

What is a neighbourhood plan? Extract from Locality Roadmap

To read the complete document please go to:

<http://locality.org.uk/wp-content/uploads/Neighbourhood-planning-roadmap-2016.pdf>

A neighbourhood plan is a community-led planning framework for guiding the future development, regeneration and conservation of an area. It is about the use and development of land and 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.

It may also deal with a wide range of social, economic and environmental issues (such as housing, employment, heritage and transport) or it may focus on one or two issues only. These may be issues that are relevant to the whole neighbourhood or just to part of the neighbourhood. It is for those producing the plan to decide on its scope and content.

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

Neighbourhood plans can be a powerful tool in shaping the development of a neighbourhood. For example, in historic areas, a Neighbourhood Development Order could allow missing historical features such as front boundary walls to be reinstated or could allow things like improvements to shop fronts or extensions to houses or other buildings. This could be for the whole of or just for a part of the neighbourhood area.

Producing a neighbourhood plan has advantages over other kinds of plan (such as parish or community plans) because it enables communities to take the lead in their own neighbourhoods in producing part of the statutory development plan for the area (see below). Neighbourhood plans have real legal force.

Opportunities and advantages - A neighbourhood plan offers several advantages over simply relying on the Local Plan produced by the local council or on more informal plans, like community plans or parish plans. Community-led neighbourhood plans are led by authorised local community organisations (parish or town councils or neighbourhood forums) rather than the local council's planning department. This means that community representatives write the plan themselves (or ask others to write the plan, but under their control).

Community groups or parish/town councils preparing plans have the opportunity to engage properly with the wider community right from the beginning of the plan preparation process, to make sure it genuinely represents the range of wants and needs in the local area.

A neighbourhood plan would be part of the statutory development plan for the area. This means that local authorities or planning inspectors would have to make decisions on the basis of the neighbourhood plan policies and any other material considerations when considering planning applications or appeals in the neighbourhood area. In other words, the neighbourhood plan would carry more weight as a consideration in planning decisions, effectively giving the local community more influence and control over the development of their area.

Whilst the Local Plan covers the whole district, a neighbourhood plan would be focused on the needs of the neighbourhood and would allow the local community to specify in more detail what they expect from development. For example, it could contain more detail on things like urban design, affordable housing, and preferred sites/locations for housing and other development. This is about guiding and shaping development, not undermining the delivery of development in that area. The plan could also guide the provision of infrastructure, for example, setting out priorities for new development such as improving pedestrian links, upgrading paths and open space. This would inform subsequent negotiations between local authorities and developers.

Establishing a dialogue - Those producing neighbourhood plans will need to speak to a range of organisations, departments and local partners. This will establish a range of dialogues which would otherwise probably not take place, potentially influencing the activities of the various organisations involved. The plan could include things like improvement of streets and public spaces or where community facilities should be located. This would provide the context for negotiations with local authority departments (e.g. highways) and could help to influence their future works or development.

Site allocation Depending on the level of detail in the Local Plan, the neighbourhood plan allows the community to develop criteria and choose which sites are allocated for what kind of development.

Once the neighbourhood area has been approved, the legal requirement for local authorities to support those preparing Neighbourhood Plans should be taken into account.

Duty to support - Once the neighbourhood area is approved, the local planning authority is legally required to provide support and advice to those bodies producing a neighbourhood plan in its area. This could include things like:

- making available data for the evidence base, including the evidence underpinning any adopted or emerging local plans
- arranging meetings, as appropriate, with the qualifying body
- setting out local strategic policies in the adopted Local Plan
- highlighting national policies which will need to be considered

- providing advice on the legal requirements for neighbourhood planning under the Town and Country Planning Act 1990 (as amended by the Localism Act)
- providing advice on general planning matters • sharing information on key contacts and stakeholders
- making available venues and helping to arrange community engagement activities, to avoid consultation overload and maximise efficiencies of resources
- checking the plan prior to formal submission (development management and policy teams) • participation in meetings of the qualifying body or its working groups
- providing advice on who needs to be consulted, especially in order to help the draft proposals meet the basic conditions (such as compatibility with EU obligations)
- providing technical support, such as assistance in laying out and illustrating a plan • providing members for neighbourhood forums or more informal steering/working groups
- screening the emerging neighbourhood plan for Strategic Environmental Assessment (SEA) or Habitat Regulations Assessment (HRA).

The Duty to Support does not require the giving of financial assistance to parish councils or designated neighbourhood forums, but this should not stop those local planning authorities that wish to do so from offering such assistance.

Often the process of preparing a plan will highlight non-planning issues or the need for community projects. This could include things like traffic management or street cleaning. A decision needs to be made on how to deal with some issues. One option could be to produce a supplement or an annex to the neighbourhood plan, setting out such proposals. These would not form part of the statutory neighbourhood plan, so would not be subject to the independent examination and referendum.

Neighbourhood Development Orders or Community Right to Build Orders may be used to grant planning permission for specified types of development or for the development of sites identified in the neighbourhood plan.

Publicising the proposal to prepare a neighbourhood plan - In order to make the process as open and transparent as possible and to ensure wide community involvement, it is advisable to begin with a programme of publicity and awareness-raising that a neighbourhood plan is being proposed. It doesn't matter how good a neighbourhood plan is if no one knows about it and no one gets involved. The aim should be to make sure that everyone knows about the plan and has an opportunity to participate. The local authority may be able to help with this through local newsletters. Also, local radio stations and newspapers could be approached. Depending on the size of the proposed neighbourhood area, it may be possible to post leaflets through letterboxes. Notices and/or leaflets could be prepared to place in local public buildings and shops. Social media (such as Twitter and Facebook), presence at local events (such as markets and festivals) can also be used. It is important to create and maintain a neighbourhood plan website where more information can be obtained and where interested parties can follow the progress of the plan. This should include contact details, including an email address.

Local partners could include:

- local councillors
- local shopkeepers, businesses, major employers and business organisations, including chambers of trade or commerce
- community groups such as residents' associations, local civic or amenity societies, local history groups or sports clubs, landowners of key sites or organisations with significant property holdings and developers with site options
- local trusts and project groups, such as community development trusts, land trusts or building preservation trusts
- not-for-profit organisations representing minority groups (e.g. elderly, disabled, young people, low-income, lesbian and gay groups, faith groups and ethnic groups)
- educational establishments such as schools, colleges and universities • community facilitators or activists
- local institutions (e.g. arts centres, performance venues, architecture or built environment centres)
- health and social care organisations
- local branches of professional bodies.

When a completed neighbourhood plan is submitted for independent examination, it will have to be accompanied by a consultation statement, demonstrating that the legal requirements for consultation have been met.

Local partners and others interested in the plan will have the opportunity to comment on matters of detail. There is a requirement to consult with certain bodies and the local authority should be able to advise on this. The plan may then be amended, taking account of any feedback received.

The importance of the evidence base - The National Planning Policy Framework requires neighbourhood plans to be evidence based. Planning policies need to be based on clear rationale and proper understanding of the place they relate to, if they are to be relevant, realistic and to address local issues effectively. The data and analysis about a place is called the evidence base. Unless policy is based on firm evidence and proper community engagement, it is more likely to reflect the assumptions and prejudices of those writing it than to reflect the views of the residents.

The kind of evidence needed - A neighbourhood plan is about the use and development of land, and appropriate evidence on local social, economic and environmental conditions and issues is required. A good starting point is to look at the socioeconomic profile of the local population. Population trends, local employment, industries and social trends should be identified. Predominant land uses in the neighbourhood area may be identified, together with an assessment of the types of housing stock. Other evidence may relate to things like housing, transport, natural environments, built heritage, retail

centres, urban design, community facilities and any other subjects relevant to the planning and development of the area.

There are two main stages to building the evidence base. The first of these is to review existing evidence. The second is to identify and develop any further evidence required, either because there is no existing evidence or because there needs to be a clearer focus on the particular neighbourhood.

Background document - It is not necessary to include the evidence base and outcomes of community engagement in the plan itself. To do so would result in a very thick and unwieldy document. Instead, it is suggested that a background document be created, which lists the sources of evidence, contains any new evidence and summarises the outcomes of the community engagement programme at different stages in the plan process. These should be available through the website.

Any criteria used in decision-making should also be made available, such as the criteria used to select sites for housing or other kinds of development. The main advantage of producing a background document is that it would allow the neighbourhood plan itself to focus on the policies and proposals themselves, rather than the process that created them. The neighbourhood plan may include an overview of evidence and community engagement and explain how they have informed the vision, aims, and policies in the plan. This demonstrates that the plan is based on solid understanding of the area and reflects the views of the wider community.

Where a neighbourhood development order proposes certain types of development, an assessment of the effects of the order on the environment must be undertaken and its findings taken into account. The local planning authority should be able to advise on this. For Neighbourhood Development Orders and Community Right to Build Orders, there is an additional requirement - **they must have regard to the protection and enhancement of listed buildings and conservation areas**. In addition, both neighbourhood plans and Neighbourhood Development Orders must meet human rights requirements.

Setting aims - In setting aims for the plan, it is vital to consider both aspiration and reality for how the area should be in, say, 15 years time (or whatever the period of the plan is), and the likely social, environmental and physical trends affecting the area over that period. Based on the evidence, consultation feedback and knowledge of the area, a useful approach may be to consider what the neighbourhood's USP (unique selling point) is. This is about identifying those factors that make the area distinctive, attractive and a desirable place to live and work in. Assessment can also be made of the neighbourhood's unrealised potential, such as vacant historic or community buildings, which could be regenerated. Aims may be designed to address the area's weaknesses, build on its strengths and deal with any other issues identified. A plan could also have an overall vision, if this is thought to be helpful. The vision and aims should be as clear and concise as possible as they will inform the more detailed parts of the plan.

Policy and guidance - The policies of a neighbourhood plan and the Local Plan together form the statutory development plan for the area and will be used as a basis for considering planning applications of all kinds. The National Planning Policy Framework will also be an important material consideration.

As with other parts of the plan, such proposals would need to relate to the use and development of land, be evidence based and meet the basic conditions. Consideration needs to be made of how proposals would be funded and delivered. This could include funding applications, use of planning gain (Section 106 obligations or the Community Infrastructure Levy), or negotiations with service providers, such as health bodies or the transport authority. It is essential that any infrastructure requirements are realistic and do not undermine the viability of development sites.

It is useful to recognise the benefits the natural environment provides, for example, in mitigating the impacts of climate change, alleviating flooding, improving air quality and providing space for recreation. Important natural environment assets may be identified, such as valued local green spaces. You could also consider where there may be opportunities to enhance the natural environment and create things like wildlife habitats, new tree planting or spaces for community food-growing initiatives.

There are many ways in which a neighbourhood plan can address sustainable development. Some examples are:

- encouraging and requiring mixed transport provision, including accessible public transport, cycle facilities and safe and convenient pedestrian routes
- encouraging mixed-use areas, thereby reducing the need for travel
- ensuring a good mix of community facilities in walking distance where possible
- encouraging facilities to support and encourage home working
- requiring good urban design, creating safe, overlooked, attractive, convenient, well connected streets and spaces
- ensuring new development enhances the viability of city, town, village and local centres
- enabling provision of varied local employment opportunities at a sustainable wage
- requiring provision of a good mix of housing types, based on meeting local need
- considering the protection and enhancement of wildlife areas and measures to support bio-diversity
- encouraging and enabling the reuse and refurbishment of existing buildings
- ensuring development incorporates facilities to encourage recycling, water collection, local energy generation, etc.
- ensuring works to improve the performance of traditional buildings are compatible with their building technology (the need for walls to breath)
- prioritising brown field sites
- conserving historic buildings and environments and ensuring they remain in productive use and contribute to wider planning goals.

Many people will not want to read through the whole document, so it is useful to produce a simple leaflet or display boards that set out the main aims and main focus of the policies in the plan. Drop-in centres may be a useful means of allowing people to ask questions or discuss the plan on a one-to-one basis. The draft plan proposal should be uploaded to the neighbourhood plan website. Printed copies should be made available at convenient locations, such as libraries, community centres, council offices and other key public buildings.

Modifications - Any comments received by the end of the consultation period should be considered conscientiously by the neighbourhood planning body. A decision will need to be made over whether or not to amend the neighbourhood plan. These decisions and the reasoning behind them should be recorded, as this information will need to be incorporated into the Consultation Statement (see later section). A brief report should be produced, summarising comments received and describing if and how the plan has been modified in response to the issues raised.

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

- a map or statement, which identifies the area to which the plan relates (a map makes more sense than a statement!)
- a consultation statement (see later section)
- the neighbourhood plan proposal
- a statement on how the plan fulfils the basic conditions

The consultation statement - The focus of the consultation statement is on the six-week statutory consultation. However, it is also useful to include a summary of previous community engagement and consultation that has been undertaken, the main outcomes and how this informed the content of the plan. 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.

Essentially, this is about demonstrating that there has been proper community engagement and that it has informed the content of the plan. It also makes it clear and transparent that the body producing the plan have sought to address the issues raised during the consultation process.

The basic conditions statement - The basic conditions statement needs to demonstrate how the neighbourhood plan proposal meets each of the basic conditions.

This provides a useful opportunity to the neighbourhood planning body to explain to the independent examiner how the basic conditions have been considered and how the plan meets their requirements. In addition the basic conditions statement needs to confirm that the plan meets other legal requirements, as follows:

- the draft plan is being submitted by a qualifying body (as defined by the Act)
- what is being proposed is a neighbourhood plan (as defined in the Act)
- the proposed NDP states the period for which it is to have effect
- confirmation that the policies do not relate to 'excluded development'
- confirmation that the proposed neighbourhood plan does not relate to more than one neighbourhood area
- confirmation that there are no other neighbourhood plans place within the neighbourhood area.

It might be sensible to include supporting material such as the applications and designations of the neighbourhood area (and forum where relevant) and any evidence that supports the proposed neighbourhood plan and basic conditions statement.

Publicity - The plan must be publicised for a six-week period (Regulation 16). This should not be confused with the earlier pre-submission consultation (Regulation 14). The local planning authority will also notify anyone referred to in the consultation statement that the plan has been received.

The independent examination - The local authority will appoint an appropriately qualified and experienced person to carry out the independent examination of the neighbourhood plan, known as the 'independent examiner'. This appointment has to be agreed with the neighbourhood planning body that submitted the neighbourhood plan to the local authority.

The examiner will be considering whether the plan:

- has appropriate regard to national policy
- contributes to the achievement of sustainable development
- is in general conformity with the strategic policies in the development plan for the local area
- is compatible with EU obligations
- meets human rights requirements.

If the independent examiner recommends that the plan does not proceed to a referendum, it will be necessary to consider the reasons behind that recommendation and to consider whether the plan can be amended. This should be discussed with the local planning authority. It may also be necessary to consult again with local partners or stakeholders.

Referendum - If the neighbourhood plan is found to be satisfactory, with modifications if necessary, then the local authority will arrange for the referendum to take place. This will be organised by the elections unit and 28 working days before the date of the referendum, the local authority is required to publish information about the neighbourhood plan. Then 25 working days before the date of the referendum, they are required to give notice that a referendum is taking place and the date of the poll. The neighbourhood planning body may encourage voting and disseminate information on the proposed neighbourhood plan, within reasonable expense limits. Public money and parish councils can only produce factual material about the neighbourhood plan, not promote a 'yes' vote. However, members of the parish council and others may act independently, using independent funds, to campaign for a 'yes' vote.

Delivery - Once a neighbourhood plan is brought into legal force, it forms part of the statutory Development Plan for that area. Consequently, decisions on whether or not to grant planning permission in the neighbourhood area will need to be made in accordance with the neighbourhood plan (as part of the statutory development plan), unless material considerations indicate otherwise.

Having a plan in place is just part of the story - just as important is seeing those ambitions materialise as real changes on the ground. Having a plan and waiting for development is one thing, but elements of the plan may need active interventions on the part of the community, the local planning authority, other organisations and other key stakeholders. In both areas of high growth and deprivation, there may be some kinds of development that the market is unable or unlikely to deliver. Community-led development may be the solution in such instances.

It is important to note that neighbourhood forums exist to produce neighbourhood plans and have a designation of five years only. They do not have a formal role in the implementation of a neighbourhood plan. The members of a neighbourhood forum may want to consider how they can stay involved and support implementation, perhaps through the creation of another type of formal group.