

Neighbourhood planning

Information from the Government's Planning Portal

The Localism Act, which received Royal Assent on November 15 2011, introduced new rights and powers to allow local communities to shape new development by coming together to prepare neighbourhood plans.

Neighbourhood planning can be taken forward by two types of body - town and parish councils or 'neighbourhood forums'. Neighbourhood forums are community groups that are designated to take forward neighbourhood planning in areas without parishes. It is the role of the local planning authority to agree who should be the neighbourhood forum for the neighbourhood area.

The criteria for establishing neighbourhood forums are being kept as simple as possible to encourage new and existing residents' organisations, voluntary and community groups to put themselves forward.

Neighbourhood forums and parish councils can use new neighbourhood planning powers to establish general planning policies for the development and use of land in a neighbourhood. These are described legally as 'neighbourhood development plans.'

In an important change to the planning system communities can use neighbourhood planning to permit the development they want to see - in full or in outline – without the need for planning applications. These are called 'neighbourhood development orders.'

Local councils will continue to produce development plans that will set the strategic context within which neighbourhood development plans will sit.

Neighbourhood development plans or orders do not take effect unless there is a majority of support in a referendum of the neighbourhood.

They also have to meet a number of conditions before they can be put to a community referendum and legally come into force. These conditions are to ensure plans are legally compliant and take account of wider policy considerations (e.g. national policy).

Conditions are:

1. they must have regard to national planning policy
2. 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)
3. they must be compatible with EU obligations and human rights requirements.

An independent qualified person then checks that a neighbourhood development plan or order appropriately meets the conditions before it can be 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 neighbourhood development plans or orders 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.

Information as at June 2015