



Planning Advice Note 7

Neighbourhood Plans

The introduction of Neighbourhood Planning is aimed at putting decision making back in the hands of local residents, businesses, parish councils and civic leaders. This Planning Advice Note aims to provide guidance for local residents, businesses and parish councils on Neighbourhood Planning and how proposals in the National Park will be handled.

The Localism Act

There are three main elements of Neighbourhood Planning set out in the Localism Act, which are:-

- Neighbourhood Plans
- Neighbourhood Development Orders
- Community Right to Build

What is a Neighbourhood Plan?

A Neighbourhood Plan is a plan which sets out policies in relation to the development and use of land in a particular area specified in the plan.

Local people will work together to establish general planning policies for the development and use of land in the neighbourhood. Local people will be able to say where new homes and employment units should be built and what they should look like. The level of detail depends on the wishes of local people.

The plan has to be in conformity with the strategic elements of the Local Planning Authority's Development Plan and therefore will not be able to allocate less land for housing and employment land than set out in the Development Plan. The Neighbourhood Plan will also need to be consistent with adopted Neighbourhood Plans and compatible with European Regulations and Human Rights obligations. Only one Neighbourhood Plan may be made for each neighbourhood area.



What is a Neighbourhood Development Order?

A Neighbourhood Development Order grants planning permission in relation to a particular neighbourhood area specified in the order as long as it is not "excluded development" as set out in Paragraph 61K of Schedule 9 of the Localism Act, which includes County Matters (e.g. minerals development and the operational development of land situated partly in and partly outside the National Park), waste development and nationally significant infrastructure projects. More information will be required to support a development order as it can grant full planning permission without the need for a normal planning application to be submitted to the Local Planning Authority. A Neighbourhood Development Order may relate to:-

- a) All land in the neighbourhood area specified in the order,
- b) Any part of that land, or
- c) A site in that area specified in the order

Both a Neighbourhood Plan and Neighbourhood Development Order must:

- Generally be in line with local and national planning policies and in general conformity with the strategic policies contained in the Development Plan for the area.
- Must be in line with other laws
- Not block the building of new homes and businesses

Neighbourhood Development Orders cannot be used to revoke the requirements for planning permission set out in areas covered by Article 4 Directions.

What is a Community Right to Build Order?

This part of the Localism Act gives groups of local people the power to deliver the development that their local community want. They may wish to build new homes, businesses, shops, playgrounds or meeting halls. A community organisation, formed by members of the local community, will be able to bring forward development proposals which, providing they meet minimum criteria and can demonstrate local support through a referendum, will be able to go ahead without requiring a separate traditional planning application. The benefits of the development, such as new affordable housing or profits made from letting new homes, will stay within the community, and be managed for the benefit of the community.

Unlike Neighbourhood Plans and Development Orders the Parish Council does not have to lead on Community Right to Build. A Community Right to Build organisation can be created by individuals who live or work in the particular area for which the community organisation is to be established. Individuals of a community organisation must be entitled to become voting members and must have at least 10 members who live in the area. Community Right to Build Orders will also be subject to independent examination and a local referendum.

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Issues for the Community to Consider

Communities need to consider carefully what their aims are. Developing a Neighbourhood Plan, Neighbourhood Development Order or Right to Build Order can help a community to play a greater role in shaping the future of their area, however they are not vehicles to stop further development taking place.

Neighbourhood Plans must comply with the strategic elements of the Local Planning Authority's Development Plan. In the case of the North York Moors National Park this is the Core Strategy and Development Policies Document, adopted in 2008. The main topic areas where the Core Strategy contains detailed policies on the type and amount of new development that can take place in villages is in relation to housing. This means that Neighbourhood Plans cannot promote open market housing in villages where this is not supported in the Core Strategy. The Core Strategy allows for open market housing in the settlements of Helmsley, Ampleforth, Easington, Guisborough, Scalby, Sleights, Thornton le Dale and East and West Ayton and there is scope in these villages for local people to make decisions on where future housing may be located.

In other villages communities may want to allocate sites for affordable housing to meet local identified needs, through the National Park Authority's exceptions site policy.

Communities will also need to consider that developing a Neighbourhood Plan is likely to involve:-

- development economics
- site assessment and allocation
- technical requirements, processes and procedures
- gathering and analysing an evidence base.
- drafting and producing the Neighbourhood Plan.

Communities will also need a budget to develop the plan, which may include venue hire costs, publication and printing costs. The costs of holding an independent examination and referendum will be met by the National Park Authority.

If the issues that the community wants to address do not relate to land use and development it may be more appropriate to consider the drafting of a Parish Plan or Village Design Statement. If the concerns of local people are issues such as crime or litter, a Parish Plan is likely to be the most appropriate vehicle. If the community would like a greater involvement in decisions about the detailed design of proposals they may wish to consider drafting a Village Design Statement which like a Neighbourhood Plan can form part of the Local Development Framework and will be taken into consideration when determining planning applications.

How will a Neighbourhood Plan affect the planning decisions made by the National Park Authority?

Once a neighbourhood plan is made it will form part of the Development Plan for the area and all future planning applications within the neighbourhood area will need to be determined in accordance with the document.

Who is responsible for Neighbourhood Planning?

The Parish Council (including Parish Meetings) is the lead body for neighbourhood planning, although they will need to engage other organisations including residents, businesses, local groups, landowners, developers and other organisations to ensure there has been wide community involvement in developing the plan. A Parish Council may choose to work with other Parish Councils on a Neighbourhood Plan for a defined area as long as there are no existing Neighbourhood Plans which cover the same area.

What is the role of the National Park Authority?

The National Park Authority is the Local Planning Authority for the area. Under the Localism Act, Local Planning Authorities must provide advice or assistance to Parish Councils in connection with or facilitating the making of proposals for Neighbourhood Plans and Neighbourhood Development Orders in neighbourhood areas within the North York Moors National Park. The Authority has responsibility for deciding whether the proposed neighbourhood area is appropriate and submits the Neighbourhood Development Order or Neighbourhood Plan for independent examination.

The National Park Authority may also be able to assist with the following:-

- Sharing evidence and supporting information
- Helping with consultation events
- Providing advice on national and local planning policies
- Advice on the preparation of Sustainability Assessments and Appropriate Assessments where required

Is there any financial assistance available to support neighbourhood planning?

The government has committed to providing up to £50 million until March 2015 to support the neighbourhood planning process. The National Park Authority is able to apply to Communities and Local Government for grants of up to £30,000 to help get neighbourhood plans in place. This funding will help support and advise groups taking forward neighbourhood plans and to pay towards the examination of plans and a local referendum.

What is the process for developing a Neighbourhood Plan or Order?

1. Defining and Establishing a Neighbourhood Plan Area

Parish Councils will need to submit to the National Park Authority a plan to indicate the proposed Neighbourhood Plan area, a statement of why this area is proposed and a statement that the group submitting the application is capable of being a qualifying body. The National Park Authority must check that the suggested boundaries make sense and work together. The National Park Authority will then publish a map setting out the areas that are being designated as neighbourhood areas and invite representations. The consultation period will be at least 6 weeks. The decision on all proposals will be made by Members through a relevant committee.

2. The Consultation Strategy and Programme

As a referendum will be held to decide whether the Neighbourhood Plan or Order is adopted it is important to obtain the support of the local community. The Parish Council will need to engage with the wider community right from the start and encourage them to participate in the plan. It may be useful to draft a consultation strategy which will set out how the Parish will engage local people and businesses through the development of the plan. This could include holding a series of public events to set out the aims of the plan and seeking views of how it should develop. The key to a successful plan will be keeping the local community informed and more importantly on board.

3. Gathering Evidence and Developing the Plan

Depending on the nature of the Neighbourhood Plan there may be a requirement to gather evidence, which can be used to support proposals for instance information on population forecasts. A lot of this information may already be available from the National Park Authority, the District Authorities or the County Council however the community will need to have a good understanding of their implications before drafting the Plan. Communities will also be responsible for drafting and producing the plan, which will include its publication. The community will need to consider at the outset the resources that will be needed to carry out this work, whether this is people, materials or financial funding. The community will also need to be realistic about setting timescales for what needs to be done at each stage of the process.

4. Independent Examination

Once the Neighbourhood Plan or Order has been prepared an independent examiner will check it meets the right basic standards. This is likely to be through written representation but the examiner may hold a public hearing if he/she deems it necessary. The National Park Authority will appoint the examiner in agreement with the community. The examination may be conducted by anyone who has the necessary skills and experience and is acceptable to both the National Park Authority and the Parish Council. However the person appointed must be independent of the Parish Council and the Local Planning Authority, should not have an interest in any land which may be affected and has the appropriate qualifications and experience.

The examiner will consider whether the draft Order or Plan

- a) has regard to national policies and advice contained in guidance issued by the Secretary of State;
- b) has 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;
- c) has special regard to the desirability of preserving or enhancing the character or appearance of any Conservation Area;
- d) contributes to the achievement of sustainable development;
- e) is in general conformity with the strategic policies contained in the Development Plan for the area; and
- f) The making of the order does not breach EU obligations.

If the plan doesn't meet the right standards the examiner can recommend changes and these will need to be considered by the National Park Authority before a Plan or Order is made.

5. Referendum

Following the independent examination the Electoral Services of the relevant constituent Authority will organise a local referendum. Everyone living in the area who is registered to vote in local elections will be entitled to vote in the referendum. If more than 50% of people voting in the referendum support the plan or order then the National Park Authority must bring it into force.

6. Adoption

Once a Neighbourhood Plan has been made it will become part of the Development Plan and decision makers will be obliged by law to take what it says into account when they consider proposals for development in the area.

A Neighbourhood Order will grant planning permission for development that complies with the order.

Do we need to carry out a Strategic Environmental Assessment?

The Localism Act 2011 requires neighbourhood plans to not breach, and be otherwise compatible with, EU and Human Rights obligations. Whether a neighbourhood plan will require an environmental assessment will depend on whether it triggers the various EU Directive (including the Strategic Environmental Assessment Directive and Habitats Directive). The National Park Authority should be able to advise communities at an early stage on whether any of these assessments will be necessary.

Further Resources

The government has provided funding to four organisations to support communities in Neighbourhood Planning:-

Planning Aid <http://www.rtpi.org.uk/planning-aid/neighbourhood-planning/>

The Prince's Foundation for the Built Environment <http://www.princes-foundation.org/what-we-do/projects/engage/clg-planning-scheme/supporting-communities-and-neighbourhoods-planning>

NALC and Campaign to Protect Rural England <http://www.planninghelp.org.uk/>

Locality <http://mycommunityrights.org.uk/>

Information is also available on the website of the Department of Communities and Local Government <http://www.communities.gov.uk/planningandbuilding/planningsystem/neighbourhoodplanningvanguards/>

Further guidance on Neighbourhood Planning can also be found on the website of the Planning Advisory Service <http://www.pas.gov.uk/pas/core/page.do?pagelid=1802659>

