

# LOCALISM ACT: NEIGHBOURHOOD PLANNING REGULATIONS

(Information taken from NP Regulations document 2012 and other government publications)

<b>STAGE 1 – DEFINING THE NEIGHBOURHOOD</b>	
<p><b>Parish Council /forum applies to local planning authority for designation of a neighbourhood area</b></p> <p><b>Application for designation of a neighbourhood area</b></p> <ul style="list-style-type: none"> <li>• <i>Map</i> identifying the land to which the application relates</li> <li>• Statement- why this area is considered appropriate to be designated as a neighbourhood area</li> <li>• Statement- why the organisation/ body is the relevant body (parish/ town council in parished areas)</li> <li>• Also likely – name and contact details of one member of the body</li> </ul>	<p>The Bill allows for a neighbourhood planning area to cross 2 or more planning authority boundaries. It is up to the planning authorities to decide how to approach cross boundary arrangements – e.g. lead authority or joint committee.</p> <p>For cross parish boundary areas – one parish council leads – with consent from the others for it to act in relation to that neighbourhood area.</p> <p>Although proposals must be brought forward by a parish/ town council in a parished area, it could do so on behalf of a group in the parish which will do the work.</p>
<p><b>Local Planning Authority (LA) publicises the <i>area</i> application for at least 6 weeks and invites comments.</b></p> <p>It is the LA’s responsibility to keep an overview of the different applications for designation of a Neighbourhood Area and to publicise them.</p> <p><b>Application received for designation of a neighbourhood area</b></p> <ul style="list-style-type: none"> <li>• <i>Copy of the application</i></li> <li>• How to respond /make representations to the LA (up to LA to decide how)</li> <li>• Date of publicising and deadline for receipt of responses to the LA – not less than 6 weeks after date of first publicising</li> </ul>	<p>LA will decide how to publicise applications- <i>but the regulations state that it must be on their website and in a manner to bring the application to the attention of people living in the area. It is to be done ‘as soon as possible’ after receiving the application from a relevant body</i></p>
<p><b>Decision by local planning authority – approval or rejection of the application (and publication of the decision)</b></p> <ul style="list-style-type: none"> <li>• Up to the LA to decide timescale for making the decision</li> <li>• If there are conflicting applications received, decision is up to the LA.</li> <li>• Government does not intend to prescribe how the LA comes to a decision- but to allow local flexibility e.g. delegated officer, full meeting of council, via Council’s executive, whether a majority vote is needed to validate the decision.</li> </ul> <p><i>If approved: ASAP after the decision, LA publicises (on website and any other manner) the name and map of neighbourhood area plus name of body who applied.</i></p> <p><i>If refused, the Local Authority must publicise (ASAP) the decision and reasons for the decision plus where the decision</i></p>	<p>Q - Is there any right of appeal against a rejection?</p>

document can be inspected.

## STAGE 2: PREPARING THE NEIGHBOURHOOD DEVELOPMENT PLAN

### Developing the Proposed Neighbourhood Development Plan

Before submitting the proposed plan to the LA, the body must:

- A) Publicise a draft of the proposal to the people who live, work or carry on business in the relevant neighbourhood area.
- *Details of the proposal and where and when they may be inspected*
  - Details of how to make representations (contact details, form to complete – name, contact details, relationship to the area (work, live, carry on business), comments)
  - Information about proposed timetable - deadline for receipt of comments/ representations – not less than 6 weeks following date the proposal was made publicly available (start and end date for consultation)
- B) *Consult with any of the relevant consultees on the list). The regulations contain a list of consultation bodies for ND Plans in Schedule 1 (pages 14-15).*
- C) *Send a copy of the proposals for a NDP to the LA*

No regulations on how the draft proposal is derived/ developed. But in flyer:

'The first step in preparing a neighbourhood plan is to think about the sort of development that you want to see in your neighbourhood. It will be crucial to have the input of your community and to talk to your neighbours when you are developing your ideas to make sure it is what people want. You might also want to talk to community groups and your local council who will be able to provide helpful advice on NP'

- LA can advise on general conformity with Local Plan and may direct on which consultees to involve
- Forum/Parish Council to publicise the proposals– bringing them to the attention of those who live, work or carry on business in the neighbourhood area.

### Submission of Proposed (redrafted if appropriate) Neighbourhood Development Plan to the LA

- *Map/ statement identifying the land to which the proposed NDP relates*
- *The proposed NDP*
- Consultation statement:
  - Details of the persons and bodies consulted about the proposed Neighbourhood Development Plan
  - How they were consulted
  - Summary of main issues and concerns raised by consultees
  - Description- how main issues and concerns raised have *been considered and (if relevant) addressed in the proposals*
- Statement- how the proposed NDPlan meets the basic conditions (in conformity, EU regulations etc).

**LA to publish proposals for 6 weeks and make draft orders available for inspection.** *This to be done as soon as possible after receipt of proposal (as long as it is complete)*

#### Proposed Neighbourhood Development Plan for (title)

- *Details of the proposal and when/ where it may be inspected*
- The proposal document
- Date first made available to the public (by the LA) and applicable deadline dates for making representations (not less than 6 weeks after first publicised)

LA will decide how to publicise applications- *but stated in regulations that it must be on the website*



<ul style="list-style-type: none"> <li>• Details of how to make representations (presume direct to the LA)</li> <li>• The offer to let any respondents be notified of the decision, on request</li> </ul> <p>The LA must notify any statutory consultees that the plan has been received.</p>	
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<p><b>STAGE 3: INDEPENDENT CHECK</b></p>	
<p>ASAP after appointment of an independent examiner, the LA must send them the proposal, other documents submitted by the body making the proposal, copies of representations made, additional information if area relates to Conservation of Habitats and Species Regulations.</p> <p>The examiner will check the basic conditions – i.e. a plan or order must have an appropriate fit with local and national policy; have special regard for listed buildings and conservation areas; be compatible with EU and EC Human Rights obligations</p> <ul style="list-style-type: none"> <li>• The Examiner will decide when to hold a public hearing into a plan on a case by case basis, therefore there are no regulations to prescribe the circumstances when a hearing must be held.</li> <li>• There are no regulations for a timeframe for arranging and carrying out the Independent Examination – this will be decided by the LA.</li> </ul>	<ul style="list-style-type: none"> <li>• Consultation on NP Regs (p13) states that LAs are experienced in organising independent examinations for local plans and are best placed to undertake this activity.</li> <li>• LA has responsibility for organising the Independent Examination.</li> </ul>
<p>Examiner’s report</p> <p>If the Examiner is not satisfied with the proposals or if there are recommendations made by the Examiner (eg modifications needed or extension of the referendum area) then the LA must publicise ASAP (on website) the decision statement, details of where and when it can be inspected and send a copy of the decision to the applicant body and any person who requested to be notified.</p>	

<p><b>STAGE 4: COMMUNITY REFERENDUM</b></p>	
<ul style="list-style-type: none"> <li>• Final say for communities about whether a neighbourhood plan comes into force.</li> <li>• If more than 50% of those voting in the referendum support the plan, then the local planning authority must bring it into force</li> <li>• LA to publish the decision (to put plan to referendum) on their website</li> <li>• LA will decide information to be published alongside the referendum</li> </ul> <p>People living in the neighbourhood who are registered to vote in local elections will be entitled to vote in the referendum. In some special cases- where- e.g. the proposals brought forward for a plan in one neighbourhood have significant implications for other people nearby- people from other neighbourhoods may be</p>	<ul style="list-style-type: none"> <li>• LA is responsible for carrying out the referendum</li> <li>• Government will produce future regulations on referendum, including specifying questions to be asked.</li> <li>• Government was exploring combining a referendum for NDP (or NDO) with other elections to be held within 3 months of the NDP proposed referendum. The November 2011 consultation sought response on whether this could be longer (e.g. 6 months)</li> </ul>



<p>allowed to vote too. <i>This decision will be made by the Independent Examiner.</i></p>	
<p><b>STAGE 5: LEGAL FORCE</b></p>	
<p>ASAP after making the NDP, LA to publish the plan/order on their website and where it can be viewed/inspected, plus notify anyone who requested to be notified.</p>	<p>No regulation on timescales, following referendum, for the neighbourhood plan to be publicised by the LA as being in force. The regulations state – as soon as possible after making the NDP.</p> <p>Once a neighbourhood plan is in force, it carries real legal weight. Decision makers will be obliged, by law, to take what it says into account when they consider proposals for development in the neighbourhood.</p>

<p><b>A note about Neighbourhood Forums-</b> applicable in non parished areas only (note- parished areas include towns).  An applications to become a NForum must include:</p> <ul style="list-style-type: none"> <li>• Name of the proposed forum</li> <li>• Copy of written constitution</li> <li>• Identification of the geographic area covered (map and name of area)</li> <li>• Contact details of (at least) one member of the group which can be made public</li> <li>• Statement- how the proposed forum meets the required conditions</li> </ul> <p>LA publicises (complete) applications (on website and in other manner as appropriate) – copy of application, details of how to make representations and deadlines; a statement that if designation is made, no other organisation can be designated for that geographic area until the designation expires/ is withdrawn;  <i>(The section relating to not accepting alternative applications for the same forum area after 28 days seems to have been removed from the Regulations)</i></p> <p><b>If designated.</b> LA must publicise ASAP (on website) name of forum, contact details of at least one person in the forum, copy of constitution, name of neighbourhood area.</p> <p><b>If refused,</b> LA must publicise ASAP (on website) a statement setting out the reason for refusal and detail of where that statement can be viewed.</p> <p>If there is voluntary withdrawal of a designated NForum the LA must publicise this too.</p>	<div style="background-color: #cccccc; height: 20px; width: 100%;"></div>
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## USEFUL LINKS

Plain English Guide to the Localism Act: [www.communities.gov.uk/news/planningandbuilding/2030130](http://www.communities.gov.uk/news/planningandbuilding/2030130)

Neighbourhood Planning Regulations Consultation:

[www.communities.gov.uk/publications/planningandbuilding/planningregulationsconsultation](http://www.communities.gov.uk/publications/planningandbuilding/planningregulationsconsultation)

The Neighbourhood Planning (General) Regulations 2012

<http://www.legislation.gov.uk/uksi/2012/637/contents/made>

Leaflet- An introduction to Neighbourhood Planning:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1985896.pdf>

E-Flyer: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1985902.pdf>

West Oxon Council: <http://www.westoxon.gov.uk/planning/NeighbourhoodPlannin.cfm>

Planning and Localism: Choices and Choosing: <http://www.cpreglos.org.uk/localismprint.pdf>

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**From - Town and Country Planning leaflet:** [http://www.tcpa.org.uk/data/files/your\\_place\\_your\\_plan.pdf](http://www.tcpa.org.uk/data/files/your_place_your_plan.pdf)

### ***‘So, can we put anything in a Neighbourhood Plan?’***

Almost anything that uses land and needs planning permission can go into a Neighbourhood Plan. There are a few exceptions that the Government has a separate system for – mainly major national projects. In law, planning has to make sure that we don't stop our children from having good health and a decent quality of life in the future. In planning-speak this is called sustainable development. So Neighbourhood Plans are about everyone's lives now and in the future, and not just those who can make money out of land.

### ***‘What does a Neighbourhood Plan look like?’***

There's no mystery – they are simply a few pieces of paper containing maps and lists. They include practical things that will make a difference to people's lives in the future, like new pedestrian walkways; affordable housing for young people; a new shopping area; the site of a new school; a new park or play area; where new allotments go; wildlife and landscape areas.

Other suggestions- from the leaflet – more green/open spaces, space for local food production, housing, businesses, tackle a local flooding issues , new safe cycling route

