

## Here are a few answers to commonly asked questions

It is split into three main sections:

### What is neighbourhood planning?

### What does it cost and what help, including funding, is available?

### How does it compare to other means of community development or planning for a parish?

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## What is neighbourhood planning?

Neighbourhood planning is a right for communities introduced through the Localism Act 2011. Communities can shape development in their areas through the production of Neighbourhood Development Plans (often referred to simply as neighbourhood plans).

The Ministry of Housing, Communities and Local Government (MHCLG) has established regulations to guide and control how neighbourhood plans are made, including how they relate to other legislation. They also control what roles the Parish, the district council, and an independent examiner have. The Government has made funding available to provide support and grants for communities looking to produce neighbourhood plans.

### What is a neighbourhood plan?

A neighbourhood plan is a planning document. When complete it becomes part of the North East Derbyshire's Local Plan for that area. The policies contained in it are then used in deciding planning applications and controlling development. For that reason a plan has to conform to certain requirements.

Policies produced cannot block development that is already part of the Local Plan. What they can do is shape where that development will go and what it will look like.

### How does the process work?

There are three main stages:

Preparation (Parish)

Submission to the district council and independent examination (District

& examiner)

Referendum in the Parish and adoption for planning purposes (District)

### Preparation

The local parish or town council will lead on neighbourhood planning in their area. They usually appoint a steering group who make all the decisions on the plan, and present it to the parish council.

Preparation involves consulting on local issues and drafting the plan documents (see below).

### Submission and Examination

The Local Planning Authority is involved and will make decisions at key stages of the process, most importantly, in accepting that the Plan meets the basic conditions and can go forward to independent examination. It will also organise the examination and the referendum that is held at the end of the process, which decides whether the plan comes into effect.

### Referendum

The referendum is an important part of the process allowing those that live in the neighbourhood area to decide whether or not the Neighbourhood Plan comes into effect or not. This is direct democracy and outlines the importance of working with the wider community and securing their support at an early stage in the process.

## **How is the Plan prepared?**

The parish's preparation involves several stages:

- Designating the Area, usually the whole parish
- Appointing and preparing the steering group
- Publicity and engagement, gathering views on what's important
- Survey and evidence gathering (also using the district council's evidence)
- Drafting the plan and consulting residents, which may happen 2-3 times
- Checking that the 'basic conditions' are met
- Pre-submission consultation on the draft plan
- Submitting the plan to the district council

It will be up to individual areas to decide the pace at which they wish to progress their plans; on average the process is likely to take between one and two years, after which the plan is submitted to the district council.

A number of consultants offer support to Neighbourhood Plan groups, often at a cost. It is not intended that the Neighbourhood Planning process requires professionals, but instead relies on the skills available from local people. Up to now all the plans in North-East Derbyshire have used consultants, with significant input from people from the parish, for example, in doing surveys, running consultations, etc..

### **Are there limits to what can be put in a plan?**

Yes. There are a number of conditions that will need to be met, the Plan must:

- Have regard to national planning policies and advice
- Contribute achieving sustainable development
- Be in general conformity with the district local plan for the area (currently our adopted local plan, but in due course, the one being prepared, once it is adopted)
- Be in line with European and human rights law (This includes having an environmental assessment)

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

### **What is the relationship between a Neighbourhood Development Plans and the District's Local Plan?**

A Neighbourhood Development Plan, when adopted, will be used side by side with the Local Plan to determine planning applications in the relevant area. This is done by Planning Department Development Management Officers who may report to Planning Committee.

Therefore liaison between the Neighbourhood Plan steering group and Council officers is most important to keep Neighbourhood Plan groups informed of the way their Plan and the Local Plan relate, so the plans do not conflict.

### **Do town/parish councils make the final decision on new development in their area if they have a neighbourhood plan?**

Decision making on planning applications still rests with the District Council as local planning authority. The community leads on preparing the plan and setting out some of the policies for development in their area but that role ends there. It is the District Council that will grant or refuse planning permission in accordance with those policies and be responsible for enforcing them. However, the Parish is, and remains a statutory consultee on any planning application. Also Neighbourhood

Development Orders (see below) can allow the Parish to make its own proposals.

### **Can a Neighbourhood Plan block future development?**

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 legitimate development proposals from taking place. Neighbourhood plans are not able to control the amount of development to less than set out in the local plan, or to undermine its strategic policies. A Neighbourhood plan can, however, be used to ensure that any development is in line with the wishes of the local people and is sympathetic to local need. It can control development in areas that local people wish to see protected and give design parameters for new development. The Plan needs to be supported by local people during consultation and have evidence to support it.

### **Can the plan promote more development than the Local Plan?**

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. This is usually in the area of housing. Should a parish be inclined to allocate more housing in its plan, then it may be entitled extra grant funding (see 'What help is available?' below).

### **Does the Neighbourhood Development Plan have to cover the whole Parish, or can a neighbourhood plan cross ward, parish or district boundaries?**

There is no rule restricting Neighbourhood Plans to the whole of a single parish. Of the 6 plan areas in North-East Derbyshire Melton Borough, two are not whole parishes (see map on display).

Neighbourhood plans can be made up of two or more Parishes working together. Neighbourhood areas can also cross local planning authority administrative boundaries; Brampton extends into the Peak District.

### **Is our Parish too small to prepare a Neighbourhood Development Plan?**

No. In North-East Derbyshire Brackenfield has prepared one, and Brampton is working towards a plan. In some respects preparing a plan for a smaller parish (or part of a Parish) may be easier, as there may be fewer issues to be covered and consultation of residents may be easier.

## **Do ward councillors have to be involved in any neighbourhood planning for their area?**

They don't have to be, but it is advisable and expected. Experience suggests that where members are involved they play a key role and can help progress the work significantly.

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## **What does it cost and what help, including funding, is available?**

### **How much is it likely to cost?**

The cost of producing a neighbourhood plan will depend largely on scope, complexity and size of the plan. The latest government estimates suggest that plans could cost between £20,000 and £86,000 and take between one and two years to prepare.

### **Who will pay for the Plan?**

- Town and parish councils are responsible for paying for the preparation of the plan
- The District Council will pay for the examination and referendum

Funding is available to help support local communities producing neighbourhood plans, from both central government and various other sources, such as lottery funding. The Council is obliged to assist with certain aspects of the Plan's production and examination. We have produced a Protocol, available on line, to indicate what contributions are expected from the District, or parish Councils. This can be signed up to, to produce a service level agreement, although in practice this has not happened.

## **What Grant Funding is available for neighbourhood plans?**

The Government has allocated over £29m between 2018 - 2022 to support the development of neighbourhood plans or neighbourhood development orders.

You can apply for three types of grant funding if you are preparing a neighbourhood plan:

### **Basic grant funding**

- All groups undertaking a neighbourhood plan are eligible to apply for up to £9,000 in basic grant.

- As well as applying for a basic grant, you can also apply for technical support (provided you meet the eligibility criteria) to help you with your neighbourhood plan.
- If you are a group and are experiencing entrenched issues or cannot reach agreement with a statutory agency (including your local planning authority) and this is preventing you from progressing, we may be able to offer you some time limited support through our delivery partners.
- You must spend your grant funding within 12 months or by the end of the financial year, whichever is earliest.

### Additional grant funding

Eligibility for Additional Grant Funding (currently £8,000).

If at least one of the following applies to the plan:

- Allocating sites for housing
- Including design codes in your plan
- A designated business neighbourhood plan
- A cluster of three or more parishes writing a single plan
- A Neighbourhood Area with a population of over 25,000

### Affordable housing for sale grant funding

This is a new element to the programme and it is running as a pilot scheme and is available during 2019-20 in the first instance.

If you are wishing to bring forward affordable housing for sale you may be eligible for further grant funding of up to £10,000 to help develop these ideas.

### Technical support grant funding

In addition to grant funding, you can also apply for technical support in the same application.

Eligibility for Technical Support

Are you at least one of the following:

- Allocating sites for housing
- Seeking to bring forward affordable housing for sale in your plan
- Including design codes in your plan
- Planning to use a neighbourhood development order
- An undesignated Forum needing help to get designated

More information about how to apply for funding may be found via a new website at [www.neighbourhoodplanning.org](http://www.neighbourhoodplanning.org). (Source on funding:- Locality)

## **What help does North-East Derbyshire District Council provide?**

Our Planning Policy team are able to provide guidance on neighbourhood planning and advice about the process. The level of support will depend on the number of enquiries we receive and the available resources. However, we can provide the following help:

- Sharing evidence and information on planning issues
- Helping with public consultation events
- Providing advice on national and local planning policies that the plan or neighbourhood development order will need to accord with
- Providing advice on which organisations you will need to consult

We are obliged to:-

- Organise the independent examination of the Plan
- Organise the community referendum

## **What organisations are there to help me?**

The principal source of advice, which is funded by the Government, is Locality. Their web site includes guidance documents, a forum for discussion, and access to grants and funding.

Locality - <https://neighbourhoodplanning.org>

The following organisations are also able to offer assistance:

- Prince's Foundation for the Built Environment
- Campaign to Protect Rural England

(Two organisations - My Community and Planning Aid - which previously provided assistance now direct people to the Locality web site)

## **Where can I find Government guidance?**

The Government's website contains guidance in the form of answers to questions:- <https://www.gov.uk/guidance/neighbourhood-planning--2>

## **What other sources of funding might be available?**

Other sources of funding include Action Plan Derbyshire (Derbyshire County Council) and through [www.foundationderbyshire.org](http://www.foundationderbyshire.org) ,

These are unlikely to assist with a Neighbourhood plan but could assist with funding towards a Parish Plan or Village Design Statement.

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## **How does a Neighbourhood Plan compare to other means of community development or planning for a parish?**

As described above, a Neighbourhood Plan is principally a development plan document, although it reflects the views and aspirations of the parish that has prepared it. It helps control development, but does not in itself, initiate projects, proposals or activities the parish may wish to promote, or have been active doing up to now. Other initiatives, such as parish plans and village design statements, have other roles in parish and community development. Other orders introduced by the Localism Act also provide scope for initiating development the parish wishes to see happen. Some of these could well be more appropriate for your parish to produce and put effort into.

## **What are Neighbourhood Development Orders and Community Right to Build Orders?**

Also introduced in the Localism Act 2011, Neighbourhood Development Orders and Community Right to Build Orders allow communities to grant planning permission either in full or in outline for specific developments they want to see in their areas.

## **What is a parish plan?**

Parish plans are community-led plans that set out a vision for the future of a parish and outline in an action plan how this can be achieved. A number of parish plans, and prior to that parish appraisals, have been produced in the district. Links to plans and the relevant committee report for their adoptions, are available by following the links listed below.

Parish plans have an emphasis on action. The whole community is involved in thinking about the needs and aspirations of the parish, and the results feed into positive actions in an action plan. The action plan might include tasks that volunteers from the parish can achieve themselves, or schemes that require partnership working and grant funding.

Parish plans were described in detail in a document produced by the former Countryside Commission, which is still available through the following link:-

<https://www.stratford.gov.uk/planning-regeneration/parish-plans.cfm>

## **What are Village Design Statements?**

Village design statements (VDS) are community-led planning documents that seek to protect and enhance the visual character of a settlement. Through the VDS process, local people can set out the pattern and shape of their settlement, landmarks and special features, distinctive features in design and local materials. Village design statements do not detail the type of development that a community wants in their area, nor do they focus on specific community projects. These goals are more appropriately pursued through neighbourhood plans or parish plans, respectively.

If a community can demonstrate that their VDS is compatible with the Core Strategy and has been produced with the involvement of the community and the appropriate statutory consultees, we can adopt the VDS for planners to take into account when making decisions on planning applications.

## **What's the difference between parish plans, village design statements, development orders and neighbourhood plans?**

Parish plans and village design statements are valuable 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. They are non-statutory and therefore they do not form part of the council's development plan, but they can be referred to in a neighbourhood plan.

Parish plans differ from neighbourhood plans through a more 'holistic' approach to social, economic and environmental issues, and can focus on more than planning-related issues. However, a formally adopted neighbourhood plan will have more "weight" in the determination of planning applications.

A neighbourhood development and community right to build order can grant planning permission for development that complies with the order.

## **How do we decide whether to go ahead with a neighbourhood plan?**

Producing a neighbourhood plan has advantages over other kinds of plan (such as parish or community plans) because it enables communities to take the lead in their own neighbourhoods in producing

part of the statutory development plan for the area. Neighbourhood plans have real legal force.

Any group of people considering taking on a neighbourhood plan will need to weigh the opportunities against the resource implications and other considerations and come to a balanced view. The kind of things to consider are:

**Opportunities and Advantages:**

- The process is Community-led,
- The result can be more locally relevant than a Local Plan,
- A neighbourhood plan is a legally binding planning document,
- The plan can decide where growth happens.

**Resources:**

- Scope of the plan can be more or less,
- Local skills and time are needed,
- Specialist skills are needed,
- Consultation and community engagement takes effort.

**Constraints & limits:**

- The plan needs to meet 'basic conditions' that may limit your intentions,
- The Local Plan may already do all, or much of what you wish to control,

**May alternatives be better?**

- To influence a Local Plan in preparation,
- Work with others on design briefs for large sites,
- Get trained and more involved in the planning application process,
- Work with the District Council on specific concerns,
- Prepare a Parish plan which could also influence planning decisions,
- Produce a neighbourhood development order for a particular project.

More information and guidance may be found in the Locality Neighbourhood Plans Roadmap Guide, available online, see below.

**Useful Links:**

- Neighbourhood Plans Roadmap:  
[https://neighbourhoodplanning.org/wp-content/uploads/NP\\_Roadmap\\_online\\_full.pdf](https://neighbourhoodplanning.org/wp-content/uploads/NP_Roadmap_online_full.pdf)

- NEDDC Neighbourhood Plan Webpage: <https://www.nedderbyshire.gov.uk/index.php/neighbourhood-planning>
- National Government Guidance: <https://www.gov.uk/guidance/neighbourhood-planning--2>
- NEDDC Neighbourhood Planning Protocol: [http://www.nedderbyshire.gov.uk/images/Repository/N/Neighbourhood Planning Protocol.pdf](http://www.nedderbyshire.gov.uk/images/Repository/N/Neighbourhood_Planning_Protocol.pdf)
- CPRE, How to shape where you live: a guide to Neighbourhood Planning: <https://www.cpre.org.uk/resources/housing-and-planning/planning/item/download/3038>
- Neighbourhood planning: A simple guide for councillors: <https://www.local.gov.uk/sites/default/files/documents/neighbourhood-planning-si-6bc.pdf>