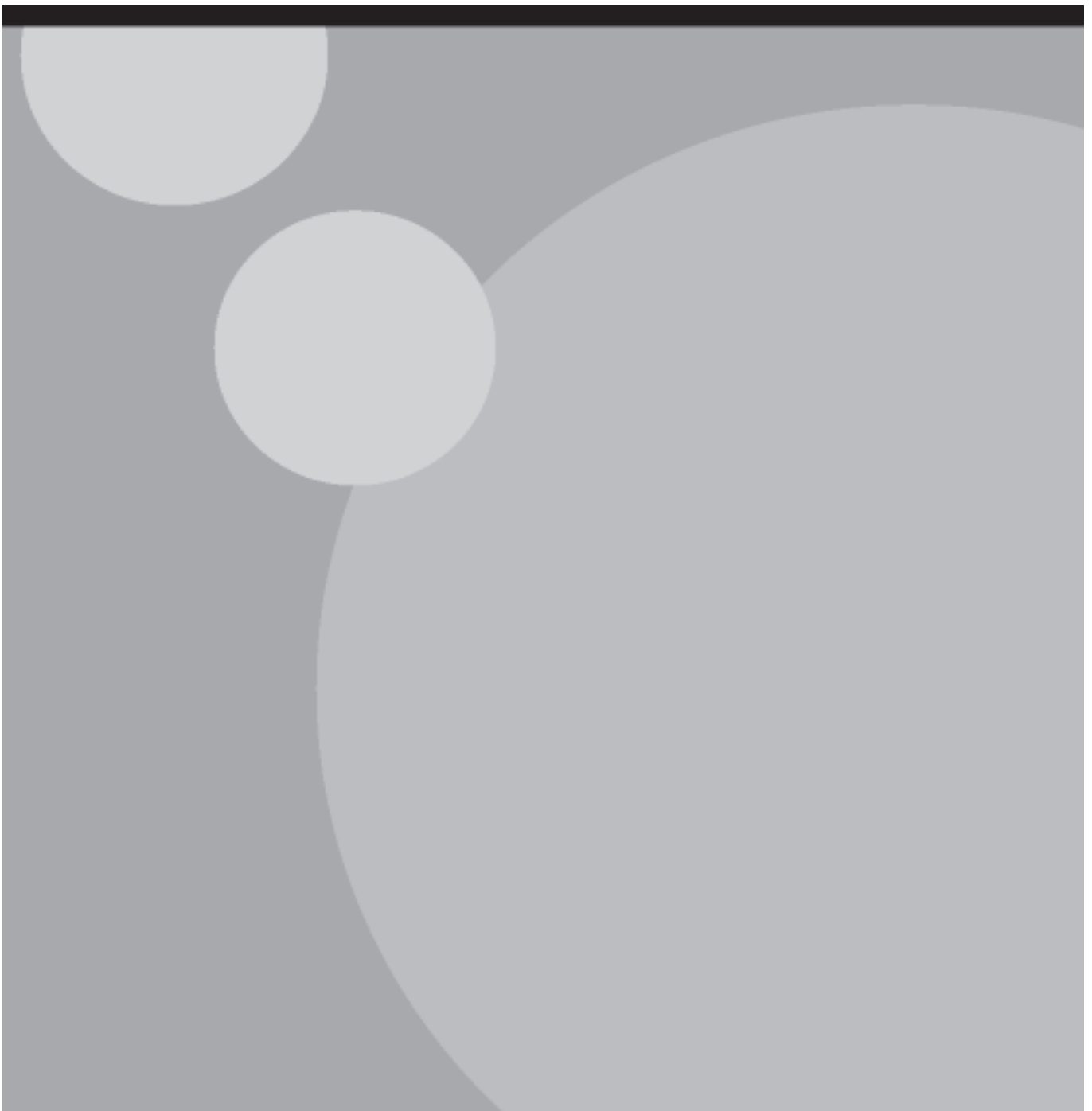




Neighbourhood Planning Regulations: Consultation

Summary of responses





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Introduction

- 1 This Government recognises the importance of giving communities a stronger voice in planning decisions and a real choice about future development of their area. We believe that communities should have greater freedom to manage their own affairs in their own way and be empowered by Government. Neighbourhood planning is a radical new right introduced through the Localism Act, one of a number of community rights introduced in the Act.
- 2 Neighbourhood planning empowers communities to come together to shape the development and growth of a local area through the production of a Neighbourhood Development Plan or Neighbourhood Development Order or a Community Right to Build Order.
- 3 The Government's neighbourhood planning proposals will enable the devolution of appropriate planning responsibilities to a more local level than ever before. A fundamental principle is that neighbourhood planning should be community-led. Communities will be in the driving seat of the neighbourhood planning work but with the local planning authority providing support and making necessary decisions as the responsible planning authority at key stages. A referendum of the neighbourhood at the end of the process ensures the local community has the final say on whether a Neighbourhood Development Plan or Neighbourhood Development Order or a Community Right to Build Order comes into force in their area.

About the consultation

The Neighbourhood Planning (General) Regulations 2012

- 4 Consultation on draft neighbourhood planning regulations ran for 12 weeks from the 13 October 2011 to 5 January 2012. The draft regulations set out the minimum level of requirements that would ensure a nationally consistent approach to designating neighbourhood areas and neighbourhood forums or Community Right to Build organisations and the preparation of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders.
- 5 There were 436 responses to the consultation of which the largest number (45%) were from Parish councils, 22% of responses were from local authorities / local planning authorities; 13% from community, voluntary or charitable organisations and 6% from business. Table 1 below provides details of responses by types of organisation.

Table 1: Responses by type of respondent

Type of respondent	Number of Responses
Business	11
Community organisation	25
Individual	24
Land owner	2
Local government	93
National park or broads	3
Other public body	7
Parish or town council	201
Planner or other professional	3
Private developer or housebuilder	5
Private sector representative body	4
Public sector representative body	9
Voluntary sector or charitable organisation	31
Housing association	2
Other	16
Total	436

- 6 The consultation specifically sought views on whether the regulations as proposed were workable and proportionate; 46 per cent of the responses received agreed with the approach taken; 29 per cent were neutral in their opinion; and 25 per cent were opposed.

- 7 A large number of responses raised matters related to general policy on neighbourhood planning or suggested that the regulations contain matters or clarified terms that are set out in the Localism Act, such as requesting a definition of a 'qualifying body' or setting out the basic conditions for neighbourhood planning. Respondents also raised more general points that were not directly related to the regulations. These comments frequently concerned measures that could be taken to support communities and others taking forward neighbourhood planning in their area. Further details of these comments are set out below in the summary of responses to question four in the consultation document; this specifically sought views on how the take up of neighbourhood planning could be supported.
- 8 A number of respondents commented on the ordering of the regulations and suggested that the regulations be revised to provide greater clarity about: the stage in the neighbourhood planning process that a regulation applied to; and whether the regulations related to actions to be undertaken by a parish council or neighbourhood forum or the local planning authority.
- 9 The Government welcomes the broad support for its approach to the regulations. The guiding principle in developing the regulations for neighbourhood planning has been that these should be appropriate but light touch. This will allow local flexibility and innovation, whilst avoiding undue complexity. This approach is intended to encourage communities to engage and to increase the accessibility of the planning system at a neighbourhood level, whilst keeping an appropriate balance in providing a real and powerful tool that will influence decision making in the local area.
- 10 The Government has considered the suggestion that the regulations say more about the neighbourhood planning process and whilst it is not appropriate for the regulations to repeat provisions within the Localism Act 2011, we have expanded regulation three (interpretation) and made amendments to the sequencing and labelling of the regulations for clarity. We have laid the regulations before Parliament with the intention of the regulations coming into force on 6 April 2012.

Consultation questions

- 11 This section summarises responses to the individual questions posed in the consultation document.

Question 1: Approach to the regulations

- 12 The consultation specifically sought views on whether the proposed approach to the regulations (that they should be appropriate but light touch) was workable and proportionate. The questioning was broken down to cover 12 areas covered by the regulations:
- a) designating neighbourhood areas
 - b) designating neighbourhood forums
 - c) Community Right to Build organisations
 - d) preparing the Neighbourhood Development Plan
 - e) preparing the Neighbourhood Development Order
 - f) preparing the Community Right to Build Order
 - g) Community Right to Build disapplication of enfranchisement
 - h) independent examination
 - i) referendum
 - j) making the plan or order
 - k) revoking or modifying the plan or order
 - l) parish councils deciding conditions on Neighbourhood Development Orders
- 13 Of those who expressed a view the majority either agreed that the regulations struck the right balance between a standardised approach and providing for local flexibility, or they had a neutral opinion.

Question 1: Detailed responses to individual elements of the regulations

- 14 Responses to the individual component parts of question 1 are set out below.

Question 1a: Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on designating neighbourhood areas?

- 15 The majority of respondents (62 per cent) agreed that the regulations struck the right balance between a standardised approach and local flexibility; a further 17 per cent of respondents were of a neutral opinion. Of the specific comments made a number welcomed the flexibility in terms of selecting an area for designation as a neighbourhood area, others sought clarification on how neighbourhoods were to be defined,

wishing to see criteria set out in the regulations, or believed that parish boundaries should form the boundaries. A number of respondents commented on the particular challenges of identifying and gaining agreement to the boundaries of a neighbourhood area in a dense urban area.

- 16 The regulations set out the requirements for publicising and consulting on a proposed neighbourhood area and for the information that should be submitted to the local planning authority by a parish council or prospective neighbourhood forum wishing to see neighbourhood area designated. Respondents generally welcomed the flexibility offered by the regulations, although a number suggested that neighbourhood area applications should always include a map of the area concerned. A few respondents raised the question of how those without internet access would become aware of a proposed designation. It was also suggested that the decisions of local planning authorities should be publicised more widely.
- 17 A common response from parish and town councils and community organisations to this question and to others, was for the regulations to specify minimum time periods within which local planning authorities should make decisions and for decisions to be published. This was due to a view that without time limits councils might frustrate neighbourhood planning activity. However, with limited exceptions, respondents did not make suggestions on what the timescale could be.
- 18 The Government recognises that whilst the majority of respondents answering this question supported the proposals, others expressed clear and specific views about undue delay by local planning authorities. The Government expects local planning authorities to make decisions as soon as possible but wishes to give local planning authorities the flexibility to respond to local circumstances. However, it is the Government's intention to review the regulations in light of experience; this will enable issues of time limits to be revisited if this proves necessary.
- 19 A fundamental principle of neighbourhood planning is that it is community-led. This means that the community is kept fully informed of what is being proposed and is able to make their views known throughout the process; we have therefore included in the regulations a requirement for a local planning authority's decision to be published. The Government has also listened to the comments that those without internet access are not disadvantaged. We have strengthened the publicity requirements on local planning authorities across the regulations to ensure that information must be published on their website and in such other manner as the authority considers appropriate.
- 20 We have also looked again at the information that must accompany an application for designating a neighbourhood area. Whilst it remains the Government's intention that this should be the minimum necessary to enable a local planning authority to assess the proposals, we have revised the regulations to require a map to be submitted with applications. This

serves to ensure that residents, businesses or landowners in the proposed neighbourhood area or adjacent areas have greater clarity over whether the proposal may or may not impact on their interests, enabling them to engage at an early stage.

Question 1b: Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on designating neighbourhood forums?

- 21 45 percent of respondents agreed that the approach taken in the regulations struck the right balance between standardisation and local flexibility; a further 25 per cent held neutral opinions. Where respondents commented further they generally raised issues related to how competing applications for designation as a neighbourhood forum would be managed; a number of respondents suggested the introduction of a mediation or appeal system. Amongst local authorities responding a number would value the inclusion of criteria in the regulations to help them in assessing applications for designation as neighbourhood forums, particularly where they may receive competing applications.
- 22 A number of responses, particularly from community groups or those representing community organisations, questioned the 28 day period in which alternative neighbourhood forum applications could be submitted. This was felt to be too short a period for groups to gain local support and put forward alternative proposals.
- 23 A common suggestion from respondents was for more information to be made available about prospective neighbourhood forums to ensure that the group seeking designation was representative of the neighbourhood area.
- 24 The Localism Act sets out the matters that councils should have regard to when considering applications for neighbourhood forums and some basic conditions that all forums should meet. To go further in regulations would unnecessarily restrain a range of community groups from putting themselves forward to be a neighbourhood forum.
- 25 The Government has listened to views that communities may need longer to decide if they wish to submit alternative proposals for neighbourhood forums and seek the support of the relevant community. The Government has extended the time period for representations from 28 days to six weeks, giving a consistent minimum consultation time period requirement throughout the regulations.
- 26 The Government has responded to requests to ensure greater transparency in the process of designation. The regulations require the local planning authority to publish applications for designation as a neighbourhood forum, this would include a copy of the written constitution of the prospective forum and the statement of how the

prospective forum meets the conditions for designation set out in the Localism Act. Again the regulations include a requirement for the local planning authority's decision to be published.

Question 1c: Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on Community Right to Build organisations?

- 27 There were a number of comments on the general policy of Community Right to Build. In particular, there was a lack of understanding about the overall Community Right to Build process and a clear call for further guidance. A common misconception held by parish councils was that the Community Right to Build could not be used in parished areas.
- 28 In relation to the additional conditions being prescribed that a community organisation must meet in relation to its establishment or constitution, 42 percent of those who expressed a view agreed that they were workable and proportionate; a further 31 per cent held neutral opinions.
- 29 Some respondents felt that the Community Right to Build could be open to abuse and that developers, landowners or self interested groups could use it for their own gain. Because of this a number of respondents suggested that the percentage of individuals who live in the area that control the organisation's voting rights should be increased from 51 percent and that the minimum number of members that the community organisation must have should be increased from five. A small number of respondents wanted the local planning authority to have a greater role in ensuring a community organisation meets the legislative requirements (e.g. formal designation).
- 30 A few respondents wanted the regulations to define some of the terms used within the regulations – in particular the terms 'benefit', 'live', 'work' and 'related'.
- 31 A small number of parish councils wanted to be able to use Community Right to Build themselves but they felt that the requirements in the regulations around open membership and membership voting rights would currently preclude them from meeting the legal requirements for Community Right to Build.
- 32 The Government intends to publish guidance about the Community Right to Build process. Within the guidance we intend to provide information about some of the terms used within the regulations to address the comments expressed.
- 33 We have listened to comments about potential abuse of the Community Right to Build and have therefore increased the minimum membership requirements from "five members, who are not related to each other" to "ten members, living in different dwellings to each other". We do not consider it necessary to change the requirement for a simple majority of

individuals who live in the area that control the organisation's voting rights as we consider the constitutional requirements taken together with the referendum requirement to be sufficient safeguards. We also do not think that formal designation of a community organisation by the local planning authority is necessary. At the point of application, the local planning authority will need to consider whether the organisation meets the necessary constitutional requirements before the proposal can proceed any further.

- 34 We have amended the requirements so that parish councils can use the Community Right to Build. However, this would not preclude a separate community organisation that met the legislative requirements from also using the Community Right to Build in the same parish.

Question 1d: Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on preparing the Neighbourhood Development Plan?

- 35 49 per cent of respondents agreed with the balance between standardisation and local flexibility set out in the regulations; a further 17 per cent were neutral in their opinion. Respondents commonly found the proposals to be clear and robust. Within the context of overall support for the approach taken, respondents raised a number of areas where they felt the regulations could be amended.
- 36 Views were mixed on the consultation requirements for draft neighbourhood development plans. Some respondents wanted to see consultation widened to include those in adjacent areas or for parish councils or neighbourhood forums to be required to consult certain public bodies, whilst others thought the list of prospective consultees too onerous. A number of business respondents raised the need for a mechanism by which those with an interest in the area, but not located in the area could be made aware of the Neighbourhood Development Plan proposals. A few respondents questioned the need for the local planning authority to publicise a Neighbourhood Development Plan if it had already been consulted on by the parish council or neighbourhood forum.
- 37 A number of respondents, particularly those from local authorities, believed the regulations for publicity requirements should follow the requirements for development plan documents. Others wished to ensure that those without internet access were able to participate in the process.
- 38 A number of respondents suggested that Neighbourhood Development Plan proposals should always include a map of the neighbourhood area. Some suggested that the regulations should set out the minimum content that a Neighbourhood Development Plan should contain. Respondents also raised questions about the information or evidence that should accompany Neighbourhood Development Plan proposals, particularly

whether a sustainability appraisal was required or how the requirements of the Habitats Directive were to be met.

- 39 Many of the comments made by respondents to question 1(d) reiterated points made in response to earlier regulations; for example the need for time periods to be set for local planning authority decisions or for information on proposals and the decisions of local planning authorities to be more widely published.
- 40 The Government welcomes the level of support for the proposals. We understand the comment that there may be instances where those who may be affected by a proposal have not been contacted by the parish council or neighbourhood forum. On balance however, the Government has concluded that the draft regulation strikes the right balance, given the significant flexibility in scope of neighbourhood planning. The regulations leave it to the parish council or neighbourhood forum to decide who to consult given the scope and nature of the proposals they are developing, guided by the local council under their duty to support.
- 41 The Government has listened to view that those without internet access might be disadvantaged in neighbourhood planning and revised the regulations accordingly. However, the Government does not believe that it is necessary to go further. The regulations are permissive and do not prevent the parish council, neighbourhood forum or local planning authority from adopting methods of publicity they consider to be appropriate to the local circumstances. The Government has included an option for those making representations on a Neighbourhood Development Plan to be notified of the local planning authority's decision on whether to make the plan.
- 42 It is important that neighbourhood development plans are supported by evidence; the amount of evidence that needs to be produced will depend on the scale and ambitions of the neighbourhood development plan. There is no tick-box list of evidence which will automatically be required for all plans.
- 43 The Government considers it unnecessary for the regulations to specify that the parish council or neighbourhood forum also submit such supporting documents they consider show that the plan or order meets the Act's basic conditions. The regulations do not prevent parish councils or neighbourhood forums from submitting such documents if they wish to and councils (and independent examiners) are ultimately able to resist draft neighbourhood development plans and orders that do not satisfy the existing basic conditions set out in the Localism Act.

Question 1e: Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on preparing the Neighbourhood Development Order?

- 44 45 per cent of respondents agreed with the regulations struck the right balance between standardisation and local flexibility and 28 per cent had a neutral opinion. Again within the context of overall support for the approach taken, respondents raised a number of areas where the regulations could be amended; in many cases these mirrored the points raised in responses to question 1 (d) on preparing neighbourhood development plans or more general points set out above concerning issues such as: transparency of decision making; timescales for local authority decision making; and whether the publicity requirements in the regulations were too prescriptive or needed to go further.
- 45 Certain groups of respondents did raise specific issues. A number of responses from business interests wished to see a mechanism put in place – such as the use of the Planning Register - by which those outside the neighbourhood area but with an interest in the area are made aware of the Neighbourhood Development Order proposal. Higher tier authorities and other public bodies wished to ensure that they were notified of development proposals in which they might have an interest.
- 46 As with Neighbourhood Development Plans there were specific comments on the information requirements accompanying a Neighbourhood Development Order or Community Right to Build Order proposals; common points raised were the need to ensure that the impact of the proposed development on environmental and / or heritage assets was fully considered.
- 47 The Government response to question 1 (d) set out in paragraphs 40 to 43 above addresses a number of the points raised in the consultation. Where respondents have raised new points the Government has considered the proposals carefully. The Government has considered the information requirements that must accompany a Neighbourhood Development Order or Community Right to Build Order. There is no tick-box of evidence or additional reports that a Neighbourhood Development Order or Community Right to Build Order must always be supported by. A map will be required in order that the land to which the order relates can be clearly identified. Schedules 2 and 3 of the regulations address the situation where proposals may have a significant effect on a European site or where the development proposed is likely to have significant effect on the environment by virtue of factors such as its nature, size or location.
- 48 The Localism Act makes consequential amendments to existing legislation to ensure that neighbourhood planning is integrated with the wider planning system. In the interests of transparency it is the Government's intention to use these powers to amend the Planning Registers provisions in the Town and Country Planning (Development Management

Procedure)(England) Order 2010 to require the details of Neighbourhood Development Orders and Community Right to Build Orders to be included on the Planning Register.

Question 1f: Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on preparing the Community Right to Build Order?

- 49 36 per cent of those who expressed a view agreed that the proposed regulations were workable and proportionate. A further 41 per cent held neutral opinions. The majority of the points made related to both the Neighbourhood Development Order procedure and the Community Right to Build Order procedure.
- 50 The Government's response to questions 1 (e) set out in paragraphs 47 to 48 above is applicable to this question.

Question 1g: Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on Community Right to Build disapplication of enfranchisement?

- 51 27 per cent of those who expressed a view agreed that the proposed regulations were workable and proportionate. A further 61 per cent held neutral opinions. Many of the comments showed that many respondents felt that this particular provision was difficult to understand.
- 52 One respondent pointed out that the drafting of the regulations needed to be tightened to ensure that enfranchisement rights could only be removed in relation to newly developed properties using the authorisation granted by a Community Right to Build Order and not to any existing properties in the area.
- 53 As mentioned above, we intend to publish guidance about the neighbourhood planning and Community Right to Build process. This will include clear guidance about the enfranchisement provisions.
- 54 In light of the consultation we have amended the regulations to ensure that enfranchisement rights can only be removed in relation to residential properties that are developed using the authorisation granted by a Community Right to Build Order and not to any existing properties that have existing enfranchisement rights.

Question 1h: Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on independent examination?

- 55 The majority (56 per cent) of respondents agreed that the proposed approach is workable and proportionate, striking the right balance between a standardised approach and local flexibility. A light-touch approach to regulations on the examination process is welcomed by a number of respondents, including local planning authorities, allowing them to use their experience to arrange examinations and appoint an examiner without unnecessary prescription.
- 56 However, a number of respondents, mainly from parish councils, called for the regulations to prescribe the examination process in greater detail. There were comments that the process should be consistent across the country, preventing local planning authorities from duplicating effort in determining the process, and ensuring transparency and fairness for all those involved. There were calls for the regulations to set out how the examiner should be appointed, the circumstances when hearings would be necessary, who should be involved in the examination, and exactly what the examiner should consider. It was questioned why the process is not specified in the regulations as it is for preparing local plans at district level.
- 57 A number of respondents commented on the examiner being appointed by the council, and that in some cases this may raise questions over their independence.
- 58 Some local authorities commented on the funding of examinations and some parish and community representatives wanted to know how community groups will be able to counter the views of well-resourced business interests at examinations.
- 59 A small number of respondents thought the examination was unnecessary, as a referendum alone should be sufficient to allow a plan to be brought into force, and felt that independent examination added a layer of bureaucracy and detracted from the empowerment of communities. However, the majority felt that an independent examination was a crucial part of the process in ensuring mediation between competing interests.
- 60 An independent examination into a Neighbourhood Development Plan, Neighbourhood Development Order or Community Right to Build Order is an important element in the neighbourhood planning process. It is set out in detail in the Localism Act. Local planning authorities also have experience of organising independent examinations for local plans and are best placed, to determine how to undertake this activity, having consulted the parish council or neighbourhood forum.

61 On balance therefore the Government believes that extensive further regulation of examinations is unnecessary and that the issues raised here are best addressed in guidance and through the judgement of the examiners in light of the individual circumstances of the plans or orders put before them. Equally we believe that the examiner should decide when to hold a public hearing into a plan or order, and therefore do not propose to take up regulations that would prescribe the circumstances where a hearing must be held. The Government will reserve the power to regulate further in case experience shows public hearings are not happening when they should.

Question 1i: Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on referendum?

62 The majority of respondents either agreed (42 per cent) or were neutral in their opinion (26 per cent) that the proposed approach, to provide for referendum arrangements separately through the 2007 Referendum Regulations, is workable and proportionate. Some commented that there is no need to set out additional procedural requirements for referendums.

63 A number of respondents support the use of referendums in the process, as they provide a further check on whether the community support the proposals, helping to ensure they are balanced and inclusive.

64 However, a minority felt that a referendum was an unnecessary stage in the preparation of a neighbourhood development plan, Neighbourhood Development Order and Community Right to Build Order, as the combination of consultation, examination and local authority scrutiny was sufficiently robust. There were also comments about the possibility of interest groups having a disproportionate effect on the outcome. Some respondents felt that a referendum should take place only for the Neighbourhood Development Plan, Neighbourhood Development Order or Community Right to Build Order, and not be linked to the timing of other local elections, as this would slow the process down. A number of parish councils and local authorities commented on the costs of a referendum.

65 It is important that the whole community has the opportunity to be involved in a Neighbourhood Development Plan or Order that may have significant effects on the shape of that community in the future. Alongside the importance of wide community engagement in the development of a plan or order a referendum is an important way of demonstrating wider community support and providing democratic legitimacy for the content of the plan or order.

66 The Government is working with the Electoral Commission and Association of Electoral Administrators and other partners on the development of regulations on neighbourhood planning referendums.

- 67 It is the responsibility of local authorities to organise the referendum. The Government has made up to £50 million available to March 2015 to support those local authorities who incur additional burdens as a result of the Localism Act's neighbourhood planning provisions.

Question 1j: Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on making the plan or order?

- 68 49 per cent of respondents agreed that the proposed approach is workable and proportionate, striking the right balance between a standardised approach and local flexibility, a further 33 per cent were of a neutral opinion. District and borough councils welcomed the lack of prescription as to how they should make a plan or order.
- 69 A number of councils called for clarity that the plan or order should only be made by resolution of the full council. Others commented that the plan or order should be made as soon as practicable after the referendum, and at least to a prescribed timescale. There were calls for greater prescription, in terms of the criteria that need to be met in order to be able to make a plan or order.
- 70 The consultation paper appears to have caused some confusion, in distinguishing between the stage of 'making' a Neighbourhood Development Plan or Order whereby at the very end of the process, the local council brings it into legal effect, and the stage of 'preparing' the Neighbourhood Development Plan, Neighbourhood Development Order or Community Right to Build Order, which is the drafting and consultation stage referred to in question 1 (d) 1 (e) and 1 (f). A number of respondents commented that this question was not clear in what it was asking.
- 71 To make it easier for communities and others to use the new powers in the Localism Act the Government published an easy to understand guide to neighbourhood planning in October 2011 (<http://www.communities.gov.uk/publications/planningandbuilding/introductionneighbourplanning>). It is intended that the guide to neighbourhood planning is supplemented with more detailed guidance and the Government is considering the appropriate means of providing this.

Question 1k: Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on revoking or modifying the plan?

- 72 44 per cent of respondents agreed that the proposed approach for revocation and modification of plans and orders is workable and proportionate, striking the right balance between a standardised approach and local flexibility; a further 36 per cent had a neutral opinion.

- 73 A number of local planning authorities felt that the level of prescription was right, allowing an element of local discretion. However, others felt that it may be onerous to write to all owners and tenants within the area of a Neighbourhood Development Order or Community Right to Build Order, as the areas may be quite extensive in some cases, and notification to individuals should be kept to a minimum. Some felt that the level of prescription was unnecessary, and that local planning authorities should publicise relevant information as they see fit.
- 74 A number of parish councils sought clarification of the revocation or modification process, in terms of when this could happen and on whose initiative. Others wanted to know how a community group or parish council would instigate revocation or modification themselves, for example where a new council may be voted in during the process. Some wanted any revocation or modification to be subject to a referendum, or some other form of consultation process, and that advanced notice of any such intentions should be provided. However, others felt that the provisions allowed their local planning authorities to be fairly included in the process.
- 75 The Localism Act sets out the limited circumstances where a local planning authority can modify or revoke a neighbourhood development plan, Neighbourhood Development Order or Community Right to Build Order.
- 76 It is appropriate that those with an interest in the land to which an order relates are informed of changes that might effect that interest; this is consistent with the requirement to inform landowners and tenants in respect of local development orders. The Government has left it to local planning authorities to determine the methods of publicity they consider to be appropriate to the local circumstances.

Question 11: Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on parish councils deciding conditions?

- 77 The majority of respondents (53 per cent) agreed that the proposed approach to parish councils giving approval to a proposal subject to a condition in accordance with a Neighbourhood Development Order, is workable and proportionate.
- 78 It was clear from the responses that there was some confusion about what question 1 (l) was asking. It was not asking about whether parish councils should determine all planning applications which would otherwise be determined by the local planning authority. The draft regulations referred to the specific circumstances of applicants seeking to discharge conditions that were set in a Neighbourhood Development Order or Community Right to Build Order. Some respondents called for clarification of the proposed role of parish councils in this context.

- 79 There were comments from many respondents that some parish councils may not have the resources or technical expertise necessary to determine whether proposals have met conditions attached to a planning permission. Many parish councils commented that the proposals could bring potential legal liabilities and associated costs should applicants seek to appeal a decision. Others raised the potential for conflict of interest for parish councillors that are involved in both the development and determination of proposals.
- 80 Some parish councils thought the period to respond to requests (28 days) may not accommodate a typical parish meeting cycle. Respondents from local authorities questioned the impact the change could have on the legal requirement to determine applications within a set time period. A number of respondents asked why this power would not apply to those areas that do not have a parish council, in terms of the power being available to other bodies.
- 81 The Government welcomes the views of respondents on this issue and has considered their views carefully. Whilst there was strong support for the principle of greater development management powers for parish councils, in light of the very views expressed in the consultation over the skills, resources and legal liability issues that parish councils might face the Government has decided not to progress with these provisions at this point in time.
- 82 Where parish councils do want to have a say on whether development is acceptable, appropriate conditions could be written into their Neighbourhood Development Orders.

Question 2: The referendum

- 83 A core principle of neighbourhood planning is that the community should be in the driving seat of planning the future of their areas. A referendum at the end of the process ensures communities have the final say on whether a Neighbourhood Development Plan or Development Order or Community Right to Build Order comes into force in their area.
- 84 The Government's proposition was that there would additionally be provisions requiring a referendum to be combined with another election or poll in the local area.

Question 2: Our proposition is that where possible referendums should be combined with other elections that are within 3 months (before or after) of the date the referendum could be held. We would welcome your views on whether this should be a longer period, for example 6 months.

- 85 The responses to this question were evenly placed between those who saw the strong benefits of retaining a three month timescale (42 per cent) and those who favoured the greater flexibility and potential for efficiency savings offered by a six month timescale or a different period.
- 86 The many respondents in favour of a period of three months or less, whilst recognising the value of the efficiency savings offered by combined elections, cited the need to maintain momentum in the neighbourhood planning process and feared that any delays would run the risk of losing community involvement and discouraging future community engagement.
- 87 There was also considerable support for extending the referendum period to six months (30 per cent of respondents) to offer more flexibility for referendums to be combined with other elections and thereby secure both costs savings and larger turnouts. Such responses considered six months to be the most appropriate timescale because it would ease organisational pressures, fit better with council election cycles and allow sufficient time for proposals to be publicised and discussed with the community.
- 88 Others felt that a specific timescale should not be prescribed, but that councils should have the option of when to hold a referendum and whether to combine it with other elections.
- 89 Several respondents opposed the principle of combined elections per se. They believed that it would conflate the issues being considered and politicise the neighbourhood planning process, leading to unconnected issues influencing the outcome of the referendum.

- 90 The referendum stage is a very important part of the neighbourhood planning process – ensuring the wider community are able to decide whether a Neighbourhood Development Plan or Order comes into force in their area.
- 91 The combination of neighbourhood planning referendums with other referendums and polls happening in the local area is a key issue. The different views highlighted in this consultation recognised the balance that needs to be struck. On the one hand there are the unique aspects of a neighbourhood plan referendum in contrast to other referendums and polls happening locally and the need to avoid delaying the progression of the Neighbourhood Development Plan or Order. On the other hand, there are the benefits of allowing for combination of polls in terms of voter turnout, administrative efficiency and cost savings.
- 92 The Government is working with the Electoral Commission and Association of Electoral Administrators and other partners on the development of regulations on neighbourhood planning referendums. As part of this work the Government will carefully consider the support generated in this consultation for allowing neighbourhood planning referendums to be combined.

Question 3: Supporting communities to take part in neighbourhood planning

- 93 The Localism Act introduces a range of new community rights of which neighbourhood planning is one. The Government recognises that communities may need support in order to plan for the future of their areas and sought views on what further support may be needed and how this could be made available as part of the consultation on the draft regulations.

Question 3: The Bill is introducing a range of new community rights alongside neighbourhood planning - for example the Community Right to Buy and the Right to Challenge. To help communities make the most of this opportunity, we are considering what support measures could be made available. We are looking at how we could support people in communities, as well as local authorities, other public bodies, and private businesses to understand what each right can and cannot do, how they can be used together, and what further support could be made available for groups wanting to use them.

We would welcome your views on what support could usefully be provided and what form that support should take.

- 94 319 responses were received to this question. Respondents identified four types of support that could usefully be provided to support neighbourhood planning: guidance; training; professional support and resource. Many respondents to this specific question and to others, called for the provision of clear guidance on neighbourhood planning and the other community rights. Common suggestions on areas to be covered in guidance included: a step-by-step guide to the process of neighbourhood planning; best practice guidance or case studies based on the experience of front runners programme; frequently asked questions; and guidance on specific technical areas such as strategic environmental assessment. Many respondents felt that a dedicated website or online resource where such guidance could be accessed would be helpful.
- 95 A number of respondents, mostly from parish councils, identified a need for training, including workshops to help parishes and community groups understand the new community rights, and building skills within communities to help them use the new rights; common suggestions included financial and project management.
- 96 Many respondents felt that there was a need for professional support to assist communities in undertaking neighbourhood planning in the form of legal and technical advice, facilitation and community engagement. The local authority was seen by many as an important source of support, although a few respondents emphasised the need to access advice and

guidance from organisations other than the local authority. Respondents proposed a range of national and local organisations that could support neighbourhood planning, from the Planning Advisory Service to local neighbourhood teams.

- 97 Comments on the financial resource required to undertake neighbourhood planning was a common theme in the responses. Many parish councils called for funding to be made directly available to community groups to help fund professional support or plan-making costs such as printing. A few proposed that communities should be able to access professional services for free through a national framework of recognised providers. A number of respondents also commented on whether the level of resource in local authorities was sufficient to support communities.
- 98 To create maximum flexibility and enable local innovation and creativity there is no fixed format or template for a Neighbourhood Development Plan or Order. Communities may, for example, wish to concentrate on a few policies only which have a major impact on their area. The cost of preparing a plan will vary considerably depending on the complexity and size of the proposed scope of the plan or order and the status of the plan prepared by the local planning authority.
- 99 Throughout the regulations the aim has been to strike the right balance between a light touch approach and what is necessary to manage significant powerful decisions. We have therefore not specified the detail of the process unless essential. Consequently, there is no tick-box list of evidence or additional reports which a Neighbourhood Development Plan or Order must contain. We expect that communities will want carefully to scope the content of their plans or orders as a preliminary exercise to ensure that they reflect their own priorities and that they will want to assess the extent of support they are able to obtain including from local businesses and, where appropriate, local developers as well as from central and local government. They will also want to look at and use the wide range of evidence that already exists for planning in the area, such as assessments prepared by the local planning authority for their local plan.
- 100 However the Government does recognise that communities may need support in order to plan for the future of their areas. The Localism Act places a legal duty on local planning authorities to support and advise parish councils and neighbourhood forums who want to do neighbourhood planning. The extent of support and advice that is provided will be different in each area depending on the skills, resources and needs of the local authority and the group preparing the Neighbourhood Development Plan, Neighbourhood Development Order or Community Right to Build Order. There is no duty on the local planning authority to provide financial assistance but it may do so if it so chooses.
- 101 The Government has made available up to £10.2m to March 2015 for communities to access free advice and support where they wish to engage

in planning at either the neighbourhood or local level. With the commencement of provisions in the Localism Act that enable the Secretary of State to support communities directly the Government is considering options for funding communities from 2012 - 2013 and will make an announcement in due course.

- 102 To make it easier for communities and others to use the new powers the Government published an easy to understand guide to neighbourhood planning in October 2011; it is intended that this is supplemented with more detailed guidance and the Government is considering the appropriate means of providing this.
- 103 The Government recognises that local planning authorities will need to familiarise themselves with the neighbourhood planning system and there are also specific activities that the local planning authority must undertake. That is why the Government is supporting councils to understand and implement the changes brought about by the Localism Act through the Local Government Group's Planning Advisory Service and has also made up to £50 million available to March 2015 to support those local authorities who incur additional burdens as a result of the Localism Act's neighbourhood planning provisions.

Question 4: Other matters

- 104 The consultation document provided an opportunity for respondents to raise any further matters; 258 comments were received.

Question 4: Do you have any other comments on the proposals?

- 105 Many of the comments reiterated points made in response to the other consultation questions. A number of respondents used this question to restate their support for the new proposals, however a few commented that the existing system should be maintained and there was no need for change.
- 106 There were a number of comments about the overall quality of the consultation process. In particular the consultation document that was felt to be unclear with insufficient information or explanation; some respondents felt that this prevented them from fully commenting on the proposals.
- 107 It was suggested that it would have been helpful to have been able consider the proposals alongside the Strategic Environmental Assessment, Environmental Impact Assessment, Habitat Directives and the referendum regulations. In addition, the need to make explicit links between neighbourhood planning and the Sustainability Appraisal process was highlighted. Others commented that the obligation to show how neighbourhood area will address climate change mitigation was not properly addressed in the regulations.
- 108 A number of respondents suggested that the regulations needed to clarify the relationship between a Neighbourhood Development Plan and other development plan documents and / or define terms such as strategic polices.
- 109 As noted in the Government's response to question 1 (j) above to make it easier for communities and others to use the new powers the Department published an easy to understand guide to neighbourhood planning. It is intended that this is supplemented with more detailed guidance and we are considering the appropriate means of providing this.

