1. What is Neighbourhood Planning?
Neighbourhood planning is a way for communities to develop a shared vision and decide the future of the places where they live and work. This gives communities greater ownership over plans and policies that affect their area. In order for any Neighbourhood Plans or Orders to be adopted, they will need to conform with planning policies and guidance at the local and national level as well as European legislation. Neighbourhood planning should not promote less development than set out in these policies.

The specific options available to communities include:
- A Neighbourhood Development Plan
- A Neighbourhood Development Order
- A Community Right to Build Order

Local communities can choose to draw up a plan, a development order, or both. There is no requirement for communities to prepare Neighbourhood Plans, it is optional and for each community to decide if it’s the right approach for them.

2. What is a Neighbourhood Development Plan?
A neighbourhood development plan is a plan prepared by a community that helps shape development in the area in which they live.

Once adopted, a neighbourhood development plan will:
- Form part of the local statutory development plan;
- Form the basis for determining planning applications in that area.

Neighbourhood Development Plans:
- Can set policies in relation to development and the use of land in the designated neighbourhood area;
- Should identify a collective vision and key local priorities for the sustainable development of the area;
- Can allocate sites for housing or other development;
- Can identify special protection green areas of particular importance to the community;
- Must specify the time period for which they are to cover;
- Can only relate to one neighbourhood area;
- Cannot relate to any types of excluded development as set out in Section 61K of the Town and Country Planning Act 1990. This relates to types of development that have a larger than local impact, such as waste management facilities, major infrastructure projects and airports.

The scope of the Neighbourhood Plan or Order is for each community to decide. For example, the Plan may wish to focus on a single issue, such as land for housing, or cover a wider range of topics including employment development, renewable energy, local green space and design.
3. What is a Neighbourhood Development Order?
Whilst a neighbourhood development plan sets out the policy for an area, a neighbourhood development order can actually grant outline or full planning permission for specified development.

Neighbourhood development orders will allow new development such as homes and offices to be built without the need to apply for separate planning permission.

A neighbourhood development order can relate to the whole of, part of, or a specific site within a defined neighbourhood area.

4. What is the Community Right to Build?
This is a particular type of neighbourhood development order which allows smaller-scale development on a specific site to be brought forward without the need for separate planning permission. This gives communities the ability to develop, for instance, small-scale housing and other facilities that they want, such as shops, playgrounds or village halls.

5. Do we have to prepare a Plan or Order?
Neighbourhood planning is not compulsory for local areas; communities volunteer to get involved. In some cases it may be more appropriate for communities to use other tools to plan for their local areas.

6. Is a Plan or Order the right tool for our community?
A Plan or Order might be the right tool for your community if:
- There is a minimum planned requirement proposed for your community in the current or emerging local plan for the Borough or District.
- Your community would like to see further development above that identified in the current or emerging local plan
- You wish to take the lead in developing planning policies and proposals in partnership with local residents and businesses.
- You wish to have a greater role in making decisions about planning in your area.
- You are able to commit significant time and resources to its preparation.

*Officers will be able to offer advice to help you decide whether this is the right approach for your area.*

7. Can neighbourhood planning be used to stop development in our area?
No. A plan or order can be used to shape where and how development takes place but it cannot be used to say no to development. However, they can be used to provide for more development than is required by local plans. The process of preparing a plan or order includes understanding what a sustainable and appropriate level of development is for your community and looking at where this additional growth might go.

Neighbourhood plans must be in conformity with local and national policies. Neighbourhood plans will therefore need to ensure they reflect any minimum planned requirements set out in the local plans (Our Plan) for the District or Borough.
8. What procedures need to be followed in neighbourhood planning?
There are five key stages\(^1\) that need to be followed in preparing a neighbourhood development plan or order (including Community Right to Build). These are:

- **Stage 1:** Designating the Neighbourhood Plan Area
- **Stage 2:** Preparing the plan or order proposal
- **Stage 3:** Independent check
- **Stage 4:** Community referendum
- **Stage 5:** Legal force

9. Who takes the lead in Neighbourhood Planning?
For South Hams and West Devon which are fully parished areas, the parish or town council is the lead in neighbourhood planning (referred to as the ‘qualifying body’).

However, it is envisaged that the Town/Parish Council will delegate responsibility for preparing the Neighbourhood Plan to a Steering/Project Group which can include members of the public or other interested parties who are not on the Town/Parish Council.

10. How do we define our Neighbourhood Plan area?
Think about the area you want the Neighbourhood Plan/Order to cover. A neighbourhood area can include the whole or any part of the parish or town council area or cross over more than one parish or town area where it is appropriate to prepare a joint plan. It is expected that in many cases areas will follow the boundaries of existing parishes, unless it is considered that some other area is more suitable for the purposes of neighbourhood planning.

A Parish or Town Council wishing to designate a ‘neighbourhood plan area’ must submit an application to the local planning authority (or all relevant local authorities where an application for a neighbourhood area crosses two or more local planning authority boundaries, such as Dartmoor National Park) stating their intention to do this.

The Council has set out procedures for communities wishing to apply to designate neighbourhood areas as well as templates to complete. These are set out on the Council's websites: [http://www.southhams.gov.uk/shneighbourhoodplans](http://www.southhams.gov.uk/shneighbourhoodplans) or [http://www.westdevon.gov.uk/wdneighbourhoodplans](http://www.westdevon.gov.uk/wdneighbourhoodplans)

The Dartmoor National Park Authority is the Local Planning Authority for any parishes falling within the National Park.

The application must include:
- A map which identifies the area of land to be included in the neighbourhood planning area;
- Reasons for why this area is considered appropriate;
- Confirmation that the organisation submitting the application is a qualifying body (i.e. a parish or town council);
- Terms of Reference for how the Steering/Project Group will operate.

The local planning authority is required to publish the application for a minimum of four weeks where the application is to designate a whole parish council area, and in all other cases a

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\(^1\) CLG “An Introduction to Neighbourhood Planning” 2011
minimum of six weeks, and invite comments from those who live, work or carry out business in the area.

The District or Borough Council will determine the application and in doing so consider whether the proposed boundaries are desirable, and whether any existing Neighbourhood Areas should be modified.

11. How do we prepare our plan or order?
The process for preparing a Neighbourhood Plan is broadly similar to the process the District or Borough Council goes through to prepare its plans. There are Neighbourhood Planning Regulations\(^2\) which set out the main stages required. However, it is up to each group to decide how best to prepare the plan for their area and what evidence is needed. Consultation and involvement of the local community will be crucial to the success of your plan.

The Council already has a lot of information that will be helpful when preparing plans. You can view the evidence base pages here:

www.southhams.gov.uk/evidencebase
www.westdevon.gov.uk/evidencebase

You may find that you also need to prepare extra evidence to support your plan if there is a gap in the existing evidence.

2 Neighbourhood Planning (General) Regulations 2012
12. How is the plan checked?
Once a neighbourhood plan or order has been prepared, an independent examiner appointed by the Local Planning Authority in conjunction with the relevant Town/Parish Council, will check that it meets the right Basic Conditions, e.g. complies with higher level planning policies.

The Examiner will decide the most appropriate format for the examination which may include a public hearing.

If the plan or order does not meet these conditions, the examiner will either recommend changes or the refusal of the plan or order. The Local Planning Authority will then need to consider the examiner's views and decide whether to make any changes or to refuse the plan or order.

The Examiners report will be provided to the Parish/ Town Council and will be published by the District or Borough Council. The Local Planning Authority will then decide what action to take and, if it approves of the plan or order (with or without minor modifications), the plan or order will proceed to a referendum.

13. How and when does a community referendum take place?
The District or Borough Council will hold a referendum on any plan or order that meets the legal requirements. This ensures that the community has the final say on whether a neighbourhood plan or order comes into force.

People living in the Neighbourhood Area who are registered to vote in local elections will be entitled to vote in the referendum.

In some special cases - where, for example, the proposals put forward in a plan or order for one neighbourhood have significant implications for other people nearby - people from other areas may be allowed to vote too.

If more than 50 per cent of people voting in the referendum support the plan or order, then the local planning authority must bring it into force.

14. What is the status of the plan or order?
Once a neighbourhood plan or order is in force, it carries legal weight and forms part of the Council's Development Plan. Decision-makers and developers will be obliged, by law, to take what it says into account.

15. Is there funding available to support communities preparing Neighbourhood Plans?
Yes. The Government has made funding available via an organisation called Locality for local communities to assist them in preparing Neighbourhood Plans. The current arrangements and further details can be found using the following link http://mycommunity.org.uk/programme/neighbourhood-planning/.
16. How can the local authority help?
   The Localism Act places a legal duty on local authorities to help and support town and parish councils in neighbourhood planning.

   The Council wishes to support any communities which choose to prepare a neighbourhood plan or order for their area. Each group will be assigned a Lead Officer who will be able to provide advice and guidance. The Lead Officer will liaise with the community to decide on the appropriate type and level of support that can be provided.

   The Government recognises the financial impact on local authorities in assisting with Neighbourhood Planning projects and as such has made financial support available. This means that the Local Authority are able to cover the costs of the Examination and Referendum.

17. Where can we find out more information?
   Please contact the Strategic Planning Team at either South Hams or West Devon for more information:

   **South Hams Strategic Planning Team**
   01803 861234
   strategic.planning@southhams.gov.uk

   **West Devon Strategic Planning Team**
   01822 813600
   strategic.planning@westdevon.gov.uk

   There are also some useful guides available for communities wishing to get started on neighbourhood planning projects. The links below may be useful:
   - [http://www.ourneighbourhoodplanning.org.uk/home](http://www.ourneighbourhoodplanning.org.uk/home)

   There are a number of Neighbourhood Plans already in place and you may find it helpful to spend some time looking at how others have approached preparing plans.

   Updated April 2015