



## BRIEFING PAPER

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# Neighbourhood Planning

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## Summary

The *Localism Act 2011* provided for a new neighbourhood planning regime. The Act allows parish councils and groups of people from the community, called neighbourhood forums, to formulate Neighbourhood Development Plans and Orders, which can guide and shape development in a particular area. These plans and orders must have regard to national policies and conform to local strategic policies.

The draft plans and orders must pass an independent check. If they pass they must then be put to a local referendum. If the majority of those who vote are in favour the local planning authority must adopt the plan, subject to its legal compatibility. The Act contains a similar procedure for Community Right to Build Orders, which give permission for small-scale, site-specific developments by a community group. The government has emphasised that neighbourhood planning should not be a way to block necessary development.

The local planning authority has a statutory role to play in supporting neighbourhood planning. For example, it will organise the independent examination of the Neighbourhood Development Plan, Neighbourhood Development Order or Community Right to Build order. This is to check that the plan or order meets certain minimum conditions. In the majority of cases, it will be the local planning authority which will pay for and run the neighbourhood planning referendum.

[Government funding](#) has been made available for local authorities and for parish councils and neighbourhood forums to help with neighbourhood planning. In addition to this, in areas where there is a neighbourhood development plan in place, the neighbourhood will be able to receive 25% of the revenues from the Community Infrastructure Levy arising from the development that they have chosen to accept.

The [Housing and Planning Act 2016](#) contains measures which are designed to simplify and speed up the neighbourhood planning process. It also allows for greater intervention by the Secretary of State in the process of making a neighbourhood plan. The Queen's Speech on 18 May 2016 announced a [Neighbourhood Planning and Infrastructure Bill 2016-17](#). The [Government has said](#) that it will contain provisions to improve the process for reviewing and updating plans and providing a more transparent duty for the Government to support groups wanting to do neighbourhood planning.

According to [Government figures](#) from December 2015, 126 neighbourhood plan referendums have been held – all of which have been successful. [Government research](#) from 2015 (using a small sample of neighbourhood plans), suggested that in areas with a neighbourhood plan in place, there was a 10% increase in housing allocations (over that provided by the local plan). Research by planning consultancy firm Turley from 2014 found that more than half of the draft plans published for consultation had 'protectionist' agendas and that many were openly anti-development. It also found that neighbourhood planning provided an opportunity for "meaningful" community engagement in the planning process.

The Department for Communities and Local Government has produced an [interactive map](#) showing where neighbourhood planning and other community right uses are taking place across the country.

This note sets out these issues in more detail. It applies to England only. Information about neighbourhood planning functions, where they exist, in the Devolved Administrations is available in the Library Briefing, [Comparison of the planning systems in the four UK countries: 2016 update](#).

# 1. What is neighbourhood planning?

In summary neighbourhood planning allows communities to prepare:

- Neighbourhood Development Plans;
- Neighbourhood Development Orders; and
- Community Right to Build Orders.

The *Localism Act 2011* placed a legal duty on local planning authorities to support and advise groups that want to do neighbourhood planning. Neighbourhood planning can be carried out by a parish council, or by a group of people, which might include residents, business and local councillors, who are designated a “neighbourhood forum” by the local authority.

## 1.1 Legal framework

Section 116 and schedules 9, 10 and 11 of the *Localism Act 2011* provide the legislative framework for neighbourhood planning.

Further regulations have also made provision for the details of the neighbourhood planning regime:

- The Neighbourhood Planning (General) Regulations 2012 (SI 2012/637), as amended. These were [consulted on](#) in October 2011.<sup>1</sup> An [Impact Assessment](#) and a [Summary of Responses](#) to the Consultation were published in March 2012.
- The Neighbourhood Planning (Referendums) Regulations 2012 (SI 2012/2031).
- The Neighbourhood Planning (Prescribed Dates) Regulations 2012 (SI 2012/2030).
- The Neighbourhood Planning (Referendums) (Amendment) Regulations 2013 (SI 2013/798).
- Neighbourhood Planning (General) (Amendment) Regulations 2015 (SI 2015/20)

## 1.2 Who can do it?

The legislation enables three types of organisation, known as qualifying bodies, to lead on neighbourhood planning functions. These are:

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

Further information about the role of each of these types of organisations and what they can do is set out in the Government’s online Planning Practice Guidance on [Who leads neighbourhood planning in an area?](#) Not all of the above organisations can lead on every type of neighbourhood planning function and so this needs to be checked carefully.

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<sup>1</sup> Department for Communities and Local Government, [Neighbourhood planning regulations Consultation](#), October 2011

## Neighbourhood forums

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. 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.<sup>2</sup>

The previous Government was also concerned about the speed of the neighbourhood planning system. It [consulted in July 2014](#) on setting a statutory time limit within which a LPA must make a decision on whether or not to designate a neighbourhood area.<sup>3</sup> A [Government response](#) followed in December 2014 and the [Neighbourhood Planning \(General\) \(Amendment\) Regulations 2015](#) (SI 20), which came into force on 9 February 2015, now prescribe the date by which a local planning authority must determine applications for designation of a neighbourhood area as follows:

Where the area to which the application relates falls within the areas of two or more local planning authorities, the prescribed date is the date 20 weeks from the date immediately following that on which the application is first publicised. In other cases, the prescribed date is the date 13 weeks from the date immediately following that on which the application is first publicised by the local planning authority, or eight weeks where the application is from a parish council and the area to which the application relates is the whole of the area of the parish council.<sup>4</sup>

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<sup>2</sup> HM Government, Planning Practice Guidance, [What is a designated neighbourhood forum?](#), Paragraph: 016 Reference ID: 41-016-20140306, 6 March 2014

<sup>3</sup> HM Government, [Technical consultation on planning](#), July 2014

<sup>4</sup> Neighbourhood Planning (General) (Amendment) Regulations 2015 [Explanatory Notes](#), para 7.2

## 2. Neighbourhood planning functions

### 2.1 Neighbourhood Development Plans

Neighbourhood forums and parish councils can use the neighbourhood planning powers to establish general planning policies for the development and use of land in a neighbourhood. These are called “neighbourhood development plans” (NDPs).

Local councils are expected to continue to produce local development plans that will set the strategic context within which neighbourhood development plans will sit. Policies produced in an NDP cannot block development that is already part of the local development plan (local plans). NDPs can, however, shape and influence where that development will go and what it will look like.

NDPs have to meet a number of conditions to ensure plans are legally compliant and take account of wider policy considerations (e.g. national policy). The conditions are:

- they must have regard to national planning policy;
- they must be in general conformity with strategic policies in the development plan for the local area (i.e. such as in a core strategy); and
- they must be compatible with EU obligations and human rights requirements.<sup>5</sup>

An independent qualified person, normally a planning inspector, will check that an NDP meets these conditions before it goes to the next stage of being voted on in a local referendum. This is to make sure that referendums only take place when proposals are workable and of a decent quality. Proposed NDPs need to gain the approval of a majority of voters of the neighbourhood to come into force. If proposals pass the referendum, the local planning authority is under a legal duty to bring them into force.

Once it is in force, it becomes part of the legal framework and planning decisions for the area must be taken in accordance with it, as well as the Local Plan for the wider area, unless material considerations indicate otherwise.

The local planning authority must provide support to help people develop their NDP. For example, it will organise the independent examination of the neighbourhood development plan, neighbourhood development order or Community Right to Build order. This is to check that the plan or order meets certain minimum conditions. According to DCLG, in the vast majority of cases, it will be the local planning

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<sup>5</sup> Planning Portal website, [Neighbourhood Planning](#) [on 29 May 2013]

authority which will pay for and run the neighbourhood planning referendum.<sup>6</sup>

The Government's [Plain English Guide to the Planning System](#), January 2015, provides a flowchart at annex B, which sets out the NDP making process and gives further information about what is required at each stage.

In some circumstances an emerging NDP can carry weight in determining planning applications. Guidance on these circumstances set out in the Government's National Planning Practice Guidance, [What weight can be attached to an emerging neighbourhood plan when determining planning applications?](#) (Paragraph: 007Reference ID: 41-007-20140306).

### Relationship with local plans

Local plans are produced by the LPA and cover the entire local authority area. These are the key documents through which LPAs can guide what developments should and should not get planning permission, how land should be protected and to ensure a balance between development, environmental protection and public interest. They are adopted only by a process of public consultation and independent examination. They are not mandatory, but LPAs are strongly encouraged by Government to have one and to review it regularly.<sup>7</sup>

Once a neighbourhood plan passes all of its stages and comes into force it has the same legal status as the local plan. At this point it becomes an official development plan document which carries statutory weight. Applications for planning permission must be determined in accordance with a development plan document, unless material considerations indicate otherwise.

A section from the Government's [National Planning Practice Guidance](#) sets out the relationship between an NDP and a local plan. It provides guidance about what happens if an NDP is brought forward before an up-to-date local plan is in place:

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

Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan.

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. 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 needs evidence is relevant to the question of whether a housing supply policy in a

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<sup>6</sup> Department for Communities and Local Government website, [Neighbourhood Planning](#) [on 9 April 2013]

<sup>7</sup> [HC Deb 1 May 2014 c802W](#)

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
- the adopted development plan
- with appropriate regard to national policy and guidance.

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

The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, 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 by the decision maker favouring the policy which is contained in the last document to become part of the development plan. 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.<sup>8</sup>

There are also sections in the Planning Practice Guidance on how planning applications should be decided where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, in relation to:

- An [emerging neighbourhood plan](#); and
- A [made](#) neighbourhood plan.

These sections were introduced following the Government's proposal in the November 2015 [Autumn Statement](#) to ensure that local communities could allocate land for housing through neighbourhood plans, even if that land is not allocated in the local plan.<sup>9</sup>

## 2.2 Neighbourhood Development Orders

Neighbourhood planning can also be used to permit development in an area without the need for planning applications. These are called "neighbourhood development orders." A neighbourhood development order can grant planning permission for major development schemes, new houses, a new shop or pub, or permit extensions of a certain size

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<sup>8</sup> National Planning Practice Guidance, [Can a Neighbourhood Plan come forward before an up-to-date Local Plan is in place?](#) Paragraph: 009 Reference ID: 41-009-20160211, Revision date 11 February 2016

<sup>9</sup> Ibid



or scale across the whole neighbourhood area. As with a NDP it must pass an independent inspection and it must also gain the approval of a majority of voters of the neighbourhood in a referendum before it can come into force.

## 2.3 Community Right to Build Orders

The *Localism Act 2011* powers also give communities the power to make a Community Right to Build Order. This is an order which gives permission for small-scale, site-specific developments by a community group.<sup>10</sup> The preparation of a Community Right to Build order is a slightly different process in that it requires the formation of a constituted community group rather than a neighbourhood forum. Parish and town councils can also lead on Community Right to Build Orders.

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<sup>10</sup> Department for Communities and Local Government website, [Neighbourhood Planning](#) [on 3 June 2015]

### 3. Role of the local authority

The local planning authority must provide support to help people develop their neighbourhood plan. For example, it will organise the independent examination of the neighbourhood development plan, neighbourhood development order or Community Right to Build order. This is to check that the plan or order meets certain minimum conditions. The basic conditions that a draft neighbourhood plan or Order must meet if it is to proceed to referendum is set out in the Government's [Planning Practice Guidance](#).

Financial assistance to support local authorities with this role is set out below.

## 4. Financial support

### 4.1 For local authorities

The financial support for local authorities to help with neighbourhood planning was set out in a former [Government press release](#) from October 2014:

Local planning authorities can claim £5,000 for each neighbourhood plan area designated, up to a maximum of 20 areas per year. They can also claim a further £5,000 for each 'neighbourhood forum' designated.

A further £5,000 can be claimed by the local planning authority when a parish or neighbourhood forum submits a neighbourhood plan (or neighbourhood development order) to them for examination.

The local planning authority can claim a final £20,000 for each successful examination of a neighbourhood plan or order. In business areas an additional £10,000 is available to reflect the need for an additional referendum.<sup>11</sup>

In October 2014 the Government published [Frequently Asked Questions on Neighbourhood Planning funding for Local Planning Authorities](#), which gives further information about funding paid to local authorities to support their neighbourhood planning duties.

On 20 November 2015 the current Government published [Neighbourhood Planning & Local Planning Service Redesign & Capacity Building: Pilot Programme for Local Authorities](#). This announced that a pot of £600,000 resource grant funding was being made available in the 2015 to 2016 financial year to be awarded to a series of pilot authorities to help them:

- better support neighbourhood planning by piloting ways of making neighbourhood planning an integral part of their planning service, for example in relation to Local Plan-making, or
- to identify ways of involving or delegating planning decisions to neighbourhood planning groups, or
- to make changes to their service to ensure that they have an up-to-date Local Plan in place by 2017<sup>12</sup>

The deadline for applications has now passed.

### 4.2 For parish councils, neighbourhood forums and community groups

In October 2014 the former [Government announced](#) funding for communities wanting to do neighbourhood planning:

The funding announced today will help more communities become neighbourhood planning areas by:

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<sup>11</sup> Department for Communities and Local Government, [New funding to encourage more communities to get involved in neighbourhood planning](#), 31 October 2014

<sup>12</sup> HM Government, [Neighbourhood planning and local planning: service redesign and capacity building](#) [downloaded on 24 November 2015]

- providing community groups a further £1 million for grants during this financial year, in addition to the £4.25 million already awarded since 2013 - grants of up to £7,000 can now be applied for on [mycommunityrights.org.uk](http://mycommunityrights.org.uk)
- making available £22.5 million over 2015 to 2018 to provide community groups with expert advice, grant funding and technical assistance to get neighbourhood plans and orders from their inception to their coming into force following a local referendum - this is a 50% increase in the value of the existing support
- providing £100,000 to enable groups to organise workshops on neighbourhood planning in their local area, run by knowledgeable advocates of neighbourhood planning and aiming to give communities the information and encouragement needed to start on a neighbourhood plan.<sup>13</sup>

A [press release](#) from the former Government from 26 February 2015 provided information about how the above funding could be accessed.<sup>14</sup> Information is also available from the Locality My Community, [Neighbourhood Planning- Grants & Support website](#), which gives an update on the most recent funding available:

**The Department for Communities and Local Government have increased (or agreed to increase) the level of funding available to all groups from £8,000 to £9,000 from 1 April 2016.** This additional funding can be used by groups to fund the completion of their neighbourhood plans. DCLG hope that some groups will use this funding to obtain more information on their evidence base, but this is not mandatory.

All groups writing a neighbourhood plan or neighbourhood development order are eligible to apply for up to £9,000 in grant. Groups facing a range of complex issues are able to apply for further support from the programme.

This support can come in two forms:

- Technical support provided by AECOM – there are a range of technical support packages that groups are able to apply for as and when they become needed.
- Groups are also be eligible to apply for a further grant of up to £6,000 giving a total grant ceiling of £15,000 in the period 2015-18.

If your group has already received £8,000 in funding and are still working on your plan, you may apply for further funding up to the maximum of £9,000 (or £15,000 for complex groups).<sup>15</sup>

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<sup>13</sup> Department for Communities and Local Government, [New funding to encourage more communities to get involved in neighbourhood planning](#), 31 October 2014

<sup>14</sup> HM Government, [£22 million funding to boost neighbourhood planning](#), 26 February 2015

<sup>15</sup> My Community website, [Neighbourhood Planning - Grants & Support](#) [downloaded on 9 March 2016]

## 5. Other incentives for neighbourhood planning

On 10 January 2013 the Department for Communities and Local Government [announced](#) that in areas where there is a neighbourhood development plan in place, the neighbourhood would be able to receive 25% of the revenues from the Community Infrastructure Levy arising from the development that they have chosen to accept.<sup>16</sup> The money would be paid directly to parish and town councils and could be used for community projects such as re-roofing a village hall, refurbishing a municipal pool or taking over a community pub.

To incentivise the use of neighbourhood planning powers, neighbourhoods without a neighbourhood development plan but where the community infrastructure levy is still charged will receive a capped share of only 15% of the levy revenue arising from development in their area.<sup>17</sup>

The aim of this policy was to incentivise house building:

Instead of hectoring people and forcing development on communities, the government believes that we need to persuade communities that development is in everyone's interest. Incentives are key to getting the homes built that we both need for today and for future generations.

It is vital this country increases the number of homes it builds to meet the needs of its increasing population. The failure of previous administrations to build enough homes, latterly despite the credit boom, led to a severe housing shortage that has been made worse by the rapid increase in the number of households. The number of people living alone has rocketed, and immigration has led to an influx of 1.7 million people into England in the last decade.<sup>18</sup>

This policy came into force, on 25 April 2013, through the *Community Infrastructure Levy (Amendment) Regulations 2013* (SI 2013/982).

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<sup>16</sup> Department for Communities and Local Government, [Communities to receive cash boost for choosing development](#), 10 January 2013

<sup>17</sup> Planning Portal, [Cash for communities that choose development](#), 10 January 2013

<sup>18</sup> Department for Communities and Local Government, [Communities to receive cash boost for choosing development](#), 10 January 2013

## 6. Secretary of State power to “recover” housing appeals in neighbourhood plan areas

The Secretary of State has powers to “recover” a planning appeal which has been submitted to the planning inspectorate. A “recovered inquiry” is basically a planning appeal (against a local authority’s decision to refuse a planning application) which the Secretary of State can decide to determine himself, rather than allowing a planning inspector to take the final decision, as is the normal process.

On 10 July 2014 the then Secretary of State [announced](#) that he would like to “consider the extent to which the Government’s intentions are being achieved on the ground”, in relation to the neighbourhood planning regime introduced under the *Localism Act 2011*:

It is clear that communities have positively embraced these new powers, which go far beyond the traditional approach and also ensure real community involvement at every stage of the process. The number of areas having taken the first step in creating a neighbourhood plan by applying for neighbourhood area designation recently passed 1,000, and the 20 successful referendums so far have shown that local residents are succeeding in using their new power, creating plans that are now being used in determining applications and shaping development. This trend is set to continue.

The Secretary of State is keen that all planning appeal decisions should reflect the Government’s clear policy intention when introducing neighbourhood planning, which was to provide a powerful set of tools for local people to ensure they get the right types of development for their community, while also planning positively to support strategic development needs. He is therefore keen to give particular scrutiny to planning appeals in, or close to, neighbourhood plan areas to enable him to consider the extent to which the Government’s intentions are being achieved on the ground.<sup>19</sup>

For a period of 12 months from 10 July 2014, the recovery criteria was amended to include:

proposals for residential development of over 10 units in areas where a qualifying body has submitted a neighbourhood plan proposal to the local planning authority: or where a neighbourhood plan has been made.<sup>20</sup>

On 9 July 2015 a further [written ministerial statement](#) extended this period for another six months.<sup>21</sup> This was followed by another [written ministerial statement](#) on 11 January 2016 which extended the period for a further six months.<sup>22</sup>

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<sup>19</sup> [HC Deb 10 July 2014 c25WS](#)

<sup>20</sup> [HC Deb 10 July 2014 c25WS](#)

<sup>21</sup> 9 July 2015 [HCWS90](#)

<sup>22</sup> [Neighbourhood Planning: Written statement](#) - HCWS457, 11 January 2016

On 7 July 2016 the Government extended the period for another six months, but limited the criteria to residential development of more than 25 units, as follows:

I am now extending that period for a further 6 months from today but, in the light of the experience which has now accrued on neighbourhood planning, I intend to limit the criteria to include proposals for residential development of more than 25 units in areas where a qualifying body has submitted a neighbourhood plan to the local authority but the relevant plan has not yet been made. This change to the criteria would not however preclude Ministers from exercising their discretion to recover any other appeal which fell outside these parameters if they considered it appropriate under any of the criteria set out in the Written Ministerial Statement made by Mr. Parmjit Dhanda on Monday, 30 June 2008 (Hansard col 41WS).<sup>23</sup>

An article from the specialist publication *Planning*, from 7 May 2015, highlighted three instances of High Court challenges where judges had subsequently ordered the Secretary of State's decision to be redetermined in relation to appeals that he had recovered and rejected, relating to neighbourhood plan areas.<sup>24</sup>

For further information about the Secretary of State's power to "recover" appeals more generally, see Library standard note, [Calling-in of Planning Applications](#).

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<sup>23</sup> [Neighbourhood Planning: Written statement - HCWS74](#), 7 July 2016

<sup>24</sup> "Pickles suffers third neighbourhood plan legal setback" [Planning](#), 7 May 2015

## 7. Future changes to neighbourhood planning

### 7.1 Housing and Planning Act 2016

When in force, provisions in the [Housing and Planning Act 2016](#) will give the Secretary of State powers to set certain time limits for parts of the process of making a neighbourhood development plan or order. It will also allow the Secretary of State to intervene in the process if local authorities are not using their neighbourhood planning powers within these prescribed limits. For further information on the provisions see Library briefing papers:

- [Housing and Planning Bill 2015-16](#);
- [Housing and Planning Bill: Report on Committee Stage](#); and
- [Housing and Planning Bill: Lords amendments and Ping Pong](#).

On 18 February 2016 the Government published an [Implementation of planning changes: technical consultation](#) which provides further information about how the powers in the Act are likely to be used. Some of the consultation's key proposals in relation to neighbourhood planning are that:

- in certain circumstances a local planning authority (LPA) must designate all of the neighbourhood area applied for, with no discretion to amend the boundary. This would be when a parish council applies for the whole of the area of the parish to be designated as a neighbourhood area and when a local planning authority has not determined an application for designation of a neighbourhood area within the current time periods;
- LPAs should reach a decision on an application to designate a neighbourhood forum within 13 weeks;
- there should be a time period of five weeks (from the date the LPA receive the examiner's report) within which this decision must be taken by the LPA on whether to submit a neighbourhood plan or order to a referendum;
- that LPAs should hold a referendum within ten weeks of the decision that a referendum should be held (or 14 weeks where there is also a business referendum);
- a neighbourhood plan or order should be brought into force eight weeks from the date of the referendum, unless there are unresolved legal challenges
- the Secretary of State should be able to intervene, in certain circumstances, to decide whether a neighbourhood plan or order should be put to a referendum; and
- LPAs should notify and invite representations from designated neighbourhood forums where they consider they may have an interest in the preparation of a local plan.

The consultation closed on 15 April 2016 and a response has not yet been issued.

In its December 2015 [Consultation on proposed changes to national planning policy](#) the Government proposed to amend national planning



policy so that neighbourhood plans could allocate “appropriate small-scale sites” in the Green Belt specifically for starter homes, with neighbourhood areas having the discretion to determine the scope of a small-scale site.<sup>25</sup> This consultation closed on 22 February 2016 and the Government has not yet issued a formal response to it.

### 7.2 Neighbourhood Planning and Infrastructure Bill 2016-17

The Queen’s Speech on 18 May 2016 announced a Neighbourhood Planning and Infrastructure Bill 2016-17. The purpose of the Bill was described in the Government’s background briefing notes as being to:

- Support the Government’s ambition to deliver one million new homes, whilst protecting those areas that we value most including the Green Belt.
- Deliver the homes and infrastructure that this country needs.
- Transform the way we plan for major infrastructure projects in this country.

The [Government’s background briefing paper](#) to the Queen’s Speech 2016 announced that the Neighbourhood Planning and Infrastructure Bill 2016-17 would make the following changes to the neighbourhood planning system:

- To further strengthen neighbourhood planning and give even more power to local people.
- The new legislation would also strengthen neighbourhood planning by making the local government duty to support groups more transparent and by improving the process for reviewing and updating plans.

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<sup>25</sup> HM Government, [Consultation on proposed changes to national planning policy](#), December 2015, p19-20

## 8. Examples of neighbourhood planning

In March 2013 Upper Eden in Cumbria became the first area to officially adopt a neighbourhood development plan.<sup>26</sup>

For examples of neighbourhood planning in practice, the Department for Communities and Local Government's Neighbourhood Planning Team produces a [newsletter](#) with the latest news and policy developments.

The [Neighbourhood Planner website](#) provides information about neighbourhood planning activity throughout England and gives an indication of which stages different neighbourhood plans and applications for designations are at.

The Department for Communities and Local Government has produced an [interactive map](#) showing where neighbourhood planning and other community right uses are taking place across the country.

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<sup>26</sup> Department for Communities and Local Government announcement, [Historic first as neighbourhood plan is voted in by community](#), 8 March 2013

## 9. Impact of neighbourhood planning

### Government research

According to Government figures from December 2015, 126 neighbourhood plan referendums have been held – all of which have been successful.<sup>27</sup>

In May/June 2015 the officials from the Department of Communities and Local Government worked with local planning authorities and neighbourhood planning groups to collect data on Local Plan and neighbourhood plan housing allocations and planning permissions. The sample was small (the first 16 plans to allocate sites for housing) and the findings are heavily caveated. Nevertheless, they suggested that in areas with a neighbourhood plan in place, there was a 10% increase in housing allocations (over that provided by the local plan), and that local planning applications and permissions were advancing rapidly.<sup>28</sup>

### Planning consultancy research

In June 2016 Nathaniel Lichfield & Partners (NLP) published [Neighbourhood Plans: In Theory, in Practice, in The Future](#). The report highlighted the number of neighbourhood plans made to date:

since their introduction through the Localism Act, the number of made Neighbourhood Plans has grown steadily – with the total number currently at 160, with a further 30 in the pipeline having achieved a successful referendum.

There are now around 1,800 designated Neighbourhood Plan Areas and, whilst not all will progress to a made Neighbourhood Plan, it clearly shows that momentum is growing and that the geographical coverage of Neighbourhood Plans can be expected to increase significantly in the future.<sup>29</sup>

The NLP report also made some recommendations to Government aimed at improving the planning system for neighbourhood plans:

- A minimum evidence base requirement including clear understanding of local needs.
- The Basic Conditions should ensure ‘conformity’ with the NPPF, rather than simply having ‘regard’ to it.
- Clear guidance on the weight to be attributed to Neighbourhood Plans at all stages of their preparation including where an up-to-date Local Plan isn’t in place.
- A requirement for Independent Examiners to be chartered members of the RTPI or RICS and to be selected by PINS.
- A presumption in favour of a public hearing at Examination, unless there are no material objections.

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<sup>27</sup> Department for Communities and Local Government, [Notes on neighbourhood planning](#), 17<sup>th</sup> edition, December 2015

<sup>28</sup> Department for Communities and Local Government, [Neighbourhood Planning: progress on housing delivery](#), October 2015

<sup>29</sup> Nathaniel Lichfield & Partners [Neighbourhood Plans: In Theory, in Practice, in The Future](#) June 2016

- A minimum voter turnout threshold of 35% to validate referenda.

In March 2014 planning consultancy firm Turley published a report, [Neighbourhood Planning: Plan and Deliver?](#), which examined the progress and effectiveness of neighbourhood plans. Some of the report's "key findings" were that:

- Some plans are openly pro-development, in some cases seeking to extend housing targets and to promote economic growth, although these are in the minority
- More than half of the draft plans published for consultation (55%) have 'protectionist' agendas and many are openly anti-development
- The stance taken in many neighbourhood plans to restrict development is potentially at odds with the Government's pro-growth agenda and the presumptions that underpin the NPPF. Notwithstanding Government pronouncements concerning the reversal of 'centralism', conflicts between national policy and neighbourhood planning 'localism' appear inevitable
- The development industry is wary of the impact of neighbourhood plans on the prospects for securing planning permission, with developers promoting schemes ahead of plan adoption or focusing on higher tier policy (with which neighbourhood plans should conform)
- Neighbourhood plans provide a further opportunity afforded by neighbourhood planning for meaningful engagement
- The fast pace at which plans can progress suggests a need for the development industry to closely monitor the emergence of neighbourhood plans, and to engage at an early stage
- The emergence of a 'patchwork' of neighbourhood areas lacking spatial (or even policy) cohesion is a concern. Incomplete coverage, non-contiguous policy areas, huge variations in size and character, and the absence of any guidance relating to the requirement to accommodate development, represent major challenges for the planning system
- Tattenhall demonstrates the willingness of some to challenge plans which they view as unfairly restrictive, even if such actions are not directly challenging specific policies.<sup>30</sup>

## Other issues

In March 2016 Aylesbury Vale District Council said that, following legal advice, it would no longer contest a legal challenge made by developer Lightwood Strategic to the Haddenham Neighbourhood Plan, which

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<sup>30</sup> Turley, [Neighbourhood Planning: Plan and Deliver?](#) March 2014, p26

was adopted in September 2015.<sup>31</sup> Although parish councils normally prepare neighbourhood plans, it is the local planning authority who formally “makes” the neighbourhood plan and so it is its responsibility to respond to and fund the cost of any legal challenge.

The judicial review related to alleged mistakes made in the preparation of the plan in respect of site allocations. The council said that the decision to withdraw from the legal challenge “will mean that the housing policies in the Haddenham Neighbourhood Plan will then be quashed and removed”:

Further evidence was submitted by the developer at the end of last week and AVDC consulted its barrister about the impact of that evidence and the prospects of the case being won. On the basis of that legal advice, AVDC has, regrettably, decided that the best interests of the council would be served if it ceases to contest this case. This will mean that the housing policies in the Haddenham Neighbourhood Plan will then be quashed and removed.<sup>32</sup>

Haddenham Parish Council issued a statement setting out its disappointment in the District Council’s decision not to defend the legal challenge and expressing concern about the implications for neighbourhood planning:

This is hugely disappointing for the Parish Council and the volunteers who put so many hours into the preparation of the HNP and the Parish Council would like to thank all those who have supported it throughout, in particular those who have withstood the scrutiny imposed on them by this legal process.

The future of Neighbourhood Planning being undertaken by volunteers in their communities appears to be under threat if they cannot be protected by the bodies that are there to support them through the process and beyond. Neighbourhood Planning is now likely to turn into a costly process that is carried out by professionals for those communities with sufficient funding and will be beyond the reach of many smaller communities. This surely goes against the principles of localism on which the neighbourhood planning policy was founded.<sup>33</sup>

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<sup>31</sup> The Application for a Judicial Review of the Haddenham Neighbourhood Plan, [Statement by Haddenham Parish Council](#), 3 March 2016

<sup>32</sup> Aylesbury vale District Council, [Legal challenge to the Haddenham Neighbourhood Plan](#), 2 March 2016

<sup>33</sup> The Application for a Judicial Review of the Haddenham Neighbourhood Plan, [Statement by Haddenham Parish Council](#), 3 March 2016

## 10. Further information

For further information on neighbourhood planning see the [Neighbourhood Planning](#) section of the Government's online Planning Practice Guidance and the Government [Neighbourhood Planning](#) webpage.

There is also detailed information and "tool kits" available online for constituents about neighbourhood planning and how to do it in practice. See for example the [RTPI](#) and the [My Community Rights](#) websites.

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