



# **Neighbourhood Development Plans and the Local Plan**

**27 July 2015**

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## 1. Introduction

- 1.1 This document proposes that the District Council should encourage Parish Councils to submit a Neighbourhood Development Plan Area to the District Council by the end of 2015 for consideration, should they intend to prepare a Neighbourhood Plan to become part of the Development Plan for the area, to guide future planning applications in a manner consistent with the emerging Local Plan.
- 1.2 The document also provides guidance relating to Neighbourhood Development Plans and their relationship with Local Plans, in order to assist Parish Councils in making this decision.

### Background

- 1.3 A report to the Planning Policy Working Group on 13 July 2015 addressed a number of conceptual options for the Local Plan development strategy, including urban intensification, urban extensions, infilling, freestanding new settlements, and village extensions. In relation to the conceptual options of village extensions, the report includes the observations set out below.

*“These are similar in concept to urban extensions, but are much smaller in scale. Sometimes village extensions can relate well to an existing village, and can help to secure the long-term future viability of some village facilities, for example by using spare capacity in a village school. Village extensions can assist with provision of the 5-year housing land supply because they usually do not require significant lead-in time for provision of infrastructure or site preparation. They may score highly in terms of deliverability.*

*“The disadvantage of most villages is that they are relatively remote from the full range of facilities and residents are heavily dependent on private car usage, which can cumulatively add to the strains on the wider transport network as well as local rural roads. To address these issues most Local Plans categorise villages according to the level of services and facilities and therefore suitability in principle for modest scale development. However in practice even villages with a relatively good range of facilities are capable of accommodating only a small amount of development.*

*“Because of the small scale of villages relative to towns, these locations are often very sensitive to development and detailed consideration of the landscape setting and character is necessary in order to avoid substantial harm. In terms of the Local Plan work programme, it may be difficult to resource detailed study of a large number of small sites in multiple villages.*

*It is necessary for the District Council to reach a view on the overall approach to villages, taking into account the strategic nature of Local Plans, the relatively small contribution to development needs which may be made by the villages collectively, and the new powers and responsibilities invested in Parish Councils through Neighbourhood Planning. It may be that the District Council chooses to focus on providing allocations in only a very small number of villages based on sustainability criteria.”*

- 1.4 This report sets out how the Local Plan development strategy and Neighbourhood Planning may inter-relate, particularly in relation to the many small site options around the villages.

### **The Settlement Hierarchy**

- 1.5 The Planning Inspector took a pragmatic approach in his report on the settlement hierarchy proposed by the 2014 Submission Local Plan.

#### **Local Plan Inspector’s Report, 19 December 2015**

*“3.24 The settlement classifications in table 2 of ULP are based broadly on the level of services available at each settlement. This is a more appropriate evidential base than the system underlying the classification of settlements in the present local plan. There will always be scope for debate about how much weight to apply to one factor or another and the appropriate categorisation for individual towns or villages where their services are at the margin between different classifications. However, the content of table 2 (and the resulting roles of the particular settlements) is generally soundly set out.*

*“3.25 Having said this, where it can be justified by relevant economic, social and environmental factors a case can sometimes be made to direct a greater or lesser amount of development to a settlement than would reflect its strict place in the settlement hierarchy. Some of the factors discussed during the hearing (eg locally identified demographic and other needs, local constraints and opportunities, patterns of bus services, and inter-relationships between particular settlements) can be relevant to such decisions and can be considered in taking the plan forward.”*

- 1.6 Table 1 presents the relevant extracts from the table referred to above.

Table 1: Key Villages and Type A Villages

<p><b>Key Villages: Major focus for development in the rural area – suitable for a scale of development that would reinforce role as provider of services to a wide rural area.</b>  <i>Elsenham, Great Chesterford, Hatfield Heath, Newport, Stansted Mountfitchet (including Foresthall Park), Takeley, Thaxted</i></p>
<p><b>Type A Villages: Villages with primary school with some local services, e.g. village hall/pub/shop – suitable for a scale of development that reinforce role as a local centre.</b>  <i>Ashdon, Birchanger, Chrishall, Clavering, Debden, Hatfield Broad Oak, Henham, Leaden Roding, Little Hallingbury, Manuden, Farnham, Felsted, Flitch Green, Great Easton, Great Sampford, Quendon and Rickling, Radwinter, Stebbing, Wimbish.</i></p>

- 1.7 It is not proposed to re-assess the settlement hierarchy, as this would be likely to result in protracted and subjective discussions about the different weightings attributed to various facilities in each village. More importantly, it will be necessary to undertake discussions with Parish Councils to understand the local context and any areas which could have potential for further consideration, to help inform the consideration of any sites assessed through the SHLAA process.

### Areas of Search

- 1.8 A number of maps have been prepared which show ‘areas of search’, or broad areas, all of which the Council proposes to investigate through the Local Plan process, so that there is a clear justification in terms of rejected areas as well as areas eventually taken forward. The process will follow the evolving strategy and the planning merits or demerits of the locations covered by the Areas of Search, rather than by sites submitted by landowners and developers.
- 1.9 Initial Areas of Search for the seven Key Villages are shown in orange, and the areas of search for the Type A villages are shown in green (see report entitled ‘Preparing a Justified Local Plan for Uttlesford’, 27 July 2015).
- 1.10 Neighbourhood Development Plans may also be prepared for towns or parts of towns, and the approach to these needs to align particularly closely with the emerging Local Plan. For example, Bishop’s Stortford in neighbouring East Hertfordshire recently adopted a Neighbourhood Plan following a successful examination and referendum, and a second Neighbourhood Plan is in preparation in parallel with the District (Local) Plan.<sup>1</sup>

<sup>1</sup> [www.bishopstortfordtc.gov.uk/neighbourhood-plan](http://www.bishopstortfordtc.gov.uk/neighbourhood-plan)

## National Guidance

- 1.10 The National Planning Policy Framework (NPPF) and the national Planning Practice Guidance (PPG) set out the requirements for the production of Neighbourhood Development Plans. **Appendix A** reproduces some of the PPG for information.
- 1.11 According to the PPG, *“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.*
- 1.12 A Neighbourhood Development Plan should support the strategic development needs set out in the Local Plan and plan positively to support local development, as outlined in paragraph 16 of the National Planning Policy Framework.

### **National Planning Policy Framework, Paragraph 16 (extract)**

Neighbourhoods should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;
- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan

- 1.13 According to PPG, “A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)).”
- 1.14 Consistency between Local Plans and Neighbourhood Development Plans is essential, as set out in PPG:

### **Planning Practice Guidance (extract)**

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 local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.

The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.

**Paragraph: 009 Reference ID: 41-009-20140306**

### **Current Neighbourhood Development Plan Areas in Uttlesford**

- 1.15 Great Dunmow, Felsted, Saffron Walden, and Great and Little Chesterford currently have approved Neighbourhood Development Plan areas. A Neighbourhood Development Plan Area for Stansted Mounfitchet is currently (July 2015) at consultation. Further information and updates: [www.uttlesford.gov.uk/communityledplans](http://www.uttlesford.gov.uk/communityledplans)

## **2. Approaches to development in the villages**

- 2.1 Traditionally, Local Plans allocate development in villages. This can help to ensure development is spread around the district and ensure that new development helps to support essential rural services such as shops, pubs and village schools.
- 2.2 An alternative approach would be to leave development in the villages entirely to Parish Councils, who may or may not choose to allocate sites through Neighbourhood Development Plans. Neighbourhood Development Plans differ from Parish Plans in that following successful referendum, examination and adoption by the Local Planning Authority they attain the same weight in the consideration of planning applications as Local Plans.
- 2.3 However, some Parish Councils may feel that the resources and level of commitment required are significant and may therefore choose not to prepare a Neighbourhood Development Plan. This is a likely scenario and will result in a patchwork of plans across the District.
- 2.4 Such a scenario would make it difficult to demonstrate to a Local Plan inspector that the District Council had 'made every effort' to meet Objectively Assessed Needs for housing across the area. For this reason it is highly likely that the Local Plan will need to consider allocating some development sites in some villages as part of an overarching strategy for the District. In so doing, the District Council will need to take account of input from Town and Parish Councils.
- 2.5 Neighbourhood Development Plans can provide a way for an enhanced level of community participation in the site allocation process, and are encouraged by the District Council. However, as set out in the NPPF and the PPG (see Section 1 and Appendix A to this report) it is important that such plans should be consistent with emerging Local Plans.
- 2.6 This consideration applies not only to small sites but also to the edges of towns, which may need to grow across administrative boundaries into a neighbouring Parish area. It also applies to any potential new settlements which may be located within one or more Parishes. Such developments could be critical to delivery of the development strategy for the Local Plan. As national policy and guidance makes clear, it is not the role of Neighbourhood Development Plans to obstruct development.
- 2.7 In order to facilitate the alignment of any potential Neighbourhood Development Plans with the Local Plan, any Parish Councils which have not yet done so are encouraged to submit any proposed Neighbourhood Development Plan areas to the District Council for consideration by the end of 2015. This should allow Parish Councils sufficient time to seek local views

and make a decision through their Parish meetings, and to prepare applications to the District Council.

- 2.8 This would then allow time for significant progress on Neighbourhood Development Plans to be made by the time of examination of the Local Plan. This would demonstrate to a Local Plan inspector that a clear delivery mechanism for development in the villages is in place, enabling the District Council to comply with the requirements for a positively prepared and effective plan (NNPF Paragraph 182).

### **Parish Forum 28 September 2015**

- 2.9 A Parish Forum is to be held at the District Council offices at Saffron Walden on 28 September 2015 (at 7pm). The Forum will cover a range of different issues but it is proposed that the Forum should be used to give further consideration to ways in which the District Council can work together with Parish Councils in relation to the issues referred to in this report.

### 3. Further Information and Resources

- 3.1 Detailed guidance on the preparation of a Neighbourhood Development Plan is set out in PPG. Parish Councils should familiarise themselves with this guidance prior to making a decision in respect of whether to prepare a Neighbourhood Development Plan
- 3.2 In order to fund and progress Neighbourhood Development Plans, there are a number of grants that neighbourhood planning groups can apply for. Locality provide direct grants and can provide technical support to neighbourhood planning groups across the country. Central government has recently announced that groups can apply for grants from the £22.2m Neighbourhood Planning Support programme that runs from April 2015 - 2018. Further information on how to apply and eligibility can be found here: <http://mycommunity.org.uk/programme/neighbourhood-planning>
- 3.3 Uttlesford District Council has retained an expert in Neighbourhood Planning to work with Town and Parish Councils preparing Neighbourhood Development Plans and also has a small amount of money available for grants.
- 3.4 'Locality' offers a wide range of support, including:
- Direct Support packages for groups at the very beginning of the process, those close to pre-submission consultation, and for those preparing to submit their Neighbourhood Plans
  - The advice service provided by Locality offers free telephone advice on 0300 020 1864, Mon-Fri 9.30am – 12.30pm.
  - Planning Aid England offers free, general planning advice by phone and email, and online (<http://www.rtpi.org.uk/planningaid>)
- 3.5 The following websites also provide a range of tools and case studies, including examples of innovative ways of raising funding, Shared Learning activities, and online bulletins:
- Neighbourhood Planning Community Knowledge Hub: <http://planning.communityknowledgehub.org.uk>
  - Planning Aid England's Forum for Neighbourhood Planning: <http://www.ourneighbourhoodplanning.org.uk>
  - The Prince's Foundation for the Built Environment: [www.princes-foundation.org/our-work/supporting-communities-and-neighbourhoods-planning](http://www.princes-foundation.org/our-work/supporting-communities-and-neighbourhoods-planning)
  - CPRE in partnership with NALC: [www.planninghelp.org.uk](http://www.planninghelp.org.uk), [www.cpre.org.uk](http://www.cpre.org.uk), [www.nalc.gov.uk](http://www.nalc.gov.uk)

- 3.6 The Planning Advisory Service offers a variety of materials of relevance to Neighbourhood Planning: [www.pas.gov.uk](http://www.pas.gov.uk)
- 3.7 The Neighbourhood Planning Regulations governing the procedural requirements are online:  
[www.legislation.gov.uk/ukxi/2012/637/contents/made](http://www.legislation.gov.uk/ukxi/2012/637/contents/made)  
Part 5, “Neighbourhood Development Plans” sets out the procedures for Neighbourhood Plans.
- 3.8 Information on Community Led planning including Parish Plans and Neighbourhood Development Plans is available on the District Council’s website at [www.uttlesford.gov.uk/communityledplans](http://www.uttlesford.gov.uk/communityledplans).

## Appendix A: National Planning Practice Guidance

Extract from PPG online at <http://planningguidance.planningportal.gov.uk/>

Note: PPG is subject to change. More extensive guidance may be found on the planning portal website (link above) and Parish Councils should consult the full guidance before making a decision as to whether or not to prepare a Neighbourhood Plan.

### What is neighbourhood planning?

#### Paragraph: 001 Reference ID: 41-001-20140306

#### What is neighbourhood planning?

Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Revision date: 06 03 2014

#### Paragraph: 002 Reference ID: 41-002-20140306

#### What can communities use neighbourhood planning for?

Local communities can choose to:

- set planning policies through a neighbourhood plan that is used in determining planning applications. [For further details in this guidance click here.](#)
- grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order. [For further details in this guidance click here.](#)

Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use. Communities may decide that they could achieve the outcomes they want to see through other planning routes, such as incorporating their proposals for the neighbourhood into the [Local Plan](#), or through other planning

mechanisms such as [Local Development Orders](#) and [supplementary planning documents](#) or through pre-application consultation on development proposals. Communities and local planning authorities should discuss the different choices communities have to achieving their ambitions for their neighbourhood.

Revision date: 06 03 2014

**Paragraph: 003 Reference ID: 41-003-20140306**

**What are the benefits to a community of developing a neighbourhood plan or Order?**

Neighbourhood planning enables communities to play a much stronger role in shaping the areas in which they live and work and in supporting new development proposals. This is because unlike the parish, village or town plans that communities may have prepared, a neighbourhood plan forms part of the development plan and sits alongside the [Local Plan](#) prepared by the local planning authority. Decisions on planning applications will be made using both the Local Plan and the neighbourhood plan, and any other material considerations.

Neighbourhood planning provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next ten, fifteen, twenty years in ways that meet identified local need and make sense for local people. They can put in place planning policies that will help deliver that vision or grant planning permission for the development they want to see.

To help deliver their vision communities that take a proactive approach by drawing up a neighbourhood plan or Order and secure the consent of local people in a referendum, will benefit from 25 percent of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area.

Communities without a parish or town council will still benefit from this incentive. If there is no Parish or Town Council the charging authority will retain the Levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding. Charging authorities should set out clearly and transparently their approach to engaging with neighbourhoods using their regular communication tools e.g. website, newsletters, etc. The use of neighbourhood funds should therefore match priorities expressed by local communities, including priorities set out formally in neighbourhood plans.

Revision date: 06 03 2014

## What is a neighbourhood plan and what is its relationship to a Local Plan?

**Paragraph: 004 Reference ID: 41-004-20140306**

### What should a Neighbourhood Plan address?

A neighbourhood plan should support the strategic development needs set out in the [Local Plan](#) and plan positively to support local development (as outlined in [paragraph 16 of the National Planning Policy Framework](#)).

A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)).

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.

Revision date: 06 03 2014

Related policy

National Planning Policy Framework

- [Paragraph 16](#)

**Paragraph: 005 Reference ID: 41-005-20140306**

**Must a community ensure its neighbourhood plan is deliverable?**

If the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable. The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be [developed viably](#) is threatened.

Revision date: 06 03 2014

**Paragraph: 006 Reference ID: 41-006-20140306**

**Does a neighbourhood plan have the same legal status as the Local Plan?**

A neighbourhood plan attains the same legal status as the [Local Plan](#) once it has been agreed at a referendum and is made (brought into legal force) by the local planning authority. At this point it becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)).

Revision date: 06 03 2014

**Paragraph: 007 Reference ID: 41-007-20140306**

**What weight can be attached to an emerging neighbourhood plan when determining planning applications?**

Planning applications are decided in accordance with the development plan, unless material considerations indicate otherwise. An emerging neighbourhood plan may be a material consideration. [Paragraph 216 of the National Planning Policy Framework](#) sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging neighbourhood plan. The consultation statement submitted with the draft neighbourhood plan should reveal the quality and effectiveness of the consultation

that has informed the plan proposals. And all representations on the proposals should have been submitted to the local planning authority by the close of the local planning authority's [publicity period](#). It is for the decision maker in each case to determine what is a material consideration and what weight to give to it.

Revision date: 06 03 2014

Related policy

National Planning Policy Framework

- [Paragraph 216](#)

**Paragraph: 008 Reference ID: 41-008-20140306**

**In what circumstances might it be justifiable to refuse planning permission before a neighbourhood plan is made (brought into force) on the grounds of prematurity?**

Guidance on the relevance of prematurity to a decision on a planning application can be found [here](#).

Revision date: 06 03 2014

**Paragraph: 009 Reference ID: 41-009-20140306**

**Can a Neighbourhood Plan come forward before an up-to-date Local Plan is in place?**

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 condition](#). A draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

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 local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.

The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan. This is because [section 38\(5\) of the Planning and Compulsory Purchase Act 2004](#) requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.

Revision date: 06 03 2014

## The role of the local planning authority in neighbourhood planning

**Paragraph: 021 Reference ID: 41-021-20140306**

**What role should the local planning authority play in neighbourhood planning?**

A local planning authority must:

- take decisions at key stages in the neighbourhood planning process
- provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan or Order as required by [paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#).

Revision date: 06 03 2014

**Paragraph: 022 Reference ID: 41-022-20150209**

**How should a local planning authority carry out its neighbourhood planning functions?**

A local planning authority should:

- be proactive in providing information to communities about neighbourhood planning
- fulfil its duties and take decisions as soon as possible, and within [statutory time periods](#) where these apply
- set out a clear and transparent decision making timetable and share this with those wishing to prepare a neighbourhood plan or an Order
- constructively engage with the community throughout the process.

Revision date: 09 02 2015 [See revisions](#)

**Paragraph: 081 Reference ID: 41-081-20150209**

**Is there a time period within which a local planning authority must take decisions?**

Where a local planning authority has the responsibility for the neighbourhood planning process, it should make every effort to conclude each stage promptly. Timely decision taking is important particularly at the start and at the end of the process. Examples might be when taking the decision on whether to designate a neighbourhood forum, and when satisfying itself that a neighbourhood

plan or an Order proposal has met the relevant legal tests and should proceed to referendum.

In the case of an application for a neighbourhood area to be designated, regulations prescribe the time period within which a local planning authority must make a decision, further details can be found [here](#).

Revision date: 09 02 2015

**Paragraph: 023 Reference ID: 41-023-20140306**

**Who takes the decisions on neighbourhood planning in a local planning authority?**

The Council's Executive takes the decisions on neighbourhood planning in a local planning authority (where the authority operates executive arrangements). The Executive may be able to delegate others in the authority to discharge these duties. The neighbourhood planning functions may be delegated to a committee or another authority. For further details see the [Local Government Act 2000](#) and the [Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000](#).

Revision date: 06 03 2014

## **Designating a neighbourhood area**

### **Paragraph: 024 Reference ID: 41-024-20140306**

#### **What is the process for designating a neighbourhood area?**

An application must be made by a parish or town council or a prospective neighbourhood forum (or a community organisation in the case of a Community Right to Build Order) to the local planning authority for a neighbourhood area to be designated (see [regulation 5 of the Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#)). This must include a statement explaining why the proposed neighbourhood area is an appropriate area.

Revision date: 06 03 2014

### **Paragraph: 025 Reference ID: 41-025-20140306**

#### **Should the community consult the local planning authority before making an area application?**

The community should consult the local planning authority before making an area application. There should be a positive and constructive dialogue about the planning ambitions of the community and any wider planning considerations that might influence the neighbourhood planning process if the outcome of that process is to be a neighbourhood plan or Order that meets the [basic conditions](#) for neighbourhood planning.

Revision date: 06 03 2014

### **Paragraph: 026 Reference ID: 41-026-20140306**

#### **Can a parish council propose a multi-parish neighbourhood area?**

A single parish council (as a relevant body) can apply for a multi-parished neighbourhood area to be designated, as long as that multi-parished area includes all or part of that parish council's administrative area.

Revision date: 06 03 2014

### **Paragraph: 027 Reference ID: 41-027-20140306**

#### **In a multi-parished neighbourhood area when does a town or parish council**

**need to gain the consent of the other town or parish council/s in order to take the lead in producing a neighbourhood plan or Order?**

A single parish or town council (as a relevant body) can apply for a multi-parished neighbourhood area to be designated as long as that multi-parished area includes all or part of that parish or town council's administrative area. But when the parish or town council begins to develop a neighbourhood plan or Order (as a qualifying body) it needs to secure the consents of the other parish councils to undertake neighbourhood planning activities. Gaining this consent is important if the pre-submission publicity and consultation and subsequently the submission to the local planning authority are to be valid.

Revision date: 06 03 2014

**Paragraph: 028 Reference ID: 41-028-20140306**

**Can a group apply for a neighbourhood area to be designated if they are not a designated neighbourhood forum?**

A group can apply for a neighbourhood area to be designated even if it is not yet a designated neighbourhood forum. However, in order to be sure that the group is the appropriate body to lead neighbourhood planning in that area, the group must demonstrate that it is capable of becoming the designated neighbourhood forum for the neighbourhood area they are applying to have designated.

The organisation or body should be able to demonstrate that it is capable of meeting the conditions for designation (see [section 61F\(5\) of the of the Town and Country Planning Act 1990 as applied to Neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004](#)). It may wish to explain what steps it has taken and is taking towards meeting the conditions for designation. For example it may have a draft written constitution with an open membership policy.

Revision date: 06 03 2014

**Paragraph: 029 Reference ID: 41-029-20140306**

**Can a community organisation apply to have a neighbourhood area designated?**

A [community organisation](#) (or prospective community organisation) can apply for a neighbourhood area to be designated in connection with a Community Right to Build Order proposal (or anticipated proposal). This can include all or part of a parish council's administrative area, if that area has not already been designated.

Revision date: 06 03 2014

**Paragraph: 030 Reference ID: 41-030-20140306**

**Can a neighbourhood area cross local planning authority administrative boundaries?**

A parish council, prospective neighbourhood forum or community organisation can put forward the neighbourhood area that they consider appropriate for neighbourhood planning; this does not have to follow administrative boundaries. The area application must be made to each of the local planning authorities which has part of its administrative area within the proposed neighbourhood area.

Revision date: 06 03 2014

**Paragraph: 031 Reference ID: 41-031-20140306**

**How should local planning authorities work together when cross boundary neighbourhood planning is proposed?**

Where a neighbourhood area is proposed that crosses the administrative boundaries of two or more local planning authorities, the authorities are encouraged to agree a lead authority to handle neighbourhood planning in a particular neighbourhood area. A lead authority approach:

- simplifies the process for the community
- minimises the duplication of work by the local planning authorities
- provides opportunities for authorities to share resources

Revision date: 06 03 2014

**Paragraph: 032 Reference ID: 41-032-20140306**

**What flexibility is there in setting the boundaries of a neighbourhood area?**

In a parished area a local planning authority is required to have regard to the desirability of designating the whole of the area of a parish or town council as a neighbourhood area (see [61G\(4\) of the Town and Country Planning Act 1990](#)). Where only a part of a parish council's area is proposed for designation, it is helpful if the reasons for this are explained in the supporting statement. Equally, town or parish councils may want to work together and propose that the designated neighbourhood area should extend beyond a single town or parish council's own boundaries.

In areas where there is no parish or town council those wishing to produce a neighbourhood plan or Order must put forward a neighbourhood area using their understanding and knowledge of the geography and character of the neighbourhood.

Revision date: 06 03 2014

**Paragraph: 033 Reference ID: 41-033-20140306**

**What could be considerations when deciding the boundaries of a neighbourhood area?**

The following could be considerations when deciding the boundaries of a neighbourhood area:

- village or settlement boundaries, which could reflect areas of planned expansion
- the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities
- the area where formal or informal networks of community based groups operate
- the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style
- whether the area forms all or part of a coherent estate either for businesses or residents
- whether the area is wholly or predominantly a business area
- whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway
- the natural setting or features in an area
- size of the population (living and working) in the area

Electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents.

Revision date: 06 03 2014

**Paragraph: 034 Reference ID: 41-034-20140306**

**Can those who have submitted an area application change the boundaries once the application has been submitted?**

There is no specific provision for withdrawing an area application once it has been submitted. If those making an area application subsequently want to change the neighbourhood area they should inform the local planning authority concerned. Where the local planning authority has not yet made a decision on the area application, it has the option of advising that a new application be submitted with the revised boundary. If the local planning authority accepts the new application it must publish and consult on this new area application for at least six weeks.

Revision date: 06 03 2014

**Paragraph: 035 Reference ID: 41-035-20140306**

**Must a local planning authority designate a neighbourhood area and must this be the area applied for?**

A local planning authority must designate a neighbourhood area if it receives a valid application and some or all of the area has not yet been designated (see [section 61G\(5\) of the Town and Country Planning Act 1990 Act as applied to Neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004](#)).

The local planning authority should take into account the relevant body's statement explaining why the area applied for is considered appropriate to be designated as such. See [section 61G\(2\)](#) and [Schedule 4C\(5\)\(1\)](#) of the Town and Country Planning Act 1990 Act, as amended, for a description of 'relevant body'.

The local planning authority should aim to designate the area applied for. However, a local planning authority can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so, the local planning authority must give reasons. The authority must use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas.

When a neighbourhood area is designated a local planning authority should avoid pre-judging what a qualifying body may subsequently decide to put in its draft neighbourhood plan or Order. It should not make assumptions about the neighbourhood plan or Order that will emerge from developing, testing and consulting on the draft neighbourhood plan or Order when designating a neighbourhood area.

Revision date: 06 03 2014

**Paragraph: 036 Reference ID: 41-036-20140306**

**Can a neighbourhood area include land allocated in the Local Plan as a strategic site?**

A neighbourhood area can include land allocated in a [Local Plan](#) as a strategic site. Where a proposed neighbourhood area includes such a site, those wishing to produce a neighbourhood plan or Order should discuss with the local planning authority the particular planning context and circumstances that may inform the local planning authority's decision on the area it will designate.

Revision date: 06 03 2014

**Paragraph: 037 Reference ID: 41-037-20140306**

**Can a local planning authority amend the boundary of a neighbourhood area once it has been designated?**

A local planning authority can amend the boundary of a neighbourhood area after it has been designated only if the local planning authority is responding to a new application for a neighbourhood area to be designated.

Revision date: 06 03 2014

**Paragraph: 038 Reference ID: 41-038-20140306**

**Can a local planning authority consult on applications to designate a neighbourhood area and a neighbourhood forum at the same time?**

A local planning authority can consult on applications to designate a neighbourhood area and a neighbourhood forum at the same time. However, if the neighbourhood area then designated is not the same as the one originally applied for, a prospective

neighbourhood forum may find that it has to revisit its membership, purpose or constitution and submit a revised forum application.

Revision date: 06 03 2014

**Paragraph: 039 Reference ID: 41-039-20140306**

**What should a local planning authority do if it receives more than one neighbourhood forum application for the same area or part of the same area?**

A local planning authority can only designate one neighbourhood forum for a neighbourhood area. Where there are competing forum applications the local planning authority should encourage a dialogue between the applicants in order that they can consider working together as a single neighbourhood forum. The onus is on the prospective neighbourhood forums to be constructive and to reach an agreed solution.

If prospective neighbourhood forums cannot agree to work together one course of action open to a local planning authority is first to designate a neighbourhood area if it has not already done so. This provides certainty about the conditions that any organisation or body will need to meet in order to be designated as the neighbourhood forum for the particular neighbourhood area.

The local planning authority can then assess each neighbourhood forum application against the conditions for designation and evaluate each application in light of the factors set out in [section 61F\(5\) and section 61F\(7\) of the Town and Country Planning Act 1990 Act as applied to Neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004](#).

Revision date: 06 03 2014