



Neighbourhood Planning

Parish Council Training

14 March 2012

Agenda



- **Neighbourhood planning legislation**
- **Who can get involved in neighbourhood planning?**
- **What can different organisations do?**
 - Neighbourhood Plans
 - Neighbourhood Development Orders
 - Community Right to Build Orders
- **Process**
- **Questions / Discussion**

Legislation



- Neighbourhood planning will be governed by a formal statutory process set down in legislation and regulation

Primary Legislation

- **Localism Act** received royal assent on 15 November 2011
- Will give new planning powers to organisations other than traditional planning authorities
- Makes amendments to the Town & Country Planning Act 1990 and the Planning & Compulsory Purchase Act 2004
- Not all relevant provisions are yet in force

Regulations (more procedural)

- Consultation in October 2012. Expected to come into force on 1 April 2012

Who can get involved?



Parish Councils

- Parish Councils take the lead where they exist

Neighbourhood Forums

- Can be designated where no Parish Council
- Established to promote or improve the social, economic and environmental well-being of the area (inc. trades, professions or businesses)
- Min. 21 members who live or work in, or are elected for, the area

Community Organisations

- Can operate in a Parish Council area in relation to a specific site
- Body corporate established to further the social, economic and environmental well-being of individuals living or wanting to live in an area
- Over ½ the members must live in the area

What can be done?



Neighbourhood Development Plans

- Sets out **policies** for development and use of land
- Must be adopted by TWBC as part of the statutory Development Plan


Neighbourhood Development Orders

- Grants **planning permission** for a specified type or class of planning permission, i.e. no further need to apply to TWBC for consent unless a condition requires this

Community Right to Build Orders

- A particular type of Neighbourhood Development Order
- Grants planning permission for development on a specific site

Who can do what?



| Parish Councils | Neighbourhood Forums | Community Organisations |
|--|---|---|
| Neighbourhood Development Plans | Neighbourhood Development Plans | Community Right to Build Orders |
| Neighbourhood Development Orders | Neighbourhood Development Orders (Where no Parish Council) | Where also a Neighbourhood forum... Neighbourhood Development Orders |
| Documents initially submitted to TWBC prior to independent examination | | |

Neighbourhood Development Plans (NDPs)



- A NDP is a **planning policy document**.
- After due process, and if it meets all the relevant tests, TWBC must adopt it as part of the **Development Plan** for the area.
- People making planning applications would then need to comply with NDP policies, which would have the **same weight** as TWBC's policies.

Important Considerations – must meet basic conditions related to:

- National Policies and advice
- General conformity with strategic policies in (TWBC's) development plan
- Listed Buildings and features of architectural and historic interest
- Conservation Areas
- Sustainable Development

...NDPs



What might they cover?

- Identification of distinctive character and/or design criteria?
- Higher build standards?
- Specific areas of additional protection?
- Small-scale allocations for specific uses?

Things to think about

- Scale and nature of NDPs likely to be different for different organisations, so...
- What do you want them to do?
- No need to repeat what is in TWBC's plans
- Know where to focus energies, e.g. still important to participate in TWBC plan-making process, such as for large-scale site allocations
- General conformity test with strategic development plan policies means NDPs cannot 'block' the development TWBC seeks to provide

Neighbourhood Development Orders (NDOs)



- A NDO **grants planning permission** for a specified type or class of development, with or without conditions
- Once the NDO is in place, there will be **no need to apply to TWBC** for planning permission for the type of development it permits
- It is effectively granting additional '**permitted development rights**'

What might they cover?

- Change of use, e.g. from commercial to residential, or vice versa, or from retail to business?
- Allow larger extensions to dwellings than are possible under permitted development rights

Things to consider

- The NDO will apply equally to all properties in the relevant area – not just one popular case
- Do you need to attach conditions which could require formal permission for certain things?

Community Right to Build Order (CRBO)



- A CRBO is a specific type of NDO which **grants planning permission** for development on a **specific site**

What might they cover?

- Most likely to cover the development of a specific project – building(s) or use, e.g. some houses; a community building; or a play area?

Things to consider

- A CRBO can be proposed by a community organisation even within the area covered by a Parish Council
- TWBC has less power of intervention in the examination process for a CRBO than it does for either a NDP or a NDP – presumably because the effects are limited to a single site

Process for Preparing Neighbourhood Planning Documents




1. Organisation decides which area it wishes to act for and asks TWBC to designate it as a “neighbourhood area”
2. Organisation prepares a draft document and submits it to TWBC having complied with Regulations about publicity and consultation
3. TWBC assesses whether proposal complies with relevant standards and regulations. If yes, TWBC submits it for independent examination

Process for Preparing Neighbourhood Planning Documents




4. Examiner considers whether it complies with the basic conditions referred to earlier, inc. national guidance; development plan policy, etc.
5. Examiner reports on whether the proposal should be submitted for referendum; modified and submitted; or refused
6. TWBC considers how to respond to examiner’s report. If the basic conditions are met, or the proposal can be amended to meet them, it must be submitted for referendum. If not, it must be refused.
7. If more than half those voting in any referendum vote in favour of the proposal, the NDP / NDO / CRBO must be made by TWBC

Advice & Guidance



- **TWBC** must give *such advice or assistance as, in all the circumstances, they consider appropriate* to facilitate the making of the various documents
- The **Government** has committed to providing £50m until March 2015 to support local councils in neighbourhood planning
- The Government has provided £3m to four community support organisations that already support communities in neighbourhood planning
 - Planning Aid
 - Campaign to Protect Rural England (CPRE)
 - Prince's Foundation for the Built Environment & Locality
 - Royal Town Planning Institute (RTPI)

Questions & Discussion



Any Questions?