

## NEIGHBOURHOOD PLANNING IN CHARNWOOD FACTSHEET



### What is Neighbourhood Planning?

Neighbourhood planning was introduced by the Localism Act in 2011 and gives local communities direct powers to develop a shared vision for their neighbourhood and shape the development and growth of their local area.

Neighbourhood planning can be used to choose where new homes, shops, offices and other development should be built, suggest what infrastructure should be provided, identify and protect local green spaces, influence what new buildings should look like and grant planning permission for the new buildings.

### Types of Neighbourhood Plan documents

There are a number of types of neighbourhood plan documents local communities can choose to prepare:

1. **A Neighbourhood Plan** – this is a document that sets out planning policies for the neighbourhood area. Once adopted, the neighbourhood plan becomes part of the statutory development plan, alongside the Council's Local Plan, which are used to decide whether to approve planning applications.
2. **A Neighbourhood Development Order (NDO)** – this is a document that grants planning permission for specific development in a particular area. This could include things like specified changes of use, certain kinds of alteration or the reinstatement of historical features. An NDO could be used to grant outline

planning permission for specified uses on allocated sites, such as housing, commercial uses or recreational uses.

3. **Community Right to Build Orders (CRBO)** - is a kind of NDO which can grant planning permission for small-scale community-led developments. These could include things like housing, community centres, business and enterprise hubs or community energy schemes. The disposal of assets granted under a CRBO must be used for the benefit of the community. Thus, in addition to granting planning permission, a CRBO ensures that any proceeds can only be used for the benefit of the wider community.

## Who can take part in Neighbourhood Planning?



Loughborough Market

There are three types of groups that can undertake neighbourhood planning:

**Parish and town councils:** In a designated neighbourhood area where a town or parish council exists, the town or parish council is responsible for neighbourhood planning. A parish or town council should work with other members of the community who are interested in, or affected by, the neighbourhood planning proposals so they can play an active part in preparing either the neighbourhood plan or order. The relationship between the parish or town council and any group should be transparent to the public.

A neighbourhood plan produced by a parish or town council does not have to cover the whole area of the parish or town. Although, even if the neighbourhood plan only covers part of the administrative boundary, it must still be prepared by a town or

parish council if one is in place. Alternatively, parish or town councils can apply for a multi-parished neighbourhood area to be designated.

**Designated Neighbourhood forums:** Where a parish or town council does not exist, community members (those who live, work, and/or are elected members for a local authority that includes all or part of the neighbourhood area) can lead the neighbourhood planning process. The group or organisation must apply to the local planning authority with a minimum of 21 individuals to be designated as a neighbourhood forum (a forum application). Businesses can ask their local planning authority to consider designating a neighbourhood area as a business area. Only one neighbourhood forum is allowed to exist for each neighbourhood to be covered by a neighbourhood plan.

**A Community Organisation:** any community organisation (or town or parish council) can develop a Community Right to Build Order provided the community organisation is a corporate body and meets minimum membership requirements. Its constitution must allow those who live in the area to become voting members, and they must have the majority vote. The constitution must also ensure the community organisation's assets can only be disposed of, improved, or developed for the benefits of the community. Community organisations can only produce a neighbourhood plan if they are designated as a neighbourhood forum.



Charnwood Museum, Loughborough

## Benefits of Neighbourhood Planning

Neighbourhood planning enables communities to play a much stronger role in shaping the areas in which they live and work, and in supporting new development proposals.

There are many benefits of neighbourhood plans and orders including:

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- they have a statutory status – a neighbourhood plan or order, once adopted, becomes part of the statutory development plan which means that any decisions made on planning applications would need to have regard to the Neighbourhood Plan or order;
- neighbourhood planning allows communities to set out a positive vision for the next 10, 15 or 20 years on how they want their community to develop in line with local needs;
- a neighbourhood plan or order provides an opportunity to focus on more detailed issues in local areas than a Local Plan, for example urban design, housing or recreation;
- they allow the potential to influence other Council departments, for example street lighting, public spaces and highways;
- they give an opportunity for local communities to allocate sites for specific developments; and
- the neighbourhood plan or order will benefit from 25% of the revenues from the Community Infrastructure Levy (CIL) arising from the development that takes place in that area, where contributions are collected using this method. The Borough Council is currently in the process of preparing a CIL.

## What can a Neighbourhood Plan or order do?



Beacon Hill

The neighbourhood plan or order can:

- promote more development than is proposed in the Local Plan;
- include policies which take precedence over existing policies in the Local Plan for the local area;
- support the provision of affordable homes for sale by including relevant policies and site allocations;

- be used to permit building operations, material changes of use of land and buildings and/or engineering operations;
- identify suitable sites for development
- identify historic buildings, areas important for biodiversity and open spaces to be protected;
- add more detail to support the policies within the Borough Council's local plan; and
- take precedence over the Local Plan on non-strategic issues.

A neighbourhood plan/ order cannot:

- be used to prevent development identified by the Local Plan;
- conflict with national or EU policies, or strategic policies in the Local Plan;
- be prepared by a body other than a parish or town council, or a neighbourhood forum (e.g. a developer or landowner);
- have no input from the local community;
- make policies beyond the Local Plan period; and
- deal with county matters e.g., transport, minerals and waste.

The following types of development cannot be granted by a Neighbourhood Development Order or Community Right to Build Order:

- development normally dealt with by a county planning authority, for example minerals and waste related development
- development described in [Schedule 1 to the Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(as amended\)](#) which automatically requires an Environmental Impact Assessment (and in the case of a Community Right to Build Order any Environmental Impact Assessment development)
- development of nationally significant infrastructure projects (which are defined in the [Planning Act 2008](#))

## What policies might a neighbourhood plan contain?



Bradgate Park

Typical things a neighbourhood plan might include:

- the development of housing, including affordable housing, and bringing vacant or derelict housing back into use;
- provision for businesses to set up or expand their premises;
- transport and access (not relating to County Highway matters but including issues around roads, cycling, walking and access for disabled people);
- the development of schools, places of worship, health facilities, leisure and entertainment facilities, community and youth centres and village halls;
- the restriction of certain types of development and change of use, for example to avoid too much of one type of use (where this doesn't conflict with the local plan);
- the design of buildings;
- protection and creation of open space, nature reserves, allotments, sports pitches, play areas, parks and gardens, and the planting of trees;
- protection of important buildings and historic assets such as archaeological remains; and
- promotion of renewable energy projects such as solar energy and wind turbines.

## What type of permission can be granted by a Neighbourhood Development Order?

A Neighbourhood Development Order can grant planning permission for specific types of development in a specific neighbourhood area. A Neighbourhood Development Order can therefore:

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- apply to a specific site, sites, or wider geographical area;
- grant planning permission for a certain type or types of development; and
- grant planning permission outright or subject to conditions.

## What type of development can be granted planning permission by a Neighbourhood Development Order?

A Neighbourhood Development Order can be used to permit:

- building operations (eg structural alterations, construction, demolition or other works carried out by a builder)
- material changes of use of land and buildings; and/or
- engineering operations

## What can a Community Right to Build Order be used for?

A community right to build order can be used to grant planning permission for small-scale development in a neighbourhood area that benefits the community, such as:

- homes
- shops
- businesses
- affordable housing for rent or sale
- community facilities
- playgrounds



Loughborough Railway Station

## Stages of Preparing a Neighbourhood Plan

### Stage 1

- **Neighbourhood area designation** - the qualifying body will submit an application with the proposed area for designation to the Borough Council, who will then examine, advise and approve in accordance with prescribe requirements within 13 weeks.

### Stage 2

- **Preparing the plan** - The qualifying body is responsible for engaging with the local community, landowners and the development industry through publicity, local partnerships, and community consultation and engagement to draw up the neighbourhood plan and build an evidence base to support the content

### Stage 3

- **Pre-submission consultation** - The neighbourhood plan should be subject to pre-consultation for 6 weeks and advice from the Borough Council on content and meeting the 'basic conditions' before the submission to the Borough Council for independent examination (Regulation 14).

### Stage 4

- **Submission to the Borough Council** - Once the draft neighbourhood plan is submitted to the Borough Council, responsibility for taking the plan forward lies with the Borough Council who will publicise the plan for a minimum of 6 weeks for public consultation (Regulation 16).

### Stage 5

- **Independent examination** - The independent examiner appointed by the Borough Council will check the neighbourhood plan meets the basic conditions. The Borough Council has 5 weeks to consider the Examiner's report, and decide whether the plan should be put to referendum.

### Stage 6

- **Community referendum** - If the neighbourhood plan is found satisfactory (with modifications if necessary), the Borough Council administers a formal Referendum providing the date of the poll. If 50% of eligible people voting support the neighbourhood plan, the Borough Council must bring it into force

### Stage 7

- **Bringing the plan into legal force**- The Borough Council then 'makes' the neighbourhood plan as part of the adopted development plan. Decisions on planning applications in the designated neighbourhood area must take account of the made neighbourhood plan.



## The Basic Conditions

Neighbourhood Plans and Neighbourhood Development Orders must meet the 'basic conditions'<sup>1</sup> to be put to a referendum including:

- they must have regard to national policy and advice;
- they must have regard to preserving any listed building or its setting, or any special architectural or historical interest it holds;
- they must contribute towards the achievement of sustainable development;
- they must be in general conformity with the strategic policies contained in the development plan of the local planning authority;
- they must not breach or is otherwise compatible with EU obligations;
- as well as the above and in relation to Neighbourhood Development Orders only - must have regard to the protection and enhancement of listed buildings and conservation areas; and
- meet human rights law requirements, by undertaking an equalities impact assessment.

## What is Charnwood Borough Council's role in Neighbourhood Planning?



Broadnook Garden Village

The Borough Council must take decisions at key stages in the neighbourhood planning process within the time limits that apply including:

- the designation of a neighbourhood area;
- the designation of a neighbourhood forum;

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<sup>1</sup> Para 8 (1) (a) (2) of Schedule 4B to the Town and Country Planning Act 1990 (inserted by the Localism Act 2011)

- the decision by a local planning authority on whether to put a neighbourhood plan or order proposal to referendum following receipt of the report of the independent examiner;
- the time period for a local planning authority to seek further representations and make a final decision, where they propose to make a decision which differs from that recommended by the examiner;
- the time period within which the referendum must be held, following the decision that the plan or order proposal should be put to referendum;
- the time period for a local planning authority to make a neighbourhood plan or order after it has been approved in each applicable referendum;
- the time period for a local planning authority to make a modified neighbourhood plan following receipt of the report of the independent examiner, where the modifications do not change the nature of the plan; and
- providing advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan or order.

## Duty to Support



Loughborough Town Hall

The Borough Council is required to provide support and advice to those bodies producing a neighbourhood plan or order in its area. The Council's commitment to neighbourhood planning is set out in the [Statement of Community Involvement - Charnwood Borough Council](#) (2021).

This includes:

- Maintaining dialogue with qualifying bodies at all procedural stages.
- Where requested, support qualifying bodies with digital mapping, Strategic Environmental Assessment/Habitats Regulations Assessment screening,

Environmental Impact Assessment, the establishment of Neighbourhood Forums, and sharing relevant parts of the Council's Local Plan evidence base.

- Where requested, provide informal advice on draft neighbourhood plan policies and draft neighbourhood development orders.
- Respond to the Regulation 14 and 21 consultations (those organised by the qualifying body).
- Communicate with qualifying bodies when organising regulation 6 and 16 consultations (those organised by the Council) in order to coordinate publicity materials. Where the Council is responsible for consultations it will:
  - publicise consultation documents on the website; to deposit physical consultation documents at one location within the neighbourhood area;
  - consult relevant parties within the Council's planning consultation database. (The same approach will be taken for the publicity of modification or revocation of a plan or order).
- Maintain a webpage, including links to documents, on the Borough Council's website about the neighbourhood plan or neighbourhood development order.

**The Borough Council cannot prepare the plan or order on behalf of the Parish/Town Council or Neighbourhood Forum/community organisation and there is no duty to provide financial support to help prepare the plan or order.**

## Sources of Funding

Funding to support the preparation, adoption and delivery of neighbourhood plans or orders is available via a number of sources:

- Local donations
- Developers and landowners
- Local businesses/chambers of commerce
- Government funding

## Funding direct to neighbourhood plan groups:

Through the Neighbourhood Planning Support Programme, the Ministry of Housing, Communities and Local Government (MHCLG) provides grants and Technical Support packages to communities creating neighbourhood plans or orders - [Grant Funding - Locality Neighbourhood Planning](#).

Technical support is prioritised taking into account Government priorities such as housing, regeneration, climate change and environmental improvement. This is because of a high volume of neighbourhood support applications.

There are two different types of grants that neighbourhood plan groups can apply for:

- Basic Grant funding of up to £10,000
- Additional Grant funding of up to £8,000



Charnwood Forest

## Funding direct to Local Authorities

MHCLG provides funding direct to local planning authorities. The money is intended to help LPAs meet their legislative duties in relation to neighbourhood planning, including to support and advise parish councils and neighbourhood forums ('qualifying bodies') and pay examination and referendum costs. This is entirely separate to the grant scheme (and technical support) available to qualifying bodies preparing neighbourhood plans, which is administrated by [Locality](#) (and described above).

In summary, LPAs can claim:

- £20,000 for all areas where a neighbourhood plan has not previously been made, at the point at which they issue a decision statement to send a neighbourhood plan to referendum;
- £5,000 for the first 5 neighbourhood areas designated;
- £5,000 for the first 5 neighbourhood forums designated (including 5 yearly re-designations);

- In Business Areas, £10,000 when they issue a decision statement to send a plan to referendum.
- Neighbourhood Development Orders and Community Right to Build Orders, Local planning authorities can claim £20,000 in relation to NDOs and/or CRtBOs for each neighbourhood planning area per year.
- In relation to the modification of a made neighbourhood plan, sums vary according to the scale of the modifications proposed.



Sustainable public transport

## Alternatives to a Neighbourhood Plan

Producing a neighbourhood plan can be resource intensive and costly. It is therefore important to consider whether a neighbourhood plan is the right tool for delivering community objectives.

Alternatives to a neighbourhood plan could include:

- Influencing the development of the Local Plan and Supplementary Planning Documents, for example by making representations at consultation stages.
- Commenting on planning applications, and/or get involved in pre-application discussions.
- Influencing design and development briefs for key sites.
- Deliver and produce actions in an informal parish or community plans;
- Village Design Statements; or
- Conservation Area Character Appraisals & Management Plans
- Develop a community project and raise funds for its delivery.

## Further Sources of Information

Charnwood Borough Council Local Plan Website  
[Neighbourhood Plans Table - Charnwood Borough Council](#)

Leicestershire County Council Neighbourhood Planning Toolkit  
[Neighbourhood planning toolkit | Leicestershire County Council](#)

Locality - Neighbourhood Plan Roadmap Guide

[Neighbourhood Planning - Locality.](#)

Neighbourhood Plan Planning Practice Guidance  
[Neighbourhood planning - GOV.UK](#)

Neighbourhood Plan Funding  
[Grant Funding - Locality Neighbourhood Planning](#)  
[Neighbourhood planning: Financial support for local planning authorities in 2024-25 - GOV.UK](#)

National Planning Policy Framework  
[National Planning Policy Framework](#)