

# What is neighbourhood planning?

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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 plan for the types of development to meet their community's needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Paragraph: 001 Reference ID: 41-001-20190509

Revision date: 09 05 2019 See [previous version](#)

## What can communities use neighbourhood planning for?

Local communities can choose to:

- set planning policies through a neighbourhood plan that forms part of the development plan used in [determining planning applications](#).
- grant planning permission through [Neighbourhood Development Orders](#) and Community Right to Build Orders for specific development which complies with the order.

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.

Paragraph: 002 Reference ID: 41-002-20190509

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### **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 10, 15, 20 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% of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area, where their authority collects contributions using this method.

Communities without a parish or town council can still benefit from this incentive. If there is no parish or town council the charging authority will retain the Levy receipts (where it is charged) 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 eg website, newsletters, etc. The use of neighbourhood funds

should therefore match priorities expressed by local communities, including priorities set out formally in neighbourhood plans.

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Revision date: 09 05 2019 See [previous version](#)

### **What should a neighbourhood plan address?**

A neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development strategy and should shape and direct development that is outside of those strategic policies (as outlined in [paragraph 13](#) of the revised National Planning Policy Framework). Within this broad context, the specific planning topics that a neighbourhood plan covers is for the local community to determine.

A neighbourhood plan should, however, contain policies for the development and use of land. This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan 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](#)).

Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan.

Paragraph: 004 Reference ID: 41-004-20190509

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### **How can neighbourhood plans support the provision of affordable homes for sale?**

Neighbourhood plans can support the provision of affordable homes for sale that meet the needs of local people by including relevant policies and site allocations. Depending on the content of relevant

strategic policies in the local plan or spatial development strategy, neighbourhood plans may be able to vary the types of affordable housing that will be expected, or to allocate additional sites that will provide affordable housing, where this will better meet the needs of the neighbourhood area.

Paragraph: 100 Reference ID: 41-100-20190509

Revision date: 09 05 2019

### **How should a community ensure its neighbourhood plan is deliverable?**

Plans should be prepared positively, in a way that is aspirational but deliverable. Strategic policies in the local plan or spatial development strategy should set out the contributions expected from development. This should include the levels and types of affordable housing required, along with other infrastructure. Neighbourhood plans may also contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy. Further [guidance on viability](#) is available.

Paragraph: 005 Reference ID: 41-005-20190509

Revision date: 09 05 2019 See [previous version](#)

### **Does a neighbourhood plan have the same legal status as the local plan?**

A neighbourhood plan attains the same legal status as a local plan (and other documents that form part of the statutory development plan) once it has been approved at a referendum. At this point it comes into force as 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](#)).

Paragraph: 006 Reference ID: 41-006-20190509

Revision date: 09 05 2019 See [previous version](#)

## **Can a neighbourhood plan come forward before an up-to-date local plan or spatial development strategy 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 (or, where applicable, a spatial development strategy is being prepared by an elected Mayor or combined authority).

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](#). Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, [up-to-date housing need evidence](#) is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.

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 (or spatial development strategy)
- 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 so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan,

including housing supply policies. This is because [section 38\(5\) of the Planning and Compulsory Purchase Act 2004](#) requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement ([paragraph 65](#) of the revised National Planning Policy Framework). Where this is not possible the local planning authority should provide an [indicative figure, if requested to do so by the neighbourhood planning body](#), which [will need to be tested](#) at the neighbourhood plan examination. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.

Paragraph: 009 Reference ID: 41-009-20190509

Revision date: 09 05 2019 See [previous version](#)

### **What type of permission can be granted by a Neighbourhood Development Order?**

A Neighbourhood Development Order can grant planning permission for specific types of development in a specific neighbourhood area. A Neighbourhood Development Order can therefore:

- apply to a specific site, sites, or wider geographical area
- grant planning permission for a certain type or types of [development](#)
- grant planning permission outright or subject to [conditions](#).

Paragraph: 010 Reference ID: 41-010-20140306

Revision date: 06 03 2014

### **What type of development can be granted planning permission by a Neighbourhood Development Order?**

A Neighbourhood Development Order can be used to permit:

- building operations (eg structural alterations, construction, demolition or other works carried out by a builder)
- material changes of use of land and buildings; and/or
- engineering operations

Further information and a definition of [development](#).

Paragraph: 011 Reference ID: 41-011-20140306

Revision date: 06 03 2014

### **What is a Community Right to Build Order and what can it do?**

A Community Right to Build Order is a form of Neighbourhood Development Order which can be created by a local community organisation, and so not restricted to a town or parish council or neighbourhood forum, and can be used to grant planning permission for small scale development for community benefit on a specific site or sites in a neighbourhood area.

A Community Right to Build Order can be used for example to approve the building of homes, shops, businesses, affordable housing for rent or sale, community facilities or playgrounds. Where the community organisation wishes to develop the land itself (subject to acquiring the land if appropriate), then the resulting assets can only be disposed of, improved or developed in a manner which the organisation considers benefits the local community or a section of it.

The legislation also provides a mechanism that enables housing developed using a Community Right to Build Order to be retained as housing that is affordable in perpetuity. This is achieved by disapplying certain statutory rights of tenants of long leases to buy their freehold and the statutory right given to qualifying tenants to acquire social housing (see [paragraphs 11 and 12 of Schedule 4C to the Town and Country Planning Act 1990 \(as amended\)](#) and [Part 7 of the Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#)).

Paragraph: 012 Reference ID: 41-012-20190509

Revision date: 09 05 2019 See [previous version](#)

## **Is there development that cannot be granted planning permission by a Neighbourhood Development Order or a Community Right to Build Order?**

An Order must meet the [basic conditions](#) for neighbourhood planning and it cannot include development defined in [section 61K of the Town and Country Planning Act 1990 \(as amended\)](#). This includes:

- development normally dealt with by a county planning authority, for example minerals and waste related development
- development described in [Schedule 1 to the Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(as amended\)](#) which automatically requires an Environmental Impact Assessment (and in the case of a Community Right to Build Order any Environmental Impact Assessment development)
- development of nationally significant infrastructure projects (which are defined in the [Planning Act 2008](#))

Paragraph: 013 Reference ID: 41-013-20140306

Revision date: 06 03 2014

## **Who leads neighbourhood planning in an area?**

### **Who leads neighbourhood planning in an area?**

Where a community wants to take up the opportunities offered by neighbourhood planning, the legislation enables 3 types of organisation, known as qualifying bodies, to lead it:

- a parish or town council
- a neighbourhood forum
- a community organisation

Paragraph: 014 Reference ID: 41-014-20140306

Revision date: 06 03 2014

## **What is the role of a parish or town council in neighbourhood planning?**

In a designated neighbourhood area which contains all or part of the administrative area of a town or parish council, the town or parish council is responsible for neighbourhood planning.

Where a parish or town council chooses to produce a neighbourhood plan or Order it should work with other members of the community who are interested in, or affected by, the neighbourhood planning proposals to allow them to play an active role in preparing a neighbourhood plan or Order.

The relationship between any group and the formal functions of the town or parish council should be transparent to the wider public. A parish or town council may choose to establish an advisory committee or sub-committee under [section 102\(4\) of the Local Government Act 1972](#) and appoint local people (who need not be parish councillors) to those bodies. Members of such committees or sub-committees would have voting rights under [section 13\(3\), \(4\)\(e\) or \(4\)\(h\) of the Local Government and Housing Act 1989](#). The terms of reference for a steering group or other body should be published and the minutes of meetings made available to the public.

Paragraph: 015 Reference ID: 41-015-20160211

Revision date: 11 02 2016 See [previous version](#)

## **What is a designated neighbourhood forum?**

A designated neighbourhood forum is an organisation or group empowered to lead the neighbourhood planning process in a neighbourhood area where there is no town or parish council.

A group or organisation must apply to the local planning authority to be designated as a neighbourhood forum (a forum application). Those making a forum application must show how they have sought to comply with the conditions for neighbourhood forum designation. These are set out in [section 61F\(5\) of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004](#).

To be designated a neighbourhood forum must have a membership that includes a minimum of 21 individuals who either:

- live in the neighbourhood area
- work there; and/or
- are elected members for a local authority that includes all or part of the neighbourhood area

Paragraph: 016 Reference ID: 41-016-20140306

Revision date: 06 03 2014

### **What if a prospective neighbourhood forum does not have a member from each category, can it still be designated?**

A prospective neighbourhood forum is not required to have a member from each membership category in order to be designated. A neighbourhood forum must have an open membership policy, but it cannot force people to be a part of something they may not wish to be a part of. The local planning authority must consider whether the prospective neighbourhood forum has secured or taken reasonable steps to attempt to secure membership from each category and from different places and sections of the community in that area ([see section 61F\(7\)\(a\)\(i\) and \(ii\) 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](#)).

Paragraph: 017 Reference ID: 41-017-20140306

Revision date: 06 03 2014

### **Can businesses be part of a neighbourhood forum?**

Membership of a designated neighbourhood forum must be open to those working in a neighbourhood area as they will have an interest in the future of an area and the direction that its growth should take.

Individuals in businesses can take the lead in neighbourhood planning. They may wish to consider doing so particularly in areas that are wholly or predominantly business in nature. They should work closely with residents and others. They can ask their local planning

authority to consider designating a neighbourhood area as a business area (see [section 61H of the of the Town and Country Planning Act 1990](#)).

Paragraph: 018 Reference ID: 41-018-20140306

Revision date: 06 03 2014

### **Can any community organisation develop a Community Right to Build Order in an area?**

Any community organisation can develop a Community Right to Build Order in an area provided they meet the conditions set out in [paragraph 3 of Schedule 4C to the Town and Country Planning Act 1990 \(as amended\)](#) and in [regulation 13 of the Neighbourhood Planning \(General\) Regulations 2012\(as amended\)](#)). This means the community organisation must be a body corporate and meet minimum membership requirements. Its constitution must allow people who live or work in the neighbourhood area to become voting members. Those who live in the area must have the majority of voting rights. The constitution must also ensure that the community organisation's assets can only be disposed of, improved, or developed for the benefit of the community.

A community organisation does not need to be designated by the local planning authority in order for it to develop a Community Right to Build Order in a designated neighbourhood area. The local planning authority must however consider whether the organisation meets the legal requirements to be a community organisation when a Community Right to Build Order proposal is submitted to it.

Paragraph: 019 Reference ID: 41-019-20140306

Revision date: 06 03 2014

### **Can a community organisation that meets the conditions also produce a neighbourhood plan or a Neighbourhood Development Order?**

Community organisations can only produce a Community Right to Build Order, they cannot produce a neighbourhood plan unless they are also a [designated neighbourhood forum](#).

Paragraph: 020 Reference ID: 41-020-20140306

Revision date: 06 03 2014

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

### **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 [within the time limits that apply](#).
- 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 \(as amended\)](#).

Paragraph: 021 Reference ID: 41-021-20140306

Revision date: 16 11 2016 See [previous version](#)

### **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 including when considering the recommendations of the independent examiner of a neighbourhood development plan or Order proposal.

Paragraph: 022 Reference ID: 41-022-20150209

Revision date: 16 11 2016 See [previous version](#)

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

When exercising its responsibilities in relation to relevant parts of the neighbourhood planning process, a local planning authority 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. Certain decisions must be taken within prescribed time periods. These are set out in the [Neighbourhood Planning \(General\) \(Amendment\) Regulations 2015](#), the [Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2016](#), and the [Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2017](#) which amend the [Neighbourhood Planning \(General\) Regulations 2012](#). They include:

- the designation of a [neighbourhood area](#).
- the designation of a [neighbourhood forum](#).
- the decision by a local planning authority on [whether to put a neighbourhood plan or order proposal to referendum](#) following receipt of the report of the independent examiner.
- the time period for a local planning authority to seek further representations and make a final decision, where they propose to make a [decision which differs from that recommended by the examiner](#).
- the time period within which the referendum must be held, following the decision that the plan or Order proposal should be put to referendum;
- the time period for a local planning authority to make a neighbourhood plan or Order after it has been approved in each applicable referendum.
- the time period for a local planning authority to make a modified [neighbourhood plan](#) following receipt of the report of the independent examiner, where the modifications do not change the nature of the plan.

Paragraph: 081 Reference ID: 41-081-20190509

Revision date: 09 05 2019 See [previous version](#)

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

The Council's Executive takes the decisions on neighbourhood planning (where the authority operates executive arrangements). The Executive may be able to delegate to others in the authority the power 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](#).

Paragraph: 023 Reference ID: 41-023-20190509

Revision date: 09 05 2019 See [previous version](#)

## **How should a housing requirement figure be set for designated neighbourhood areas?**

The National Planning Policy Framework expects most strategic policy-making authorities to set housing requirement figures for designated neighbourhood areas as part of their strategic policies. While there is no set method for doing this, the general policy making process already undertaken by local authorities can continue to be used to direct development requirements and balance needs and protections by taking into consideration relevant policies such as the spatial strategy, evidence such as the [Housing and economic land availability assessment](#), and the characteristics of the neighbourhood area, including its population and role in providing services. In setting requirements for housing in designated neighbourhood areas, plan-making authorities should consider the areas or assets of particular importance (as set out in [paragraph 11, footnote 6](#)), which may restrict the scale, type or distribution of development in a neighbourhood plan area.

Within the administrative area of a National Park, the Broads Authority or a Development Corporation (where planning powers are conferred), each local planning authority should set a housing requirement figure for the proportion of the designated neighbourhood area which is covered by their administration.

Paragraph: 101 Reference ID: 41-101-20190509

Revision date: 09 05 2019

## **How should local planning authorities identify indicative housing requirement figures for designated neighbourhood areas, when these are needed?**

Where an indicative housing requirement figure is requested by a neighbourhood planning body, the local planning authority can follow a similar process to that for providing a housing requirement figure. They can use the authority's local housing need as a starting point, taking into consideration relevant policies such as an existing or emerging spatial strategy, alongside the characteristics of the neighbourhood plan area.

Proactive engagement with neighbourhood plan-making bodies is important as part of this process, in order for them to understand how the figures are reached. This is important to avoid disagreements at neighbourhood plan or local plan examinations, and minimise the risk of neighbourhood plan figures being superseded when new strategic policies are adopted.

Paragraph: 102 Reference ID: 41-102-20190509

Revision date: 09 05 2019

## **Designating a neighbourhood area**

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

An application must be made by a parish or town council, neighbourhood forum 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.

A local planning authority must determine the application within [certain timescales](#).

Paragraph: 024 Reference ID: 41-024-20190509

Revision date: 09 05 2019 See [previous version](#)

### **Should a community organisation or neighbourhood planning body consult the local planning authority before making an area application?**

A community organisation or neighbourhood planning body 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.

Paragraph: 025 Reference ID: 41-025-20190509

Revision date: 09 05 2019 See [previous version](#)

### **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, or a neighbourhood area that contains both parished and non-parished areas, as long as the area proposed for designation includes all or part of that parish council's administrative area.

Paragraph: 026 Reference ID: 41-026-20190509

Revision date: 09 05 2019 See [previous version](#)

### **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.

Paragraph: 027 Reference ID: 41-027-20140306

Revision date: 06 03 2014

### **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 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.

Paragraph: 028 Reference ID: 41-028-20140306

Revision date: 06 03 2014

### **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.

Paragraph: 029 Reference ID: 41-029-20140306

Revision date: 06 03 2014

## **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.

Paragraph: 030 Reference ID: 41-030-20140306

Revision date: 06 03 2014

## **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 2 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

Paragraph: 031 Reference ID: 41-031-20140306

Revision date: 06 03 2014

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

Where a parish council applies for the whole of the area of the parish to be designated as a neighbourhood area, the local planning authority must designate the whole of the area applied for. This includes where a parish applies to extend its existing neighbourhood area to its parish boundary. Exceptions to this are where the area applied for:

- has already been designated as a neighbourhood area which extends beyond the parish boundary; or
- forms part of another application that has not yet been determined.

Paragraph: 032 Reference ID: 41-032-20170728

Revision date: 28 07 2017 See [previous version](#)

### **What considerations, other than administrative boundaries, may be relevant 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 that 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.

Paragraph: 033 Reference ID: 41-033-20140306

Revision date: 06 03 2014

## **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 6 weeks.

Paragraph: 034 Reference ID: 41-034-20140306

Revision date: 06 03 2014

## **Is there a time limit for the determination of a neighbourhood area application by a local planning authority?**

The [Neighbourhood Planning \(General\) \(Amendment\) Regulations 2015](#) prescribe time limits for the determination of a neighbourhood area application. Except where a local planning authority is [required to designate the whole of a parish](#), applications must be determined within 13 weeks of first being publicised, or 20 weeks where the application relates to more than one local planning authority area. If these time limits are not met, the local planning authority must designate all of the area applied for.

Paragraph: 088 Reference ID: 41-088-20161116

Revision date: 16 11 2016

## **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](#)).

In certain circumstances, the local planning authority must designate all of the area applied for. These circumstances are where a parish

council applies for the [whole of their parish to be designated](#) or where the [time limit for determining the application](#) has not been met.

In other cases 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'.

However, except where they are required to [designate the whole area applied for](#), a local planning authority can refuse to designate the specific 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.

Paragraph: 035 Reference ID: 41-035-20161116

Revision date: 16 11 2016 See [previous version](#)

### **Can a neighbourhood area include land allocated in strategic policies as a strategic site?**

A neighbourhood area can include land allocated in strategic policies 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.

A neighbourhood plan must be in general conformity with, and plan positively to support, the strategic policies of the development plan.

Paragraph: 036 Reference ID: 41-036-20190509

Revision date: 09 05 2019 See [previous version](#)

## **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, but only if the local planning authority is responding to a new application for a neighbourhood area to be designated.

[Section 5 of the Neighbourhood Planning Act 2017](#) (which amends the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004) facilitates the amendment of neighbourhood areas and provides for what is to happen to the neighbourhood plan or Order that has already been made in relation to that area.

Should the [neighbourhood planning body](#) seek to amend a designated area as part of the process of updating a neighbourhood plan that is in force, they should ensure their neighbourhood area application considers any potentially adverse consequences on the existing plan which would remain in force for any area excluded from the amended boundary. If any such adverse consequences are identified, qualifying bodies should set out appropriate mitigation measures in the [basic conditions statement](#).

Paragraph: 037 Reference ID: 41-037-20180222

Revision date: 22 02 2018 See [previous version](#)

## **How to designate a neighbourhood forum**

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

Where there is no parish or town council who can lead on the creation of a neighbourhood plan, members of the community can form a neighbourhood forum to take forward the development of a neighbourhood plan or Order. A prospective forum should apply to the local planning authority for designation, setting out how it has met the requirements of [section 61F\(5\) of the Town and Country Planning Act 1990 as applied to Neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004](#).

Paragraph: 089 Reference ID: 41-089-20161116

Revision date: 16 11 2016

**Is there a time limit for determination of a neighbourhood forum application?**

A local planning authority must take a decision on an application to designate a neighbourhood forum within 13 weeks (or 20 weeks, where the application must be submitted to more than one local planning authority), provided there is no other neighbourhood forum application already under consideration for all or part of the area. These time periods are prescribed in the [Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2016](#).

Paragraph: 090 Reference ID: 41-090-20161116

Revision date: 16 11 2016

**Does a local planning authority need to publicise all neighbourhood forum applications?**

A local planning authority must publicise a neighbourhood forum application in accordance with [regulation 11 of The Neighbourhood Planning \(General\) Regulations 2012](#).

Paragraph: 091 Reference ID: 41-091-20161116

Revision date: 16 11 2016

**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.

Paragraph: 038 Reference ID: 41-038-20140306

Revision date: 06 03 2014

### **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 for the same or overlapping areas, 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](#).

Paragraph: 039 Reference ID: 41-039-20161116

Revision date: 16 11 2016 See [previous version](#)

## **Preparing a neighbourhood plan or Order**

### **What evidence is needed to support a neighbourhood plan or Order?**

While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.

A local planning authority should share relevant evidence, including that gathered to support its own plan-making, with a qualifying body. Further details are set out in [guidance of the type of evidence useful in supporting a local plan](#).

Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.

In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making.

Paragraph: 040 Reference ID: 41-040-20160211

Revision date: 11 02 2016 See [previous version](#)

### **How should neighbourhood planning bodies use a housing requirement figure that has been provided to them?**

Where neighbourhood planning bodies have decided to make provision for housing in their plan, the housing requirement figure and its origin are expected to be set out in the neighbourhood plan as a basis for their housing policies and any allocations that they wish to make.

Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and where possible to exceed it. A sustainable choice of sites to accommodate housing will provide flexibility if circumstances change, and allows plans to remain up to date over a longer time scale. Where neighbourhood planning bodies intend to exceed their housing requirement figure, proactive engagement with

their local planning authority can help to assess whether the scale of additional housing numbers is considered to be in general conformity with the strategic policies. For example, whether the scale of proposed increase has a detrimental impact on the strategic spatial strategy, or whether sufficient infrastructure is proposed to support the scale of development and whether it has a realistic prospect of being delivered in accordance with development plan policies on viability. Any neighbourhood plan policies on the size or type of housing required will need to be informed by the evidence prepared to support relevant strategic policies, supplemented where necessary by locally-produced information.

When strategic housing policies are being updated, neighbourhood planning bodies may wish to consider whether it is an appropriate time to review and update their neighbourhood plan as well. This should be in light of the local planning authority's reasons for updating, and any up-to-date evidence that has become available which may affect the continuing relevance of the policies set out in the neighbourhood plan.

Paragraph: 103 Reference ID: 41-103-20190509

Revision date: 09 05 2019

### **Are housing requirement figures for neighbourhood areas binding?**

The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area.

Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing. However, there is an expectation that [housing requirement figures will be set in strategic policies, or an indicative figure provided](#)

[on request](#). Where the figure is set in strategic policies, this figure will not need retesting at examination of the neighbourhood plan. Where it is set as an indicative figure, it will need to be tested at examination.

Paragraph: 104 Reference ID: 41-104-20190509

Revision date: 09 05 2019

### **What happens if the local planning authority does not provide a housing requirement figure for a designated neighbourhood area that wishes to plan for housing?**

Where strategic policies do not already set out a requirement figure, the National Planning Policy Framework expects an indicative figure to be provided to neighbourhood planning bodies on request.

However, if a local planning authority is unable to do this, then the neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves, taking account of relevant policies, the existing and emerging spatial strategy, and characteristics of the neighbourhood area. The [neighbourhood planning toolkit on housing needs assessment](#) may be used for this purpose. Neighbourhood planning bodies will need to work proactively with the local planning authority through this process, and the figure will need to be tested at examination of the neighbourhood plan, as neighbourhood plans must be in general conformity with strategic policies of the development plan to meet the [‘basic conditions’](#).

Paragraph: 105 Reference ID: 41-105-20190509

Revision date: 09 05 2019

### **How should the policies in a neighbourhood plan be drafted?**

A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Paragraph: 041 Reference ID: 41-041-20140306

Revision date: 06 03 2014

### **Can a neighbourhood plan allocate sites for development?**

A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on [assessing sites](#) and on [viability](#) is available.

Paragraph: 042 Reference ID: 41-042-20170728

Revision date: 28 07 2017 See [previous version](#)

### **What if a local planning authority is also intending to allocate sites in the same neighbourhood area?**

If a local planning authority is also intending to allocate sites in the same neighbourhood area the local planning authority should avoid duplicating planning processes that will apply to the neighbourhood area. It should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress. A local planning authority should share evidence with those preparing the neighbourhood plan, in order for example, that every effort can be made to meet identified local need through the neighbourhood planning process.

Paragraph: 043 Reference ID: 41-043-20140306

Revision date: 06 03 2014

### **Can a neighbourhood plan allocate additional or alternative sites to those in a local plan?**

A neighbourhood plan can allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or spatial development strategy. Neighbourhood plans should not re-allocate sites that are already allocated through these strategic plans.

A neighbourhood plan can also propose allocating alternative sites to those in a local plan (or spatial development strategy), where

alternative proposals for inclusion in the neighbourhood plan are not strategic, but a qualifying body should discuss with the local planning authority why it considers the allocations set out in the strategic policies are no longer appropriate.

The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies (see [paragraph 13](#) and [paragraph 29](#) of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the local plan or spatial development strategy.

Should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan or spatial development strategy, [section 38\(5\) of the Planning and Compulsory Purchase Act 2004](#) requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

Paragraph: 044 Reference ID: 41-044-20190509

Revision date: 09 05 2019 See [previous version](#)

### **Should a neighbourhood plan consider infrastructure?**

A qualifying body may wish to consider what infrastructure needs to be provided in their neighbourhood area from the earliest stages of plan-making (as set out in [paragraph 102](#) of the National Planning Policy Framework) alongside development such as homes, shops or offices. Infrastructure is needed to support development and ensure that a neighbourhood can grow in a sustainable way.

The following may be important considerations for a qualifying body to consider when addressing infrastructure in a neighbourhood plan:

- what additional infrastructure may be needed to enable development proposed in a neighbourhood plan to be delivered in a sustainable way
- how any additional infrastructure requirements might be delivered

- what impact the infrastructure requirements may have on the viability of a proposal in a draft neighbourhood plan and therefore its delivery
- what are the likely impacts of proposed site allocation options or policies on physical infrastructure and on the capacity of existing services, which could help shape decisions on the best site choices

Qualifying bodies should engage infrastructure providers (eg utility companies, transport infrastructure providers and local health commissioners) in this process, advised by the local planning authority.

Paragraph: 045 Reference ID: 41-045-20190509

Revision date: 09 05 2019 See [previous version](#)

### **What should a qualifying body do if it identifies a need for new or enhanced infrastructure?**

A qualifying body should set out and explain in their draft neighbourhood plan the prioritised infrastructure required to address the demands of the development identified in the plan.

Paragraph: 046 Reference ID: 41-046-20140306

Revision date: 06 03 2014

## **Consulting on, and publicising, a neighbourhood plan or Order**

### **What is the role of the wider community in neighbourhood planning?**

A qualifying body should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process

- has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order
- is made aware of how their views have informed the draft neighbourhood plan or Order.

Paragraph: 047 Reference ID: 41-047-20140306

Revision date: 06 03 2014

### **Should other public bodies, landowners and the development industry be involved in preparing a draft neighbourhood plan or Order?**

A qualifying body must consult any of the consultation bodies whose interest it considers may be affected by the draft neighbourhood plan or Order proposal. The consultation bodies are set out in [Schedule 1 to the Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#). Other public bodies, landowners and the development industry should, as necessary and appropriate be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development.

Paragraph: 048 Reference ID: 41-048-20140306

Revision date: 06 03 2014

### **At what stage does the pre-submission consultation take place on a draft neighbourhood plan or Order?**

Before the formal pre-submission consultation takes place a qualifying body should be satisfied that it has a complete draft neighbourhood plan or Order. It is not appropriate to consult on individual policies for example. Where options have been considered as part of the neighbourhood planning process earlier engagement should be used to narrow and refine options. The document that is consulted on at the pre-submission stage should contain only the preferred approach.

Paragraph: 049 Reference ID: 41-049-20140306

Revision date: 06 03 2014

### **What are the pre-submission publicity and consultation requirements for neighbourhood planning?**

A qualifying body must publicise the draft neighbourhood plan or Order for at least 6 weeks and consult any of the consultation bodies whose interests it considers may be affected by the draft plan or order proposal (see [regulation 14](#) and [regulation 21](#) of the Neighbourhood Planning (General) Regulations 2012) *(as amended)*. The consultation bodies are set out in [Schedule 1](#) to the Regulations.

Paragraph: 050 Reference ID: 41-050-20140306

Revision date: 06 03 2014

### **Is additional publicity or consultation required where European directives might apply?**

European directives, incorporated into UK law, may apply to a draft neighbourhood plan or Order. Where they do apply a qualifying body must make sure that it also complies with any specific publicity and consultation requirements set out in the relevant legislation. The local planning authority should provide advice on this. The legislation that may be of particular relevance to neighbourhood planning is:

- the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended)
- the Conservation of Habitats and Species Regulations 2017 (as amended)
- the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

It may be appropriate, and in some cases a requirement, that the statutory environmental bodies [Historic England](#), the [Environment Agency](#) and [Natural England](#) be consulted. For example, a draft neighbourhood plan proposal must be assessed to determine whether it is likely to have significant environmental effects. The environmental assessment consultation bodies must be consulted as part of this process (see also guidance on [Strategic environmental assessment](#)).

Paragraph: 051 Reference ID: 41-051-20150209

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

## **Submitting a neighbourhood plan or Order to a local planning authority**

### **What must a local planning authority consider when a neighbourhood plan or Order is submitted to it?**

A local planning authority must satisfy itself that a draft neighbourhood plan or Order submitted to it for independent examination complies with all the relevant statutory requirements.

Paragraph: 052 Reference ID: 41-052-20140306

Revision date: 06 03 2014

### **Does the local planning authority consider whether a neighbourhood plan or Order meets the basic conditions when a neighbourhood plan or Order is submitted to it?**

When a draft neighbourhood plan or Order is submitted to a local planning authority the authority is considering the draft plan or order against the statutory requirements set out in [paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 \(as amended\)](#). A local planning authority has to be satisfied that a basic condition statement has been submitted but it is not required to consider whether the draft plan or order meets the basic conditions. It is only after the independent examination has taken place and after the examiner's report has been received that the local planning authority comes to its formal view on whether the draft neighbourhood plan or Order meets the basic conditions. The local planning authority should provide constructive comments on an emerging plan or Order before it is submitted.

Paragraph: 053 Reference ID: 41-053-20140306

Revision date: 06 03 2014

## **What happens when a draft neighbourhood plan or Order submitted to the local planning authority meets the requirements in the legislation?**

Where the draft neighbourhood plan or Order submitted to a local planning authority meets the requirements in the legislation, the local planning authority must publicise the neighbourhood plan or Order for a minimum of 6 weeks, invite representations, notify any consultation body referred to in the consultation statement and send the draft neighbourhood plan or Order to independent examination (see regulations [16](#), [17](#), [23](#) and [24](#) of the Neighbourhood Planning (General) Regulations 2012 ([as amended](#))).

Paragraph: 054 Reference ID: 41-054-20140306

Revision date: 06 03 2014

## **The independent examination**

### **What is the independent examiner's role?**

When considering the content of a neighbourhood plan or Order proposal, an independent examiner's role is limited to testing whether or not a draft neighbourhood plan or Order meets the [basic conditions](#), and other matters set out in [paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#). The independent examiner is not testing the soundness of a neighbourhood plan or examining other material considerations. When considering a proposal for the modification of a neighbourhood plan that is already in force, an independent examiner must first decide whether the proposed modifications are so significant or substantial as to [change the nature of the plan](#).

Paragraph: 055 Reference ID: 41-055-20180222

Revision date: 22 02 2018 See [previous version](#)

### **How is a neighbourhood plan or Order examined?**

Neighbourhood plans and Orders should be examined fairly and transparently. Examiners should ensure that qualifying bodies remain

well briefed on all matters relating to the independent examination. If the examiner requires any additional information, such requests and responses should be made publically available by local planning authorities in a timely fashion to ensure the fairness and transparency of the examination process.

It is expected that the examination of a draft neighbourhood plan or Order will not include a public hearing. Rather the examiner should reach a view by considering written representations (see [paragraph 9\(1\) of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#)). As a consequence the basic conditions statement is likely to be the main way that a qualifying body can seek to demonstrate to the independent examiner that its draft neighbourhood plan or Order meets the basic conditions.

Where the independent examiner considers it necessary to ensure adequate examination of an issue or to give a person a fair chance to put a case, they must hold a hearing to listen to oral representations about a particular issue.

The subject of a hearing is determined by the independent examiner based on their initial views of the draft plan or Order proposals and any other supporting documents submitted by the qualifying body and the representations received from interested parties.

Paragraph: 056 Reference ID: 41-056-20180222

Revision date: 22 02 2018 See [previous version](#)

### **How can the public make their views known to the independent examiner?**

Those wishing to make their views known to the independent examiner, or who wish to submit evidence for the examiner to consider, will do this by submitting written representations to the local planning authority during the statutory publicity period on the submitted draft neighbourhood plan or Order, which must be at least 6 weeks.

Representations should address whether or not the draft neighbourhood plan or Order proposal meets the basic conditions and

other matters that the independent examiner is required to consider under [paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#). Representations may also address whether the referendum area should be extended beyond the neighbourhood area. Anyone wishing to make a case for an oral hearing should do so as part of a written representation.

Paragraph: 057 Reference ID: 41-057-20140306

Revision date: 06 03 2014

### **Can anyone choose to speak if a public hearing is held?**

It is for the independent examiner to decide:

- the format and scope of the hearing
- who will be invited to speak at a hearing, in addition to the local planning authority and the qualifying body that submitted the neighbourhood plan or Order
- the questions to be asked at the hearing.

Paragraph: 058 Reference ID: 41-058-20140306

Revision date: 06 03 2014

### **Does an independent examiner consider the referendum area as part of their report?**

When the examiner is minded to recommend that the neighbourhood plan or Order should proceed to referendum, the examiner must recommend whether the referendum area should extend beyond the neighbourhood area. If the examiner recommends that the area should be extended they must state what they consider that extended area should be.

It may be appropriate to extend the referendum area beyond the neighbourhood area, for example where the scale or nature of the proposals in the draft neighbourhood plan or Order are such that they will have a substantial, direct and demonstrable impact beyond the neighbourhood area.

Paragraph: 059 Reference ID: 41-059-20140306

Revision date: 06 03 2014

**Who should be notified and invited to make representations when a local authority's proposed decision differs from the recommendation of the examiner?**

An independent examiner of a neighbourhood plan or Order must send their report to the qualifying body and the local planning authority. The authority must then decide what action to take in response to each of the report's recommendations. If the authority propose to make a decision which differs from that recommended by the examiner, it must notify the following people or groups of their proposed decision (and the reason for it) and invite representations.

- the qualifying body
- anyone whose representation was submitted to the examiner and
- any [consultation body](#) that was previously consulted.

Paragraph: 092 Reference ID: 41-092-20161116

Revision date: 16 11 2016

**How long must the period for representations be, and when must the local authority make a final decision, where it comes to a different view to the examiner?**

Any representations must be submitted within 6 weeks of the local planning authority first inviting representations. The local planning authority may, if it considers it appropriate to do so, refer the issue to independent examination. Once the period for representations is over, the local planning authority must issue its final decision within 5 weeks, or within 5 weeks of receipt of the examiner's report if the issue was referred to examination.

Paragraph: 093 Reference ID: 41-093-20161116

Revision date: 16 11 2016

## **Can the Secretary of the State intervene in the neighbourhood planning process?**

[Paragraph 13B of Schedule 4B of the Town and Country Planning Act 1990, inserted by section 141 of the Housing and Planning Act 2016](#), gives the Secretary of State power to intervene, where requested by a qualifying body in 3 circumstances:

- where the local planning authority has failed to take a decision to send a plan or Order proposal to referendum within 5 weeks of receipt of the examiner's report, or within 5 weeks of the end of the period for representations;
- where the authority does not follow all of the examiner's recommendations; or
- where the authority modifies the plan or Order in a way that was not recommended by the examiner (except where the modification is to ensure compatibility with EU or human rights obligations or to correct an error).

The parish or town council, or neighbourhood forum, must submit the request in writing and give reasons for making the request.

Paragraph: 094 Reference ID: 41-094-20161116

Revision date: 16 11 2016

## **Is there a time limit for a parish or neighbourhood forum to request that the Secretary of State intervene?**

Where the local planning authority decides not to follow an examiner's recommendation or to make modifications that the examiner has not recommended, any request to the Secretary of State to intervene must be made within 6 weeks of the local planning authority publishing that decision. There is [no time limit for making a request for intervention where the local planning authority have failed to make a timely decision](#) whether the plan or Order proposal should be put to referendum.

Paragraph: 095 Reference ID: 41-095-20161116

Revision date: 16 11 2016

# The neighbourhood planning referendum

## Who is responsible for organising the referendum?

The 'relevant council' (see [Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#)) must make arrangements for the referendum/s to take place. Relevant councils are:

- district councils;
- London boroughs;
- metropolitan district councils; and
- county councils in any area in England for which there is no district council.

(Unitary authorities are either district councils or county councils that perform the functions of the other type of council as well.)

Where the relevant council for a referendum is not the local planning authority, the 2 authorities must co-operate as required by [regulation 16 of the Neighbourhood Planning \(Referendum\) Regulations 2012 \(as amended\)](#).

Paragraph: 060 Reference ID: 41-060-20140306

Revision date: 06 03 2014

## What are the rules for the referendum process?

The rules covering all aspects of organising and conducting the polls can be found in the [Neighbourhood Planning \(Referendum\) Regulations 2012](#) (as amended by the [Neighbourhood Planning \(Referendum\) \(Amendment\) Regulations 2013](#) and 2014) and the [Neighbourhood Planning \(Prescribed Dates\) Regulations 2012](#).

A qualifying body, the local planning authority and the relevant electoral services team should establish an early dialogue as part of any project planning process.

Paragraph: 061 Reference ID: 41-061-20140306

Revision date: 06 03 2014

## **Who votes in a referendum?**

A person is entitled to vote if at the time of the referendum, they meet the eligibility criteria to vote in a local election for the area and if they live in the referendum area.

In a 'designated business area' (see [section 61H of the Town and Country Planning Act 1990 Act as amended](#)) both residents and non-domestic rate payers get an opportunity to vote in referendums on whether the neighbourhood plan or Order should come into legal force (see [paragraphs 12\(4\) and 15 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#) and [Schedules 6 to 8 of the Neighbourhood planning \(Referendums\) \(Amendment\) Regulations 2013 \(as amended\)](#)).

Paragraph: 062 Reference ID: 41-062-20140306

Revision date: 06 03 2014

## **What happens in a business area if residents and businesses voting in referendums do not agree?**

In a designated business area, if a majority of those who have voted in one of the referendums vote in support of making the draft neighbourhood plan or Order and the majority of those who vote in the other referendum do not support the making of the draft plan or Order, the local planning authority must decide whether the neighbourhood plan or Order should be brought into force.

A local planning authority is advised to set out its decision-making criteria in this scenario in advance of the referendum taking place. It may for example, wish to consider criteria related to the level of support the neighbourhood plan or Order proposal received at each referendum, the relative size of the electorate or the characteristics of the neighbourhood area.

Paragraph: 063 Reference ID: 41-063-20140306

Revision date: 06 03 2014

## **What does a local planning authority do if the majority of those who vote are in favour of a neighbourhood plan or Order coming into force?**

If the majority of those who vote in a referendum are in favour of the draft neighbourhood plan or Order (or, where there is also a business referendum, a majority vote in favour of both referendums), then the neighbourhood plan or Order must be made by the local planning authority within 8 weeks of the referendum.

A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. An Order must be made by the local authority before it has effect.

The [8 week time limit](#) does not apply where a legal challenge has been brought in relation to the decision to hold a referendum or around the conduct of the referendum. Where there is also a business referendum and a majority of those voting, vote in favour of the proposals in only one of the referendums, then the local planning authority may make the neighbourhood plan or Order but is not required to.

There are narrow circumstances where the local planning authority is not required to make the neighbourhood plan or Order. These are where it considers that the making of the neighbourhood plan or Order would breach, or otherwise be incompatible with, any EU or human rights obligations (see [section 61E\(8\) of the Town and Country Planning Act 1990 Act as amended](#)).

Paragraph: 064 Reference ID: 41-064-20170728

Revision date: 28 07 2017 See [previous version](#)

## **A summary of the key stages in neighbourhood planning**

**Step 1: Designating neighbourhood area and if appropriate neighbourhood forum**

- Relevant body (parish/town council, prospective neighbourhood forum or community organisation) submits an application to the local planning authority to designate a neighbourhood area
- local planning authority publicises and consults on the area application for minimum 6 weeks (except for where a local planning authority is required to designate the whole of a parish.)
- local planning authority designates a neighbourhood area within the [statutory timescales](#)
- In an area without a town or parish council a prospective neighbourhood forum submits an application to be the designated neighbourhood forum for a neighbourhood area
- local planning authority publicises and consults on the forum application for minimum 6 weeks
- local planning authority takes decision on whether to designate the neighbourhood forum

## **Step 2: Preparing a draft neighbourhood plan or Order**

Qualifying body develops proposals (advised or assisted by the local planning authority)

- gather baseline information and evidence
- engage and consult those living and working in the neighbourhood area and those with an interest in or affected by the proposals (eg service providers)
- talk to land owners and the development industry
- identify and assess options
- determine whether a plan or an Order is likely to have significant environmental effect
- start to prepare proposals documents eg basic conditions statement

## **Step 3: Pre-submission publicity and consultation**

The qualifying body:

- publicises the draft plan or Order and invites representations
- consults the consultation bodies as appropriate

- sends a copy of the draft plan or Order to the local planning authority
- where European Obligations apply, complies with relevant publicity and consultation requirements
- considers consultation responses and amends plan/Order if appropriate
- prepares consultation statement and other proposal documents

#### **Step 4: Submission of a neighbourhood plan or Order proposal to the local planning authority**

- Qualifying body submits the plan or Order proposal to the local planning authority
- Local planning authority checks that submitted proposal complies with all relevant legislation
- If the local planning authority finds that the plan or order meets the legal requirements it:
  - publicises the proposal for minimum 6 weeks and invites representations
  - notifies consultation bodies referred to in the consultation statement
  - appoints an independent examiner (with the agreement of the qualifying body)

#### **Step 5: Independent Examination**

- local planning authority sends plan/Order proposal and representation to the independent examiner
- independent examiner undertakes examination
- independent examiner issues a report to the local planning authority and qualifying body
- local planning authority publishes report
- local planning authority considers report and reaches own view (except in respect of community right to build orders and proposals for modifications of neighbourhood plans where the modifications do not change the nature of the plan, where the report is binding)
- local planning authority takes the decision on whether to send the plan/Order to referendum

## **Steps 6 and 7: Referendum and bringing the neighbourhood plan or Order into force**

- relevant council publishes information statement
- relevant council publishes notice of referendum/s
- polling takes place (in a business area an additional referendum is held)
- results declared
- should more than half of those voting vote in favour of the neighbourhood plan, the plan comes into force as part of the statutory development plan for the area
- should more than half of those voting vote in favour of the Order, the Order only has legal effect once it is made by the local planning authority
- there are narrow circumstances where the local planning authority is not required to make the neighbourhood plan or Order. These are where it considers that the making of the neighbourhood plan or Order would breach, or otherwise be incompatible with, any EU or human rights obligations (see [section 61E\(8\) of the Town and Country Planning Act 1990 Act as amended](#)).
- in respect of proposals for modifications of neighbourhood plans where the modifications do not change the nature of the plan and meet the basic conditions, a referendum is not required. The local planning authority is required to make the modified neighbourhood plan

Paragraph: 080 Reference ID: 41-080-20180222

Revision date: 22 02 2018 See [previous version](#)

## **The basic conditions that a draft neighbourhood plan or Order must meet if it is to proceed to referendum**

### **What are the basic conditions that a draft neighbourhood plan or Order must meet if it is to proceed to referendum?**

Only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic

conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan). [Read more details.](#)

b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders. [Read more details.](#)

c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders. [Read more details.](#)

d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development. [Read more details.](#)

e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). [Read more details.](#)

f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations. [Read more details.](#)

g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan). [Read more details.](#)

Paragraph: 065 Reference ID: 41-065-20140306

Revision date: 06 03 2014

### **When should a qualifying body consider the basic conditions that a neighbourhood plan or Order needs to meet?**

Throughout the process of developing a neighbourhood plan or Order a qualifying body should consider how it will demonstrate that its neighbourhood plan or Order will meet the basic conditions that must be met if the plan or order is to be successful at independent examination. The basic conditions statement is likely to be the main way that a qualifying body can seek to demonstrate to the independent examiner that its draft neighbourhood plan or Order

meets the basic conditions. A qualifying body is advised to discuss and share early drafts of its basic conditions statement with the local planning authority.

Paragraph: 066 Reference ID: 41-066-20140306

Revision date: 06 03 2014

### **What should a local planning authority do to assist a qualifying body in considering the basic conditions?**

A local planning authority should provide constructive comments on the emerging neighbourhood plan or Order proposal prior to submission and discuss the contents of any supporting documents, including the basic conditions statement. If a local planning authority considers that a draft neighbourhood plan or Order may fall short of meeting one or more of the basic conditions they should discuss their concerns with the qualifying body in order that these can be considered before the draft neighbourhood plan or Order is formally submitted to the local planning authority.

Paragraph: 067 Reference ID: 41-067-20140306

Revision date: 06 03 2014

### **What must a qualifying body do to demonstrate that its neighbourhood plan or Order meets the basic conditions?**

A statement (a basic conditions statement) setting out how a draft neighbourhood plan or Order meets the basic conditions must accompany the draft neighbourhood plan or Order when it is submitted to the local planning authority (see [regulation 15\(1\)\(d\)](#) and [regulation 22\(1\)\(e\)](#) of the Neighbourhood Planning (General) Regulations 2012 (as amended)).

Paragraph: 068 Reference ID: 41-068-20140306

Revision date: 06 03 2014

## **National policy and advice**

### **What does having regard to national policy mean?**

A neighbourhood plan or Order must not constrain the delivery of important national policy objectives. The [National Planning Policy Framework](#) is the main document setting out the government's planning policies for England and how these are expected to be applied.

Paragraph: 069 Reference ID: 41-069-20140306

Revision date: 06 03 2014

### **Which national policies are relevant to a neighbourhood plan or Order?**

[Paragraph 13](#) of the National Planning Policy Framework is clear that neighbourhood plans should support the delivery of strategic policies contained in local plans and spatial development strategies.

Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside these strategic policies. More specifically [paragraph 29](#) of the National Planning Policy Framework states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

Beyond this, the content of a draft neighbourhood plan or Order will determine which other aspects of national policy are or are not a relevant consideration to take into account. The basic condition allows qualifying bodies, the independent examiner and local planning authority to reach a view in those cases where different parts of national policy need to be balanced.

A qualifying body is advised to set out in its basic conditions statement how they have had regard to national policy and considered whether a particular policy is or is not relevant. A qualifying body is encouraged to set out the particular national policies that it has considered, and how the policies in a draft neighbourhood plan or the development proposals in an Order take account of national policy and advice.

Paragraph: 070 Reference ID: 41-070-20190509

Revision date: 09 05 2019 See [previous version](#)

## Listed buildings and conservation areas

### **When do the basic conditions relating to listed buildings and conservation areas apply?**

[Basic conditions \(b\) and \(c\)](#) that relate to listed buildings and conservation areas apply to a draft neighbourhood Development Order or a Community Right to Build Order so that making the order will not weaken the statutory protections for listed buildings and conservation areas. Further information on conserving and enhancing the historic environment can be found in [paragraphs 184 to 202](#) of the National Planning Policy Framework and in the [guidance pages](#).

Paragraph: 071 Reference ID: 41-071-20140306

Revision date: 06 03 2014

## Sustainable development

### **What must a qualifying body do to demonstrate that a draft neighbourhood plan or Order contributes to sustainable development?**

This basic condition is consistent with the planning principle that all plan-making and decision-making should help to achieve sustainable development. A qualifying body should demonstrate how its plan or Order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures).

In order to demonstrate that a draft neighbourhood plan or Order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or Order guides development to sustainable solutions. There is no legal requirement for a neighbourhood plan to have a [sustainability appraisal](#). However, qualifying bodies may find this a useful approach for demonstrating how their draft plan or order meets the basic condition. Material produced as part of the Sustainability Appraisal of the local plan may be relevant to a neighbourhood plan.

Paragraph: 072 Reference ID: 41-072-20190509

Revision date: 09 05 2019 See [previous version](#)

### **Is an environmental assessment required of a neighbourhood plan?**

A neighbourhood plan may require a [strategic environmental assessment](#) if the draft neighbourhood plan falls within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004. This may be the case if it is likely to have a significant effect on the environment. This may be the case, for example, where a neighbourhood plan allocates sites for development.

A qualifying body is strongly encouraged to consider the environmental implications of its proposals at an early stage, and to seek the advice of the local planning authority on whether the Environmental Assessment of Plans and Programmes Regulations 2004 are likely to apply. Neighbourhood plans may also require assessment in relation to the Habitats Regulations 2017. A neighbourhood plan proposal must provide sufficient information to enable a competent authority to undertake an appropriate assessment or to screen it to determine whether an appropriate assessment is necessary. If an appropriate assessment is required then this will engage the need for a strategic environmental assessment.

Paragraph: 073 Reference ID: 41-073-20190509

Revision date: 09 05 2019 See [previous version](#)

### **General conformity with the strategic policies contained in the development plan**

#### **What is meant by ‘general conformity’?**

When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach

Paragraph: 074 Reference ID: 41-074-20140306

Revision date: 06 03 2014

### **What is meant by strategic policies?**

[Paragraph 20](#) of the National Planning Policy Framework sets out the strategic matters about which are expected to be addressed through policies in local plans or spatial development strategies. The basic condition addresses strategic policies no matter where they appear in the development plan. [Paragraph 21](#) sets an expectation that plans should make explicit which policies are strategic policies.

Paragraph: 075 Reference ID: 41-075-20190509

Revision date: 09 05 2019 See [previous version](#)

### **How is a strategic policy determined?**

Strategic policies will be different in each area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate

- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the local plan or spatial development strategy
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the local plan or spatial development strategy
- whether the local plan or spatial development strategy identifies the policy as being strategic

Planning practice guidance on [plan-making](#) provides further advice on strategic policies.

Paragraph: 076 Reference ID: 41-076-20190509

Revision date: 09 05 2019 See [previous version](#)

### **How does a qualifying body know what is a strategic policy?**

A local planning authority (or, where relevant, elected Mayor or combined authority) should set out clearly its strategic policies in accordance with [paragraph 21](#) of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.

Paragraph: 077 Reference ID: 41-077-20190509

Revision date: 09 05 2019 See [previous version](#)

## **EU obligations**

### **What are the relevant EU obligations?**

A neighbourhood plan or Order must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. There are 4 directives that may be of particular relevance to neighbourhood planning:

**Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).**

This seeks to provide a high level of protection of the environment by integrating [environmental considerations](#) into the process of preparing plans and programmes. It may be of relevance to neighbourhood plans.

**Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive).**

[Environmental Impact Assessment](#) is a procedure to be followed for certain types of proposed development. This is to ensure that decisions are made in full knowledge of any likely significant effects on the environment and that the public are given early and effective opportunities to participate in the decision making procedures. It may be of relevance to Neighbourhood Development Orders.

**Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). These aim to protect and improve Europe's most important habitats and species. They may be of relevance to both neighbourhood plans or Orders.**

Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) may apply to the particular circumstances of a draft neighbourhood plan or Order.

Paragraph: 078 Reference ID: 41-078-20140306

Revision date: 06 03 2014

### **Other basic conditions**

**Are there any other basic conditions that apply besides those set out in the primary legislation?**

## Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

prescribe 2 basic conditions in addition to those set out in the primary legislation. These are:

- the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites. (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)
- having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made (see Schedule 3 to the Neighbourhood Planning (General) Regulations 2012 (as amended)), where the development described in an order proposal is Environmental Impact Assessment development.

Paragraph: 079 Reference ID: 41-079-20190509

Revision date: 09 05 2019 See [previous version](#)

## **Updating a neighbourhood plan**

### **In what ways can a neighbourhood plan or order be changed?**

There are 3 types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves:

- Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
- Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.

- Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

Paragraph: 106 Reference ID: 41-106-20190509

Revision date: 09 05 2019

### **When will it be necessary to review and update a neighbourhood plan?**

A neighbourhood plan must set out the period for which it is to have effect ([section 38B\(1\)\(a\) of the Planning and Compulsory Purchase Act 2004](#)). Neighbourhood plan policies remain in force until the plan policy is replaced.

There is no requirement to review or update a neighbourhood plan. However, policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a local plan covering the neighbourhood area that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence. In addition, where a policy has been in force for a period of time, other material considerations may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust. To reduce the likelihood of a neighbourhood plan becoming out of date once a new local plan (or spatial development strategy) is adopted, communities preparing a neighbourhood plan should take account of latest and up-to-date evidence of housing need, as set out in [guidance](#).

Communities in areas where policies in a neighbourhood plan that is in force have become out of date may decide to update their plan, or part of it. The neighbourhood area will already be designated, but the community may wish to consider whether the designated area is still the most suitable area to plan for.

Paragraph: 084 Reference ID: 41-084-20190509

Revision date: 09 05 2019 See [previous version](#)

### **How are minor neighbourhood plan or Order updates made?**

Minor (non-material) updates to a neighbourhood plan or Order would not materially affect the policies in the plan or permission granted by the Order. A local planning authority may make such updates at any time, but only with the consent of the qualifying body. Consultation, examination and referendum are not required.

Paragraph: 084a Reference ID: 41-084a-20180222

Revision date: 22 02 2018

### **How are more substantive neighbourhood plan updates made?**

If a qualifying body wish to make updates (modifications) that do materially affect the policies in the plan, they should follow the process set out in [guidance](#), with the following additional requirements:

- the qualifying body must (at the pre-submission publicity and consultation stage and when the modified plan is submitted to the local planning authority) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons
- the local planning authority must (when sending the modified plan to the independent examiner) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons. The local planning authority must also submit a copy of the original plan to the independent examiner
- the qualifying body must decide whether to proceed with the examination after the examiner has decided whether the modifications proposed change the nature of the plan

Paragraph: 085 Reference ID: 41-085-20180222

Revision date: 22 02 2018 See [previous version](#)

### **Do neighbourhood plan updates require a referendum?**

Where material modifications do not change the nature of the plan (and the examiner finds that the proposal meets the basic conditions, or would with further modifications) a referendum is not required. A local planning authority will be required to make the modified plan within 5 weeks following receipt of the examiner's report, or such later

date as agreed in writing between the local planning authority and the qualifying body.

Where material modifications do change the nature of the plan, the local planning authority would publicise and consider the examiner's report in line with the procedure for making a new neighbourhood plan. A decision may be made whether to proceed to referendum so that, if the referendum is successful, the neighbourhood plan becomes part of the development plan. A decision may be made whether to proceed to referendum so that, if the referendum is successful, the neighbourhood plan becomes part of the development plan.

Paragraph: 085a Reference ID: 41-085a-20180222

Revision date: 22 02 2018

### **How is the decision on whether modifications change the nature of the plan made?**

Whether modifications change the nature of the plan is a decision for the independent examiner. The examiner will consider the nature of the existing plan, alongside representations and the statements on the matter made by the qualifying body and the local planning authority.

Neighbourhood plans can shape and direct sustainable development in their area. If the original plan primarily shapes growth through measures such as design policies, then modifications seeking to take forward these policies through design codes would be unlikely to change the nature of the plan.

Paragraph: 086 Reference ID: 41-086-20190509

Revision date: 09 05 2019 See [previous version](#)

### **Is it possible to modify a neighbourhood plan to correct an error?**

Yes. [Section 61M\(4\) of the Town and Country Planning Act 1990](#), (as applied to neighbourhood plans by section 38C(2)(c) of the Planning and Compulsory Purchase Act 2004) enables a local planning authority to modify a neighbourhood plan or order they have made for

the purpose of correcting errors. The relevant qualifying body (if it still exists) must consent to the modification.

Paragraph: 087 Reference ID: 41-087-20160519

Revision date: 19 05 2016

## Decision-taking

### **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. It is for the decision maker in each case to determine what is a material consideration and what weight to give to it.

An emerging neighbourhood plan is likely to be a material consideration in many cases. [Paragraph 48](#) of the revised National Planning Policy Framework sets out that weight 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. A referendum ensures that the community has the final say on whether the neighbourhood plan comes into force as part of the development plan. Where the local planning authority publishes notice of a referendum, the emerging neighbourhood plan should be given more weight, while also taking account of the extent of unresolved objections to the plan and its degree of consistency with NPPF. The consultation statement submitted with the draft neighbourhood plan should reveal the quality and effectiveness of the consultation that has informed the plan proposals. 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](#). [Section 70\(2\) of the Town and Country Planning Act 1990 \(as amended\)](#) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application.

Paragraph: 007 Reference ID: 41-007-20190509

Revision date: 09 05 2019 See [previous version](#)

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

Policy on the relevance of prematurity to a decision on a planning application is set out at [paragraph 49](#) of the National Planning Policy Framework.

Paragraph: 008 Reference ID: 41-008-20190509

Revision date: 09 05 2019 See [previous version](#)

**How should planning applications be decided where there is an emerging neighbourhood plan but the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites?**

Where the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, decision makers may be able to give weight to relevant policies in the emerging neighbourhood plan.

[Paragraph 48](#) of the revised National Planning Policy Framework sets out criteria for determining whether weight may be given to relevant policies in emerging plans in decision making.

Further assistance to decision makers in these circumstances can be found in [guidance on the relationship between a neighbourhood plan and a local plan](#).

Documentation produced in support of or in response to emerging neighbourhood plans, such as basic conditions statements, consultation statements, representations made during the pre-examination publicity period and independent examiners' reports, may also be of assistance to decision makers in their deliberations.

Planning practice guidance also addresses the question of [prematurity in relation to neighbourhood plans](#).

Paragraph: 082 Reference ID: 41-082-20190509

Revision date: 09 05 2019 See [previous version](#)

**How should planning applications be decided where there is a neighbourhood plan in force but the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites?**

If the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites, a neighbourhood plan may benefit from the protections set out in [paragraph 14 of the National Planning Policy Framework](#). Paragraph 14 states that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits provided the neighbourhood plan:

- became part of the development plan 2 years or less before the date on which the decision is made;
- contains policies and allocations to meet its identified housing requirement; and
- the local planning authority has at least a 3 year supply of deliverable housing sites and housing delivery was at least 45% of that required over the previous 3 years.

The NPPF also states that where a planning application conflicts with an up-to-date neighbourhood plan (as part of the development plan), permission should not usually be granted.

Paragraph: 083 Reference ID: 41-083-20190509

Revision date: 09 05 2019 See [previous version](#)

**Where a qualifying body wants to benefit from the protection of paragraph 14, why is it important that they should include policies and allocations in their neighbourhood plan?**

Allocating sites and producing housing policies demonstrates that the neighbourhood plan is planning positively for new homes, and provides greater certainty for developers, infrastructure providers and the community. In turn this also contributes to the local authorities' housing land supply, ensuring that the right homes are delivered in the right places.

Paragraph: 096 Reference ID: 41-096-20190509

Revision date: 09 05 2019 See [previous version](#)

## **In the context of paragraph 14 of the National Planning Policy Framework, what does ‘policies and allocations to meet its identified housing requirement’ mean for neighbourhood plans?**

In order for a neighbourhood plan to meet the criteria set in paragraph 14b of the Framework, the ‘policies and allocations’ in the plan should meet the identified housing requirement in full, whether it is derived from the housing figure for the neighbourhood area set out in the relevant strategic policies, an indicative figure provided by the local planning authority, or where it has exceptionally been determined by the neighbourhood planning body. For example, a neighbourhood housing requirement of 50 units could be met through 2 sites allocated for 20 housing units each and a policy for a windfall allowance of 10 units. However, a policy on a windfall allowance alone would not be sufficient.

Policies and allocations within other development plan documents, for example strategic site allocations or windfall development set out in a local plan or spatial development strategy, will not meet criterion 14b of the National Planning Policy Framework.

Paragraph: 097 Reference ID: 41-097-20190509

Revision date: 09 05 2019 See [previous version](#)

## **How should a neighbourhood plan allocate sites for development?**

Where a neighbourhood planning body intends to allocate sites for development, it will need to carry out an appraisal of options and an assessment of individual sites against clearly identified criteria.

[Guidance on general principles for assessing sites and on viability](#) can provide the framework for the assessment of sites.

The [neighbourhood planning toolkit](#) on site assessments may also be used. A strategic [environmental assessment](#) may be required if the plan is likely to have a significant effect on the environment. A neighbourhood planning body is strongly encouraged to consider the environmental implications of its proposals at an early stage, and to seek the advice of the local planning authority.

The site being allocated should be shown on the policies map with a clear site boundary drawn on an Ordnance Survey base map. A policy in the plan will need to set out the proposed land uses on the site, an indication of the quantum of development appropriate for the site and any appropriate design principles that the community wishes to establish.

Paragraph: 098 Reference ID: 41-098-20190509

Revision date: 09 05 2019 See [previous version](#)

### **Does a neighbourhood plan have to be updated every 2 years?**

There is no timeframe within which neighbourhood plans are required to be reviewed or updated. However, when other policies in the development plan are updated, this may mean that existing neighbourhood plan policies become out-of-date, for example where they conflict with a strategic policy or where they are superseded by other local policies. This does not necessarily mean that the whole neighbourhood plan becomes out-of-date, but only those policies which are superseded by other development plan policies. The starting point for decision making is the development plan, and the National Planning Policy Framework sets out that permission should not usually be granted where a planning application conflicts with an up-to-date development plan (including any neighbourhood plan which forms part of the development plan).

The Framework also confers a degree of limited protection for those neighbourhood plans which satisfy all the criteria set out at [paragraph 14\(a\) – \(d\)](#). Paragraph 14(a) sets out that the protection can apply where the neighbourhood plan became part of the development plan 2 years or less before the date on which the decision is made. This includes circumstances in which the neighbourhood plan is updated by way of making a material modification to the plan, (provided the relevant criteria continue to be met including that the neighbourhood plan contains policies and allocations that meet the identified housing requirement for the neighbourhood area). In updating the neighbourhood plan, it will be important to ensure that sites identified for years 1-5 are deliverable in line with [paragraph 67](#) of the National Planning Policy Framework.

Paragraph: 099 Reference ID: 41-099-20190509

Revision date: 09 05 2019 See [previous version](#)