

Brought in by the Localism Act 2011 Neighbourhood Planning empowers local communities to produce Land Use Planning Polices. These powers can be exercised in three ways:

- Neighbourhood Plans
- Neighbourhood Development Orders
- Community Right to Build Orders (a type of NDO)

This guidance gives an overview of the process and powers associated with Neighbourhood Planning, and the production of Neighbourhood Plans and Neighbourhood Development Orders.

First Steps

Neighbourhood Planning is a community led process allowing local people to determine their own policies on spatial planning issues that developers must comply with (i.e. how land and buildings are used; what physical features are protected; and what design principles are acceptable).

It's important to consider whether Neighbourhood Planning is right for your community. Eden District Council (EDC) and ACTion with Communities in Cumbria (ACT) provide information and guidance, plus a small grant of £150 to help communities do this.

The purpose of the grant is to support initial community engagement, to decide whether there is a need for Neighbourhood Planning in the area, and identify any initial local planning and development issues to be addressed.

This initial activity will also be a good base from which to apply for additional national grant funding, to fund the further work and professional advice likely to be required to complete plans.

For further information and support contact:

EDC Planning Policy Team

Tel: 01768 817817

Email: neighbourhood.planning@eden.gov.uk

Hellen Aitken, ACT Development Officer

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Email: hellenaitken@cumbriaction.org.uk

Area Designation

The first formal step is for a Parish / Town Council to submit to the local planning authority (Eden District Council) the proposed neighbourhood to be formally designated.

Where no Parish / Town Council exists a 'Neighbourhood Forum' can be established, however, this is unlikely to be needed in Eden.

The designated neighbourhood area can be all or part of a Parish / Town Council's administrative area. Adjacent parishes can also work together to produce a joint plan, however, this may lead to increased procedural complexity further down the line. We are happy to advise further on this.

A Parish / Town Council's application to designate should contain the following:

- Map identifying the area
- Statement explaining the area
- Statement explaining that the body making the area application is a 'qualifying body' under the Localism Act 2011

A standard form to apply for area designation is available from Eden District Council.

Eden District Council will then publicise the application for 6 weeks and consult key stakeholders in the area. If there are no significant or substantive objections received, EDC will designate the Neighbourhood Planning Area.

Neighbourhood Plans

A Neighbourhood Plan is a very powerful tool for local communities to determine the scale and nature of development affecting their area.

Once a Plan is formally 'made' it becomes part of the Statutory Development Plan and its policies must be adhered to by Eden District Council in the making of decisions on planning applications.

The range, detail and complexity of issues to be considered by a Neighbourhood Plan are not predetermined. The 'qualifying body' (usually the Parish Council) and local community should identify those land use issues that they wish the Plan to address.

A Neighbourhood Plan must relate to the use and development of land, dealing with a range of social, economic and environmental issues.

Topics that could be included:

- Housing
- Community Facilities
- Retail
- Town Centre
- Design guidelines
- Employment
- Open/amenity space
- Historic Environment
- Natural Environment
- Transport

Community Engagement and Involvement

It is a statutory requirement to carry out community engagement in the production of Neighbourhood Plans. The fundamental concept of Neighbourhood Plans is that they allow local communities a real say in the way in which their area is developed and managed.

Early and meaningful community engagement is essential in achieving the backing from local communities required to produce and implement a successful Neighbourhood Plan.

In order for a Neighbourhood Plan to be adopted it must pass a community referendum with more than 50% of those voting in the referendum, voting in support of the Plan. The most effective mechanism for ensuring success at referendum is effective community involvement in plan production.

ACTion with Communities in Cumbria can provide expert advice on effective community engagement methods.

Conformity / Basic Conditions

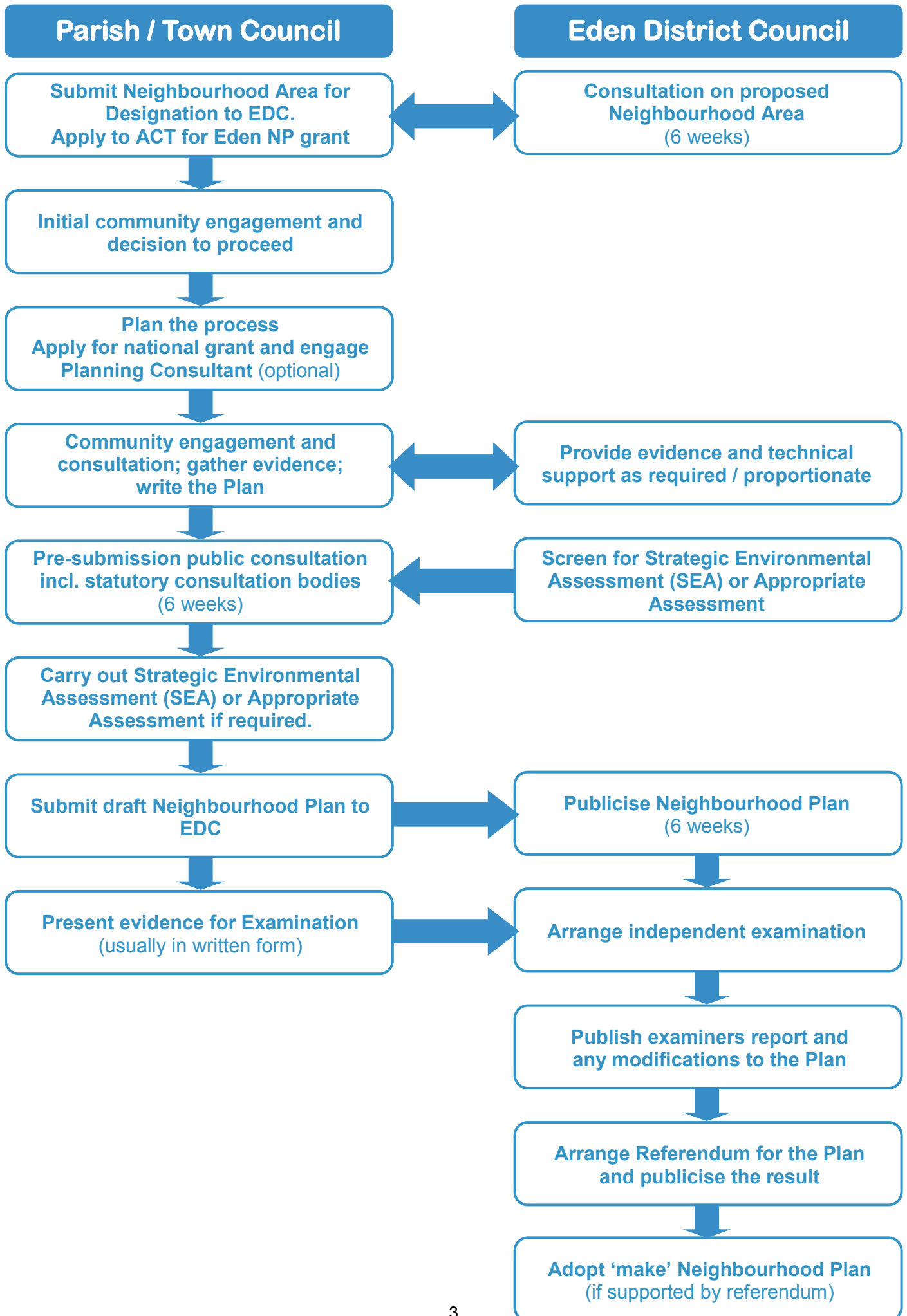
Neighbourhood Plans are intended to allow local and detailed policy regarding the shaping of a local area in conformity with community aspirations. As such the tests the Plan must pass through are less stringent than for other Development Plan documents (District Wide Local Plans).

In order for the Neighbourhood Plan (NP) to pass through examination and be 'made' it is required to satisfy the following 5 'basic conditions'

- 1) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Order / NP.
- 2) The making of the Order / NP contributes to the achievement of sustainable development.
- 3) The making of the Order / NP is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- 4) The making of the Order / NP does not breach, and is otherwise compatible with, EU obligations on environmental and habitat protection.
- 5) Prescribed conditions are met in relation to the Order / NP and prescribed matters have been complied with in connection with the proposal for the Order / NP.

In essence the Plan must follow procedural guidance and not seek to control issues outside of the remit of land use planning or covered by other legislation.

Neighbourhood Planning Process



Neighbourhood Development Orders

Neighbourhood Development Orders (NDO's) are a way for a community to grant planning permission for a specific site, or type of development within their area, that they wish to promote.

The NDO removes the need for planning permission to be applied for where the provisions of the Order are met.

Scope

As with Neighbourhood Plans an NDO must relate to the use or development of Land. It cannot be used to block development. An NDO can apply in relation to:

- All land within the Neighbourhood Area
- Any Part of the land within the Neighbourhood Area
- A Site
- Different provisions for different cases or circumstances

NDO's can grant planning permissions either 'Unconditionally' or 'Subject to conditions or limitations' including:

- Obtaining the approval of the LPA.
- Time limits for the submission to the LPA of applications relating to matters specified in the order.
- Specifying the period within which the development must begin.

An NDO cannot grant permission for:

- Excluded Development
- Duplicate permissions
- Land in more than one Neighbourhood Area
- Permission which would be contrary to Environmental Impact Assessment Regulations

Process

The process for NDO's is broadly the same as for Neighbourhood Plans, please see flow diagram on page 3.

Conformity / Basic Conditions

NDO's are intended to allow automatic planning consent or permitted development rights in accordance with community wishes and a majority vote at referendum.

In order for the NDO to pass through examination and be 'made' it is required to satisfy the same 5 'basic conditions' as Neighbourhood Plans (see page 2) plus the following:

- 1) Having 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, it is appropriate to make the Order.
- 2) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the Order.

Sources of further information

Contact EDC or ACT (details on page 1) for further information and support, or to apply for the Eden Neighbourhood Planning grant.

Further guidance and details of the support available to communities in Eden is on the EDC website here: www.eden.gov.uk/planning-and-building/planning-policy/neighbourhood-planning/

Details of national funding (currently £9,000) and guidance is available on Locality's 'My Community' website here: <http://mycommunity.org.uk/programme/neighbourhood-planning/>

For more information please contact ACTion with Communities in Cumbria on Tel: 01228 817224 or visit our website: www.cumbriaaction.org.uk

ACT champions community and rural issues

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