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How to win local green space through Neighbourhood Plans

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1. What is neighbourhood planning?

Neighbourhood planning gives communities in England the opportunity and power to set local planning policies. You can shape the place where you live, protect valued open spaces using the local green space designation, (<https://www.oss.org.uk/what-we-do/local-green-space-designation>) and decide what type of development, if any, is needed. Once a neighbourhood plan has been backed in a referendum (see section 12) it will have real weight in the planning system. Communities are thus empowered to influence decisions in their local area.

To date, March 2015, over one thousand communities are involved in neighbourhood planning, and 34 plans have been made following referendums.

Neighbourhood planning is a system intended to give local communities more say in the development of their areas. Neighbourhood planning is voluntary, so that a neighbourhood plan will only be made for a given area if a parish or town council or local group takes the initiative to prepare one.

2. Neighbourhood area

A neighbourhood plan covers a neighbourhood area. This is an area designated as such by the local planning authority (LPA). A designation must be initiated either by a 'relevant body', ie a local council or a neighbourhood forum. To qualify as a relevant body, a neighbourhood forum must:

- a) be established to promote or improve the social, economic or environmental well-being of the area;
- b) be open to membership to people who live or work in the area or are elected councillors of a principal local authority which includes the area within its boundaries;
- c) have a written constitution;
- d) have a minimum of 21 members.

3. Parished areas

In parished areas (ie where there is a civil parish), the neighbourhood area is likely to be one or more parishes, but an area which is not a civil parish can be designated. It may be difficult to choose an area which does not have a recognised administrative boundary; a housing estate with clear physical boundaries could qualify.

4. Preparing a neighbourhood plan

The first step is for the relevant body to apply to the LPA to designate the neighbourhood area to be covered by the neighbourhood plan. The application must include:

- a map which identifies the area,
- a statement explaining why the area is suitable for designation,
- a statement that the body making the application is a relevant body.

5. Making the application

Where a neighbourhood forum makes the application, it must include:

- a) the name of the proposed forum,
- b) a copy of the proposed forum's written constitution,
- c) the name of the neighbourhood area and a map identifying the area,
- d) contact details of at least one member of the forum,
- e) a statement explaining how the proposed neighbourhood forum meets the conditions in paragraph 2 above.

6. Role of the local planning authority

The LPA must:

- a) publicise the application on its website and in such other ways it considers appropriate,
- b) give details of how to make representations, and
- c) allow a period of at least six weeks for representations to be made.

Thereafter, the LPA makes a formal designation. The LPA is not obliged to make a requested designation, but can only refuse to do so if the necessary criteria have not been met (eg a forum application is defective because the forum does not comply with the statutory requirements).

Once the neighbourhood area is formally designated, the LPA must publish on its website and in such other ways it considers appropriate:

- a) the name of the area,
- b) a map showing the area, and
- c) the name of the relevant body which applied for the designation.

7. Contents of the plan

The relevant body decides the contents of a plan. The plan does not have to cover the same ground as a statutory local plan or development plan made by the LPA.

Subjects which are likely to be covered include: housing, employment, shopping, transport, leisure and well-being, environment, sustainability and design.

8. Environment

The relevant body should consider identifying specific sites of local importance, including character and location, and highlight areas to be protected from development. Examples from neighbourhood plans include:

- Broughton Astley, Ascot, Sunningdale, Sunninghill (Royal Borough of Windsor and Maidenhead): aim to encourage formation of 'green corridors', resist development that would reduce the gap between residential developments and villages, provide walkways, and cycle routes to link up open spaces.
- Much Wenlock (Shropshire): aim to retain features of high conservation landscape.

- St James Exeter (Devon): prohibit developments resulting in loss of biodiversity unless compensated to bring net enhancement overall

You should identify areas of open space that are of value to your community and, as part of the neighbourhood planning process you can protect these areas by having them designated as local green space (LGS). Once designated, by the planning authority, the LGS is subject to the same strong development restrictions as green belt and new development on that land is ruled out other than in special circumstances.

Use our guidance, *Local Green space* designation on (<https://www.oss.org.uk/what-we-do/publications/free-publications-and-information-sheets/>) to assist you in addressing the criteria to have land designated as LGS. You are required to provide substantive and compelling evidence to justify designation.

Examples:

Chapel-en-le-Frith, (Derbyshire) neighbourhood plan illustrates the types of land which have been designated:

<http://www.chapelparishneighbourhoodplan.org/>

Freshford and Limpley Stoke (Wiltshire) neighbourhood plan includes local greenspace:

http://consult.wiltshire.gov.uk/portal/spatial_planning/np/fllsarea_desig-np?pointId=1355997288055

The plan can be a complex document and in preparing it you may need professional help from planning consultants. You will have to pay for such help. (In one case, the cost to two local councils of preparing a joint plan was £60,000.) If the local council prepares the plan, it will meet most of, if not all, the cost. Where a forum produces a plan, it may get help from the district, borough or unitary council. Grants may be available from the Department for Communities and Local Government (DCLG), which has been offering up to £7,000 per neighbourhood area

since April 2013. It is a good idea to look at completed plans as a guide to what might be included—see the DCLG and OSS website (paragraph 13 below).

9. Procedure for preparing a neighbourhood plan

The procedure for preparing a neighbourhood plan is not prescribed, but the stages are likely to be:

- a) establishment of working group to produce ideas and suggestions. In one case an overview group was established, with subject groups covering environment, traffic and transport, social infrastructure, housing, economy and retail. The groups should represent local interested parties and individuals (eg local council, sports clubs, civic/amenity societies, environmental groups, local businesses/chambers of trade, individuals who volunteer);
- b) appointment of planning consultants (optional but probably necessary);
- c) application for grant and other funding;
- d) publicity, including leaflets delivered to homes and premises, information on social media, public meetings and exhibitions asking for the views of local people generally;
- e) collation of feedback from publicity and working groups;
- f) production of draft plan.

10. Publicity

Once a draft plan has been produced, the relevant body must publicise it and allow a period of not less than six weeks for representations to be made. You must send a copy of the plan to the LPA. It may also be necessary to consult certain prescribed bodies if their interests are affected (eg the Highways Agency where the plan would affect highways; English Heritage regarding historic buildings).

11. Submit plan

After the period allowed for representations has expired, the relevant body submits the draft plan to the LPA with:

- a) a map or statement identifying the area covered by the plan,

- b) a consultation statement which gives details of who was consulted, and how, summarises the main issues and concerns raised by consultees and describes how those matters were addressed.

The proposed neighbourhood plan must include, a statement explaining how the plan complies with paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990. This provision (inserted into the 1990 Act by the Localism Act) in broad terms requires a neighbourhood plan to comply with national planning policies and strategic policies in local development plans; to have proper regard to sustainable development, to conservation areas and listed buildings; to comply with EU obligations.

12. Independent examination and referendum

Once you have submitted the plan to the LPA for approval the LPA will arrange for the examination of the plan by an independent examiner. He or she will ensure that the formal requirements for the preparation of the plan have been met and that the plan conforms to the national planning policy framework, to the local strategic plan and to the other provisions of paragraph 8 of Schedule 4B to the 1990 act. The examiner may hold a public inquiry.

Having completed the examination, the examiner reports to the LPA with recommendations. These may be that the plan be adopted (the most likely outcome), that the plan be rejected (unlikely) or that modifications be made (also unlikely).

Once the plan is finalised, the LPA must organise a referendum in which all local government electors for the plan area are entitled to vote. Detailed regulations (see paragraph 13) about the conduct of a referendum are set out in regulations. If 50 per cent or more of those who vote are in favour, the LPA must adopt the plan. The plan then becomes part of the LPA's local development plan and must be taken into account when the LPA makes planning policy decisions.

13. Links

The relevant legislation is:

- Chapter 3 of Part 6 of the Localism Act 2011,
- the Neighbourhood Planning (General) Regulations 2012 (SI 2012/637),
- the Neighbourhood Planning (Referendums) Regulations 2012 (SI 2012/2031),
- and the Neighbourhood Planning (General) (Amendment) Regulations 2015.

The Department for Communities and Local Government has issued non-statutory guidance to local authorities which can be found at:

<https://www.gov.uk/government/publications/community-right-to-bid-non-statutory-advice-note-for-local-authorities>

Leicestershire County Council, Green Spaces in Leicester and Leicestershire: local green spaces toolkit:

<http://www.leics.gov.uk/greenspaces>

The Locality website – <http://mycommunityrights.org.uk/> contains useful advice and information on the community right to bid.

The Pinterest website –

<https://www.pinterest.com/communitiesuk/community-rights/>

- also contains useful advice and information.

Open Spaces Society website –

<https://www.oss.org.uk/what-we-do/local-green-space-designation/>

The Power of Neighbourhood Planning

(<http://mycommunityrights.org.uk/wp-content/uploads/2014/12/The-Power-of-NP1.pdf>)

While the Open Spaces Society has made every effort to ensure the information obtained in this factsheet is an accurate summary of the subject as at the date

of publication, it is unable to accept liability for any misinterpretation of the law or any other error or omission in the advice in this paper.

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