawing on their skills and knowledge is an important part of developing the evidence base for an area and developing the Neighbourhood Plan, leading to more realistic and deliverable plans and policies. Failure to engage communities properly at an early stage is one of the main causes of conflict later in the planning process. This can lead to additional costs and delays.



The referendum will involve a simple 'yes' or 'no' vote on the Neighbourhood Plan. Properly engaging people from the beginning of the process ensures that there is an opportunity to influence the detail of the Neighbourhood Plan, rather than just having the option to accept or reject the whole plan.

Where intensive community engagement has recently been undertaken, such as in respect of the community plan, the material obtained will be useful in informing the Neighbourhood Plan.

Good practice examples of community engagement include:

**Front Loading:** Community engagement should be undertaken before work commences on the plan (this is called front loading) and throughout the process of plan preparation. The purpose of the first stages of community engagement is to help define issues and aims for the plan, and to inform an overall vision and to start to create a sense of wider ownership for the plan.

**Publicity and Awareness:** It is important to publicise the proposed Neighbourhood (development) Plan as widely as possible using different media right at the beginning of the process. Feedback should be provided throughout the process.

**Local Partnerships:** Key partners and stakeholders should be identified. These can provide easier access and support in involving minority groups, different communities, residents, the business community, hard-to-engage communities, etc.

**Capacity Building:** It will often be necessary to include capacity building (education/training) so that those participating in community engagement events are well informed about the plan and the issues it is dealing with.

**Avoid Tokenism:** The purpose of undertaking community engagement is to inform the content of the plan. If the outcomes have already been determined, then community engagement is tokenistic (marketing).

**Specialist advice and enabling:** It may be necessary for those leading and participating in the planning process to bring in specialist advice and support.

**Being Creative:** Community engagement needs to engage people using a range of approaches and media. It should be stimulating and enjoyable.

**Managing Expectations:** It is necessary to balance ambitions with realism and practical and legal limitations.

**Targeting:** Whilst some people will naturally want to get involved in neighbourhood planning, with other groups, people targeting will be necessary. This could include the elderly, young people, ethnic groups and other minority or hard-to-engage groups.

**Making it Accessible:** Careful thought needs to be given to make events and material accessible, including location, timing, media, format, etc. Events should be informal and unthreatening.

### Common Mistakes – What to avoid!

Common mistakes include things like consulting too late, placing a thick document on a stand in the library or on a web site and expecting people to read it, or talking at people at a public meeting. Asking consultants to produce options before consulting the community is also poor practice. Consultation should not be treated as a one-off tick-box exercise. Also, analysis of consultation responses is not about counting the number of consultees making a comment, but considering the depth and range of responses.



## Writing the Neighbourhood Plan

There is considerable flexibility over how a plan is structured and written.



Careful consideration should be made of how the plan will be delivered and this will require constructive dialogue with key stakeholders, such as development managers in the local authority, public agencies, landowners and developers.

The following are suggestions for possible content of the plan:

**Vision and Aims.** The Neighbourhood Plan can set out the community's overall vision for the area and should include overall aims for its future

development and growth. These can relate to a wide

range of planning and regeneration matters – social, economic and environmental. The vision and aims of the plan can then be translated into detailed policies, guidance and proposals.

**Planning Policies.** A Neighbourhood Plan, once made, will form part of the statutory local development plan for the area and its policies will be used to determine development proposals in the neighbourhood. Planning applications will be determined in accordance with the Neighbourhood Plan's policies unless material considerations indicate otherwise.

The policies in the plan could be supplemented if necessary by explanatory text or illustrations to help with their interpretation.

**Site Allocations.** The Neighbourhood Plan may identify key sites for specific kinds of development, such as housing, retail, employment or mixed use.

**Community Proposals.** Regeneration or enhancement proposals relating to the use and development of land could be included in the plan. For example, it could include policies around improving key public spaces and pedestrian links or allocate sites for new community facilities, such as a community centre.

To keep the Neighbourhood Plan concise, focused and clear on what are the proposed "policies", a background document could be created, listing the sources of evidence, summarising any new evidence and describing the outcomes of the community engagement programme at different stages in the plan process.

# Bringing the Plan into Force

## Pre-Submission Consultation

It is a legal requirement that the proposed Neighbourhood Plan is publicised and the subject of public consultation, before it is submitted to the local planning authority. This includes:

- publicising the plan in a manner which brings it to the attention of people who live, work or run businesses in the neighbourhood area. This should include details of the proposed Neighbourhood Plan, details of where and when it may be viewed (e.g. local fairs, schools, etc.), details on how to make comments on the plan and the date by which comments must be received (at least six weeks from the date on which it is first publicised)
- consulting bodies whose interests may be affected by the plan. The local council should be able to advise on this, but it is likely to include the county council, the Environment Agency, Natural England and English Heritage
- sending a copy of the proposed plan to the local authority
- consulting any neighbouring local, town or parish councils, significant landowners, local businesses and local community organisations, such as chambers of commerce, civic societies and local trusts.

It may be useful to produce a concise summary of the plan for those that don't wish to read the full document.

A brief report must be produced, summarising comments received, issues raised by those comments and describing if and how the plan has been modified in response to the issues raised. This is known as the 'consultation statement' which is a legal requirement for all Neighbourhood Plans.

## Submitting the Plan

Following any amendments resulting from the pre-submission consultation stage, the proposed Neighbourhood Plan should be submitted to the local planning authority by the qualifying body. The local authority is



responsible for publicising the plan that has been submitted to them and arranging for the independent examination and referendum to take place into that submitted plan.

The submission to the local planning authority must include the following:

- a map or statement, which identifies the area to which the plan relates
- a consultation statement (see below)
- the proposed Neighbourhood Plan
- a statement on how the plan fulfils the Basic Conditions (see later section on the 'Basic Conditions').

The consultation statement should contain the following:

- details of people and organisations consulted about the proposed Neighbourhood Plan
- details of how they were consulted
- a summary of the main issues and concerns raised through the consultation process
- descriptions of how these issues and concerns were considered and addressed in the proposed Neighbourhood Plan.

Upon receiving the submitted Neighbourhood Plan proposal the local authority will publicise it and invite comments (six weeks). These comments will be sent subsequently to the independent examiner for their consideration.

## Meeting the Basic Conditions

The Basic Conditions for Neighbourhood Plans are specified by law:

- must be appropriate having regard to national policy
- must contribute to the achievement of sustainable development
- must be in general conformity with the strategic policies in the development plan for the local area
- must be compatible with human rights requirements
- must be compatible with EU obligations.



Neighbourhood Plans must not breach and must be compatible with EU and human rights obligations, including the Strategic Environment Assessment (SEA) Directive. Neighbourhood Plans should be screened at an early stage to ascertain whether they are likely to trigger significant environmental effects and thus whether an SEA needs to be carried out. The Local Planning Authority (LPA) should undertake this screening assessment, consulting relevant national bodies in coming to its screening opinion. The National Planning Policy Framework makes clear that a sustainability appraisal should be an integral part of the plan preparation process, but the particular assessment requirements need to respond to the scale, status and scope of the plan being developed.

## Independent Examination

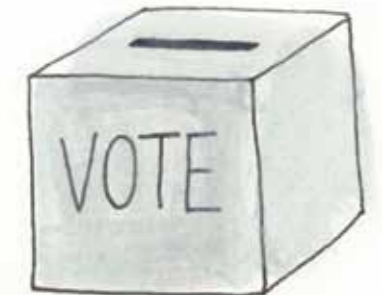
It is the responsibility of the local authority to organise and cover the costs of the independent examination and referendum. The independent examiner will be appointed by the local authority with the consent of the qualifying body.

The independent examination will consider the submitted documents and any comments made during the consultation period on the submitted plan proposal. The independent examiner will examine whether the plan meets the 'Basic Conditions' and other relevant legal requirements (e.g. consultation).

The independent examiner may recommend that the plan proceed to the referendum stage (i.e. it meets all the legal requirements) or may suggest that modifications are needed to the plan before it can proceed to the referendum. Or they may recommend that it does not proceed to the referendum, if it does not meet the relevant legal requirements. In addition, they may recommend that the referendum area include individuals beyond the boundary of the neighbourhood area.

## Modifications

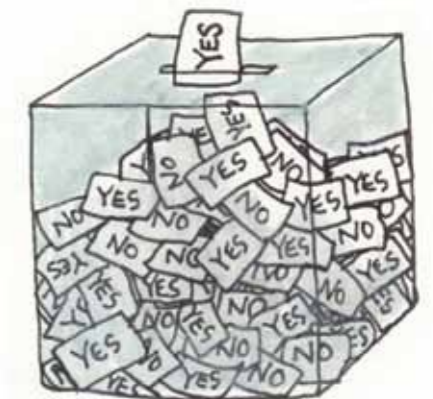
The local planning authority must make modifications to the plan if, with those modifications, the plan could comply with the Basic Conditions. The local community may withdraw the plan if it is unhappy with modifications being made.



## Referendum

If the plan is found to be satisfactory (i.e. complies with the key legal requirements) with modifications if necessary, then the local authority must arrange for the referendum to take place. It must give at least 28 working days notice of the referendum before the date of the referendum. The qualifying body may campaign before the referendum, subject to rules over expenses.

If more than 50% of those voting in the referendum vote 'yes', then the council will bring the plan into legal force.

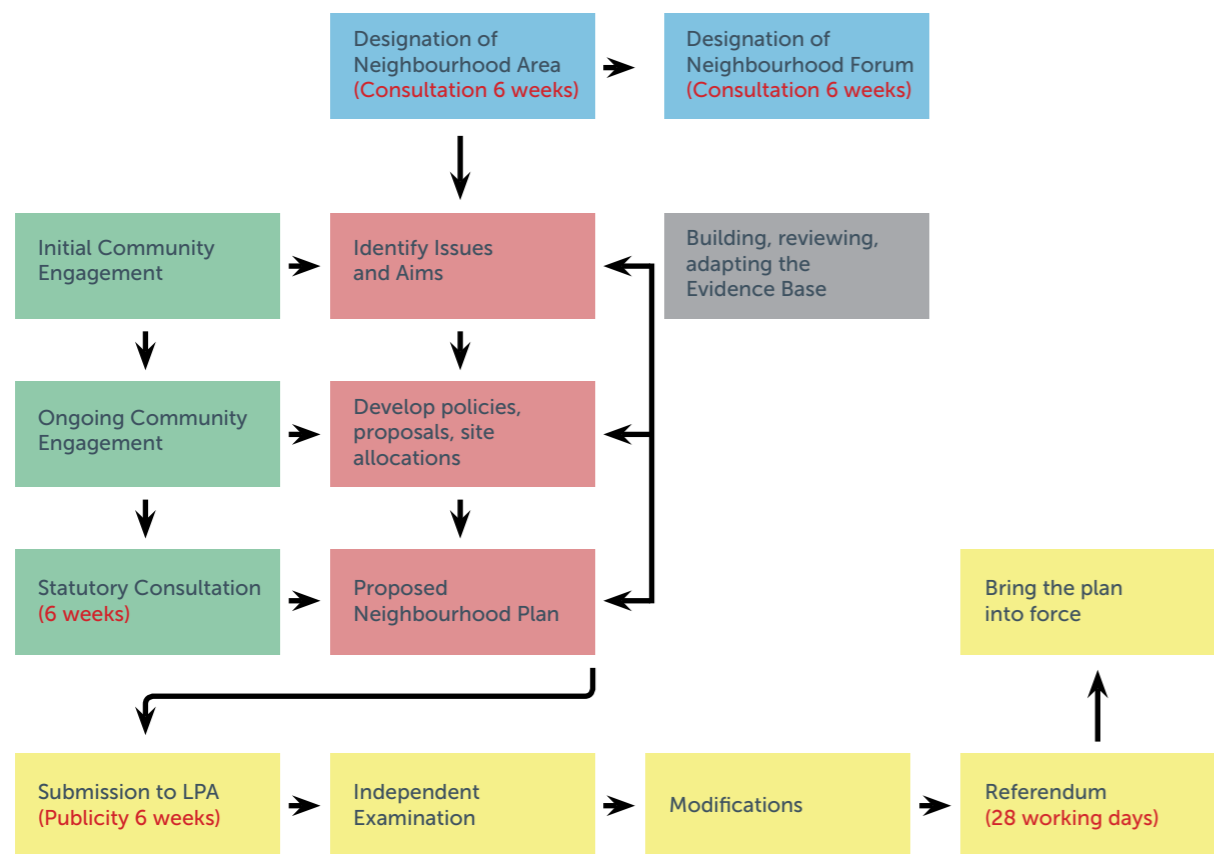




## Delivery

Once a Neighbourhood Plan is made (i.e. brought into legal force by the local authority), it will be used to determine planning applications and guide planning decisions in the neighbourhood area. Having a plan and waiting for development is one thing, but elements of the plan will need active interventions on the part of the community, the local planning authority, developers and other key stakeholders.

## Process Diagram



## About Locality

Locality is the leading nationwide network of settlements, development trusts, social action centres and community enterprises. We help people to set up locally owned and led organisations. We support existing organisations to work effectively through peer-to-peer exchange of knowledge and best practice on community asset ownership, community enterprise, collaboration, commissioning support, social action, community voice, community rights and regeneration. We have been working with communities involved in neighbourhood planning over the past 18 months.

Locality also works to influence government and others at national and local level to build support and investment for the movement. Locality was formed in April 2011 by the merger of BASSAC and the Development Trusts Association; two leading networks of community owned and led organisations.

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Dave Chetwyn is Managing Director of Urban Vision Enterprise CIC and a Design Council CABE Built Environment Expert. Other roles include Planning Chair with Civic Voice, Vice Chair of the National Planning Forum and Vice Chair of the Historic Towns Forum. He is also Planning Adviser to Locality and Heritage Specialist on Crossrail (Thames Tunnels section).

Former roles include Head of Planning Aid England, UK Chair of the Institute of Historic Building Conservation and a team leader in local Government. He has advised and participated in various Government groups, reviews and Parliamentary select committees on planning, regeneration, heritage, urban design, economic development, state aid and community engagement. Dave is a chartered member of the Royal Town Planning Institute, a full member of the Institute of Historic Building Conservation and a Fellow of the Institute of Leadership and Management.

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