Guide to Neighbourhood Planning

The Localism Act (2011) introduced a new form of plan, which gives communities the power to develop planning policies that will become part of the planning framework for their area, and to grant planning permission for certain types of new development.

Neighbourhood Planning

There are three kinds of Neighbourhood Planning:

- **The Neighbourhood Plan** sets out a vision and planning policies for the parish or neighbourhood area.
- **The Neighbourhood Development Order** sets guidelines which grant planning permission for any development which meets them – in other words, there would be no need to apply to the Borough Council for developments covered by the Order.
- **Community Right to Build Orders** would be similar to Neighbourhood Development Orders, except they would be used by community groups to identify sites for small scale development meeting the needs of the community (such as affordable homes or community facilities).

Neighbourhood Plan

This page looks at the Neighbourhood Plan process, as this is the type of plan we expect there to be most demand for. The process is similar for each form of neighbourhood planning.

**Neighbourhood planning is not led by the local authority.** The Parish Council is the natural body to do neighbourhood planning, but in other cases (such as where there is no Parish or Town Council) a ‘Neighbourhood Forum’ can be set up to produce a plan.

The local planning authority’s role is to give advice and technical support, and to carry out statutory tasks – such as advertising proposals and arranging an independent examination of the draft Plan.
when it is ready. A properly carried out Neighbourhood Plan, approved by an independent examiner, has statutory force – that is, it has more power than a parish or community plan.

However, neighbourhood plans must be in line with the Borough Council’s strategic planning policies (set out in the Core Strategy). And while they can guide development, they should not be used to stop all development happening.

Neighbourhood Plan or Parish/Community Plan?

A neighbourhood plan gives a community much greater power than a parish plan (or equivalent) to control its destiny, but it does involve a more complicated process and more work. The Council’s planning officers, in co-operation with Locality Managers, will be glad to discuss the pros and cons of each process with anyone considering producing a new plan for their community.

The Neighbourhood Planning Process

This is covered by regulations, which can be found here: www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf [1].

Broadly, the process has three stages.

1. Neighbourhood Area Application - It is essential that a ‘neighbourhood area’ be set up. This is done by applying to the Borough Council. We will advertise the application in the local press and on the Borough Council’s web site. Parish and Town Councils should also make sure they use their own means (including their web site and notice boards) to keep people in touch with what is happening.

2. Production of the Plan - It is the responsibility of the Parish/Town Council (or Neighbourhood Forum where one is set up) to produce the plan. Policies should be justified by evidence. The Borough Council will provide technical support and advice, as far as staff and other resources permit. The Copeland Neighbourhood Planning Protocol, [2] approved February 2013, makes clear the nature of support that we will provide and can be viewed in the attachment below.

3. The Statutory Process - independent examination, referendum and adoption - Because the Neighbourhood Plan has statutory force, it has to be subject to independent examination. The Borough Council will arrange this, including appointment of a suitably qualified examiner. If the examiner finds the plan to be sound, it must be subject to a referendum, which the Borough Council will arrange. If there is a ‘yes’ vote, the Council will then adopt the plan as part of the Local Development Framework.

Neighbourhood Plans in Copeland

The first application to be a ‘Neighbourhood Area’ was made by St. Bees Parish Council. It was advertised on April 19 2012, the regulation six week period for comment ending on May 31, with no objections received. The Borough Council now accepts St. Bees Parish Council as being properly authorised to produce a Neighbourhood Plan.

A second application was received from Millom Without Parish Council, in October 2012. On December 6 the Borough Council resolved to designate each Parish as a Neighbourhood Area and thus St Bees and Millom Without Parish Councils are now authorised to produce a statutory
Neighbourhood Plan, which when adopted will become part of the Local Development Framework.

Further information


Government (Department of Communities and Local Government) guidance on neighbourhood planning can be found here: https://www.gov.uk/government/policies/giving-communities-more-power-in-planning-local-development/supporting-pages/neighbourhood-planning [3]


Contact us: Planning Policy Team, The Copeland Centre, Catherine Street, Whitehaven, CA28 7SJ. Telephone: 01946 598300. E-mail: ldf@copeland.gov.uk [6] Related Links and Information

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Links
[6] mailto:ldf@copeland.gov.uk