

Neighbourhood planning frequently asked questions

1. What is neighbourhood planning?

- 1.1. Neighbourhood planning is way for communities to decide the future of the places where they live and work. The Localism Act has introduced new permissive rights for local communities to prepare a neighbourhood plan, initiate neighbourhood development orders and exercise a community right to build.
- 1.2. Neighbourhood planning is not compulsory, communities need to volunteer to get involved.
- 1.3. In some cases it may be appropriate for communities to use other tools or plans for their local areas.
- 1.4. There are three types of neighbourhood plans:
 - Neighbourhood Development Plans
 - Neighbourhood Development Orders
 - Community Right to Build Orders

2. What are Neighbourhood Development Plans (NDPs)?

- 2.1. NDPs can:
 - Set policies in relation to development and the use of land in a designated area;
 - Identify a collective vision and key local priorities for the sustainable development of the area;
 - Can allocate sites for housing and other development; and
 - Can identify special protection green areas of particular importance to the community.

3. What are Neighbourhood Development Orders (NDOs)?

- 3.1. Whilst NDPs set out the policy for an area, NDOs grant outline or full planning permission for specified development. NDOs therefore allow new development such as homes and offices to be built without the need to apply for separate planning permission.
- 3.2. A NDO can relate to the whole of, part of, or a specified site within a defined neighbourhood area.

4. What are Community Right to Build Orders (CRtBOs)?

- 4.1. A CRtBO is a type of NDO which allows smaller-scale development on a specific site to be brought forward without the need for separate planning permission.
- 4.2. This gives communities the ability to develop things such as small-scale housing and other facilities that they want to establish, such as a shop, playground, village hall, business and enterprise hubs, community energy schemes.

- 4.3. In addition, a CRtBO can remove enfranchisement rights. This means that, those renting property can be prevented from purchasing it, ensuring that it continues to be available for rental.

5. Is neighbourhood planning compulsory?

- 5.1. No. Neighbourhood planning is optional.

6. How will development be managed in our area if we do not have a neighbourhood plan?

- 6.1. The West Berkshire Local Plan sets the framework for development in West Berkshire. Our current Local Plan sets out our planning policies up to 2026. We have now begun a review of our Local Plan to cover the period up to 2039.

7. What if a community wants to do a neighbourhood plan but the Parish/Town Council doesn't?

- 7.1. A Parish/Town Council will be encouraged to fully engage with their local communities in all stages of the development of a plan. Ultimately however, the legislation states that in parished areas, only a parish or town council can prepare a neighbourhood plan. West Berkshire district is fully parished.

8. What are the potential benefits?

- 8.1. Neighbourhood plans are intended to give local people a direct say in the future development of their area. A neighbourhood plan gives local people the chance to create a planning document that guides and shapes development in their local communities. In turn, this will help to influence what facilities are provided in the area. Parishes with an adopted neighbourhood plan will also be entitled to a higher proportion of revenues from the Community Infrastructure Levy.

9. Who leads a neighbourhood plan?

- 9.1. Parish/Town Councils and, in unparished areas, neighbourhood forums. These are known as qualifying bodies. There are several parishes in the district that are so small they do not meet the threshold and have a Parish Forum. This means they must set up a Neighbourhood Forum to develop a neighbourhood plan.
- 9.2. The task for Parish/Town Councils and neighbourhood forums is to lead and co-ordinate the process of producing a neighbourhood plan. It is up to the town or parish council how it chooses to undertake the work and whether it commissions other organisations to work with it or on its own behalf.
- 9.3. It should be emphasised that however diverse the make-up of the neighbourhood planning body is, it needs to consider the wider diversity of views of the local population. This means effective community engagement at the beginning of – and throughout – the process is very important.

10. Can a plan be used to block development?

- 10.1. No. Neighbourhood planning is about shaping development of a local area in a positive manner. It is not a tool to be used to prevent development proposals from taking place. It should reflect local and national policies. Neighbourhood plans are not able to promote less development than set out in the local plan or

undermine its strategic policies. A neighbourhood plan can be used to ensure that any development is in line with the wishes of the local people and is sympathetic to local need.

11. Can a plan promote more development than the Local Plan?

11.1. Yes. The National Planning Policy Framework makes explicit reference to the opportunity for neighbourhood plans to promote more development than is set out in the local plan.

12. Can my community have a plan?

12.1. Yes. Any community may prepare a neighbourhood plan. In our district, the town or parish council will be the relevant 'qualifying' body to initiate and lead a neighbourhood plan. This can be the entirety of the area covered by the parish or town, or just part of it. It is also possible that if some parishes wish to work together, they can produce a joint neighbourhood plan.

13. Can there be more than one plan?

13.1. No. There can only be one neighbourhood plan for each neighbourhood plan area. It is therefore important to consider carefully what goes into it.

14. Can a neighbourhood plan cross ward, parish or the county boundaries?

14.1. Yes – neighbourhood areas can be defined to include adjoining parishes or parts of parishes from different wards or within Berkshire or parts of parishes in other counties if this is deemed appropriate. Agreement is needed from all parishes involved and the final referendum will be between all the electorate contained within those parishes.

15. How do you assess the appropriate area for the neighbourhood plan?

15.1. It is for the Parish/Town Council to determine the appropriate area for their Neighbourhood Plan. The town or parish council need to apply to West Berkshire Council for an area to become a neighbourhood area for neighbourhood planning purposes. Applications for the whole of a parish to be designated as a Neighbourhood Area will be automatically approved.

16. What's the difference between parish plans, village design statements, and neighbourhood plans?

16.1. Neighbourhood planning is not entirely new. Some communities have already been involved in (non-land use) planning for their area through other types of community-led plan, such as parish plans and village design statements. These are non-statutory planning tools and therefore they do not form part of the council's development plan. They have no formal weight in the determination of planning applications, although they can be taken into account in determining planning applications if it covers issues that are material planning considerations

16.2. Neighbourhood plans relate to the use and development of land and have a higher threshold of evidence and must be the subject of a public examination by an independent examiner. Once a neighbourhood plan has been found suitable by an independent examiner it progresses to a referendum where it must secure a simple majority of those voting on the day to be adopted as part of the formal

development plan for the area for use in the determination of planning applications. If successful at referendum, a plan forms part of the development plan for the district and must by law be used by the local planning authority in the determination of planning applications.

- 16.3. Community led parish plans remain valid tools for Parish/Town Councils to use and provide a more informal basis on which to highlight some planning issues.

17. Are parish plans and village design statements still valid?

- 17.1. Yes. Parish plans and village design statements still remain as tools that communities might use to deliver their aspirations for their areas. They can also provide a good starting point for communities when thinking about preparing a neighbourhood plan.

18. Are there limits to what can be put in a plan?

- 18.1. Yes. There are a number of conditions that will need to be met:

- Have regard to national policies and advice, such as the National Planning Policy Framework
- Contribute to the achievement of sustainable development
- Be in general conformity with the strategic policies in the development plan for the area (our Core Strategy and our other development plan documents)
- Be compatible with European obligations and human rights requirements

- 18.2. Plans will have to be considered by an independent examiner to ensure that they are legally compliant and consistent with these requirements.

- 18.3. Following the independent examination, a local referendum will be held so that the whole community has the opportunity to vote on whether or not to adopt the plan. A majority vote (more than 50%) of the local community is needed for the plan to be adopted.

19. How much is it likely to cost?

- 19.1. The cost of producing a neighbourhood plan will depend largely on scope, complexity and size of the plan. The Government have estimated that plans can cost between £20,000 and £86,000 and take between one and two years to prepare.

20. Who pays for the plan?

- 20.1. Town/Parish Councils and Neighbourhood Forums are responsible for paying for the preparation of the plan, and they can apply for Government funding to help cover the costs. West Berkshire Council pays for the independent examination and referendum.

21. How much work will it involve?

- 21.1. The amount of work involved will largely depend on the level of detail that it is included in the plan. Neighbourhood plans need to be based on appropriate, proportionate and up-to-date evidence. In addition, there are minimum statutory requirements, such as a sustainability appraisal and habitat regulations

assessment, which will need to be completed alongside the plan. We can provide technical support and guidance to help you through the process.

22. What help can West Berkshire Council provide?

22.1. West Berkshire Council has a number of roles to undertake in order to fulfil its duty to support. These include:

- confirming the geographical area of proposed neighbourhood plans
- providing expertise and advice to Parish/Town Councils
- hold referendums
- adopt neighbourhood plans where all legal requirements have been met

22.2. Following the designation of a Neighbourhood Area (this is the first formal stage in the preparation of a plan), a Service Level Agreement (SLA) is signed between West Berkshire Council and the Parish/Town Council. The SLA formally sets out how we will provide assistance to the Parish/Town Council council during the preparation of their neighbourhood plan.

22.3. An officer from the Council's Planning Policy Team will act as a first point of contact for advice and technical support.

23. Will we have to employ specialists to support our neighbourhood plan?

23.1. The amount of evidence that needs to be produced will depend on the scale and ambition of the neighbourhood plan or neighbourhood development order.

23.2. The plan or order may be able to use existing available evidence such as that used by the local authority in its local plan preparations.

24. Do ward councillors have to be involved in any neighbourhood planning for their area?

24.1. They don't have to be involved but members will play a key role and can help progress work significantly – remember it is the Parish/Town Council that has the responsibility for the production of the neighbourhood plan.

25. How long does a neighbourhood plan last?

25.1. A neighbourhood plan will normally last five years at which point it should be reviewed. It will however, also be possible to review the plan within the five year period if necessary.

26. What can a neighbourhood plan cover?

26.1. A neighbourhood plan is a planning document that guides future development in the plan area. It can only deal with the development and use of land. Neighbourhood plans cannot deal with non-planning matters.

26.2. Neighbourhood plans do not have to include policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of the latest and up-to-date evidence of housing need.

26.3. A neighbourhood plan can also allocate sites for development, including housing. A qualifying body should carry out the appraisal of options and an assessment of individual sites against clearly defined criteria.

26.4. Although neighbourhood plans cannot deal with non-planning issues, often other issues and community projects or actions will have been considered through the community engagement process. Whilst these issues cannot be delivered through the planning system and therefore cannot be included as planning policies, non-planning content can be included separately from the plan, for example in an appendix or a separate section.

26.5. Examples of non-planning issues include the following:

- improving the local train or bus service
- introducing a speed limit or other traffic management measures
- working in partnership with other organisations
- better or different management of the village hall or play area

27. If a neighbourhood plan allocates sites for development can a land owner object at examination if his site is not allocated?

27.1. There will be the opportunity for all affected by proposals to make representations to the independent examination. The general rule is that examinations will be by written representations, examiners have the ability (indeed, have the duty) to hear oral representations, where necessary, to ensure adequate examination of issues or to ensure a person has a fair chance to put a case.

27.2. However, early consultation and engagement with all members of the community and a clear and transparent procedure to allocate additional sites will help reduce objectors to the submitted plan and the need for lengthy examinations.

28. What is a 'strategic policy' and what is meant by 'general conformity'?

28.1. Strategic policies are generally those that deal with the homes and jobs needed in the area as well as commercial or leisure development, infrastructure, health, community and cultural facilities, and the conservation and enhancement of the environment. Other things to bear in mind are whether the policy sets out an overarching objective, the scale at which the policy operates, whether it seeks to shape the broad characteristics of development, and whether it is central to achieving the plan's vision.

28.2. General conformity means that the neighbourhood plan should support and uphold the principle of the strategic policy. If there is any conflict, the degree of conflict will be considered. The rationale and evidence of the neighbourhood plan policy will also be taken into account as it might provide a distinct local approach or additional layer without undermining the strategic policy.

29. Who carries out the examination of the neighbourhood plan?

29.1. The independent examination will be undertaken by an independent examiner appointed by the council (in conjunction with the Parish/Town Council) to ensure the plan meets the necessary standards and is in conformity with legislation and general conformity with national and local policy.

- 29.2. The independent examiner may suggest changes to the plan.
- 29.3. If the plan is found to be satisfactory, then the local authority will arrange for the referendum to take place.
- 29.4. If more than 50% of those voting in the referendum vote 'yes', then the Council will adopt the plan.
- 30. What is the relationship between neighbourhood planning and the Community Infrastructure Levy?**
- 30.1. The Community Infrastructure Levy (CIL) is a new charge that local authorities in England can place on new development in their area.
- 30.2. The money generated through the levy will contribute to the funding of infrastructure to support growth.
- 30.3. West Berkshire Council has developed a CIL 'charging schedule', which set's the rates of CIL that development is charged.
- 30.4. Further information on CIL in West Berkshire is available on the Council's website: <https://info.westberks.gov.uk/cil>.
- 30.5. Amendments made to the CIL Regulations in 2013 now mean that where development takes place within an area that has a neighbourhood development plan in place, the council must pass 25% of the relevant CIL receipts to the Parish/Town Council for that area.
- 30.6. Areas without a neighbourhood development plan will receive 15% (capped at £100 per council tax dwelling) of the relevant CIL receipts.
- 30.7. Local communities should consider the benefits of revenue from CIL when deciding whether or not to develop a neighbourhood plan.
- 30.8. The financial benefits should be balanced of increased CIL revenue should be balanced against the total cost and commitment required to develop a neighbourhood plan (other planning tools may be a better way for the community to achieve its goals).