

Neighbourhood Planning – What is neighbourhood planning?

Q What is neighbourhood planning?

A 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.

Q What can communities use neighbourhood planning for?

A 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.

Q What are the benefits to a community of developing a neighbourhood plan or Order?

A 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.

Q What should a neighbourhood plan address?

A 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.

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

A 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.

Q How should a community ensure its neighbourhood plan is deliverable?

A 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.

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

A 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](#)).

Q Can a neighbourhood plan come forward before an up-to-date local plan or spatial development strategy is in place?

- A 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.

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

A 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](#).

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

A 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

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

A 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 \(as amended\)](#)).

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

A 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](#))

Who leads neighbourhood planning in an area?

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A 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

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

A 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.

Further information can be found on

<https://www.gov.uk/guidance/neighbourhood-planning--2#what-is-neighbourhood-planning>