A guide to Neighbourhood Planning in Wealden

This guide has been produced by Wealden DC to provide information on neighbourhood planning and to help anybody interested in neighbourhood planning come to a decision on whether it is the best way to achieve their aims.

The guide has two sections. The first section is a questionnaire which is structured to help Parish and Town Councils to consider what they ultimately wish to achieve. Completing this will provide the initial step in allowing us to provide advice on the planning tools available to you. It will also help us understand your future proposals so that we can engage more effectively with town and parish councils on both neighbourhood plans and local plans.

A briefing note on neighbourhood planning from a Wealden perspective is included in section 2. This may help you come to a decision on whether you wish to pursue a neighbourhood plan, or if you wish to engage in the process in another way. It can be read prior to the completion of the questionnaire if you wish, but should be read prior to any meeting taking place with the Council. We have also included some questions to consider when developing a neighbourhood plan. This may assist with your consideration as to the resources required to produce a plan.

Finally, there is a series of links to a selection of resources, including central and local government, charities and other groups, which provide more information on neighbourhood planning.
Section 1: Questionnaire

Parish/ Town Name: ..........................................

If the Parish contains more than one settlement please answer the following questions for each individual settlement

Settlement: ..........................................................

Generally, what do you want to achieve?

<table>
<thead>
<tr>
<th>Description</th>
<th>Yes/ No</th>
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<tbody>
<tr>
<td>a) Guide development by allocating land for a broad location identified for development in the Core Strategy.</td>
<td></td>
</tr>
<tr>
<td>Please provide the strategic development area you are interested in and the amount of growth proposed.</td>
<td></td>
</tr>
<tr>
<td>b) Allocate housing and or employment in a town, in addition to the broad location identified in the Core Strategy.</td>
<td></td>
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<tr>
<td>Please identify the amount of development envisaged</td>
<td></td>
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<tr>
<td>c) Allocate housing sites in a village which has been identified in the Core Strategy for growth.</td>
<td></td>
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<tr>
<td>Please identify the estimated amount of dwellings to be allocated.</td>
<td></td>
</tr>
<tr>
<td>d) Allocate housing sites in a village which has not been identified in the Core Strategy for growth.</td>
<td></td>
</tr>
<tr>
<td>Please identify the estimated amount of dwellings to be allocated.</td>
<td></td>
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<tr>
<td>e) Allocate employment or retail development in a town or a village</td>
<td></td>
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<tr>
<td>Please identify the estimated amount of floorspace to be allocated.</td>
<td></td>
</tr>
<tr>
<td>f) Allocate development in a settlement or location which is not housing, or employment or retail</td>
<td></td>
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</tbody>
</table>
Please state the type of development.

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<tr>
<th>g) Provide policies for what would be acceptable in a town or village centre for example identifying shopping areas</th>
<th>Yes/ No</th>
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<tbody>
<tr>
<td>Please state what you are seeking to achieve from any policy (if known)</td>
<td></td>
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</table>

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<thead>
<tr>
<th>g) Guide the design of new development in a town or a village</th>
<th>Yes/ No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please describe the areas you wish to cover</td>
<td></td>
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<tr>
<th>h) Support the development of a particular use (e.g. a community facility)</th>
<th>Yes/ No</th>
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<tbody>
<tr>
<td>Please provide briefly any further information</td>
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<table>
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<tr>
<th>i) Permit a certain type of development</th>
<th>Yes/ No</th>
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<tbody>
<tr>
<td>Please provide briefly any further information</td>
<td></td>
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</table>

<table>
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<tr>
<th>j) Something else</th>
<th>Yes/ No</th>
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<tbody>
<tr>
<td>Please provide briefly any further information</td>
<td></td>
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Section 2: Neighbourhood Planning briefing note

- Neighbourhood planning and the Localism Act

The planning system has undergone significant reform recently through the Localism Act (2011) with its inclusion of neighbourhood planning. At the same time, the National Planning Policy Framework (NPPF) has been published which reflects the changes introduced by the Localism Act.

Through the Act, communities are being empowered to prepare neighbourhood plans. Parish and town councils now have the option of producing statutory (i.e. governed by planning law) plans to shape and manage development for their local areas.

What can neighbourhood planning do?

1. Communities can use neighbourhood planning to decide on issues such as: where they want new homes, shops and offices to be built; the design of new buildings; and, to grant planning permission for the new buildings they want to see go ahead.

Neighbourhood Planning can be used, specifically, to:

- Establish general planning policies for the development and use of land in a neighbourhood. These are described legally as 'neighbourhood development plans.'

- Permit the development they want to see - in full or in outline – without the need for planning applications. These are called ‘neighbourhood development orders.’

- A specific type of ‘neighbourhood development order’ is the ‘community right to build order’. These can be used to bring forward small scale developments (e.g. not exceeding 10 percent of allocated development over a 10 year period) without the need to apply for planning permission. For example, communities may wish to build new affordable homes or new community amenities.

The Planning Framework

As you may be aware, the Localism Act will soon completely remove the Regional Spatial Strategies. These previously set regional policies and development targets which local Councils had to meet through Local Development Framework Core Strategies. When finally abolished Local Planning Authorities will set their own targets through their Core Strategies by working in cooperation with neighbouring authorities. In setting strategic policies it will be necessary for planning authorities to take into account a number of important national policies contained in the new NPPF. The make up of a Local Development Framework essentially remains the same, but they have been re-themed as ‘Local Plans’. They continue to be made up of an overarching Core Strategy, related Development Plan Documents (DPD’s), and there is a continued role for appropriate Supplementary Planning Documents

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1 PAS Intro to Neighbourhood Plans Oct 2011.  
2 http://www.planningportal.gov.uk/inyourarea/neighbourhood/  
3 Choices and Choosing, the Localism Network 2012  
4 http://www.herefordshire.gov.uk/housing/planning/59637.asp  
5 http://www.planningportal.gov.uk/inyourarea/neighbourhood/
(SPD's). Neighbourhood Development Plans will have to comply with the strategic elements of the Local Plan.

- **Wealden Local Plan**

  I. In Wealden we have a Core Strategy which is due to be adopted in summer 2012. This Core Strategy sets out strategic policies for the whole district, including housing and employment allocations, through a settlement strategy. Neighbourhood plans should be produced in conformity with this Local Plan.

  II. In the towns and parishes which fall within a Strategic Development Area, the next Development Plan Document which implements the Core Strategy is the Strategic Sites DPD. It allocates land and sets policies to apply in these areas. This document has recently been out to consultation at the 'Issues and Options' stage. This document is evolving and the next stage will involve extensive work with communities and Parish and Town Councils to identify Preferred Options for development. A Proposed Submission version will be produced for representations in March 2013. Following an Examination, the document is expected to be adopted in March 2014.

  III. The final DPD to be produced through the Local Plan will be the Delivery and Site Allocations DPD. This will allocate land in small settlements outside the strategic areas and will contain development management policies to guide development in these areas. This document will contain strategic policies as well as more local policies. Preparation of that DPD is just beginning. It will be released for an Issues and Options consultation in February 2013 and following Examination, is expected to be adopted in March 2015.

The strategic element of the Local Plan has largely been set by the Core Strategy. The next stage will involve the local determination of how and where development takes place in each area. This would have been the case regardless of the introduction of neighbourhood planning. There is scope for Neighbourhood Plans to supplement or replace aspects of the Strategic Sites DPD and the Delivery and Site Allocations DPD, but not the Core Strategy. However, before deciding on this route, the 'options for communities' section of this paper sets out existing statutory and non statutory tools available to communities. Depending on what the aim of the Parish or Town Council is, some of these existing tools may be more appropriate than Neighbourhood Planning. There is no legal requirement to produce a Neighbourhood Planning document and, if you choose not to, the policies of the Core Strategy and any other relevant DPD and SPD's will still apply to your area.

**How Neighbourhood Planning will work**

Only a Parish or Town Council can produce a plan if (as is the case in Wealden) the location is within a Parished area. In Wealden, Parish and Town Councils will act on behalf of neighbourhoods that wish to produce a Plan. Wealden District Council will decide on whether candidate neighbourhoods are suitable for neighbourhood plans by considering technical issues such as overlapping of boundaries and making sure that only one group is selected to produce a plan for a defined area. It will only be possible to have one plan per neighbourhood area but a Parish can contain multiple neighbourhood plans. So, for instance, a number of villages (neighbourhoods) could have their own neighbourhood plans within a Parish. Equally, a number of neighbourhood plans can be produced for use within a town.

In terms of the Plan's production, there are a number of conditions to ensure plans are legally compliant and take account of wider policy considerations (e.g. national policy).

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Conditions are:
- they must have regard to national planning policy;
- they must be in general conformity with strategic policies in the development plan for the local area (i.e. the Wealden Core Strategy); and
- they must be compatible with EU obligations (such as the Habitats Directive).

The Localism Act states that Neighbourhood Development Plans and Neighbourhood Development Orders may allocate more development than is in the Local Plan as long as it still remains compatible with that plan. However, the neighbourhood plan cannot reduce the level of development allocated in a local plan. In most cases neighbourhood plans will have to conform to the housing and employment allocations (the strategic issues) as set out by the local plan. Neighbourhood planning, however, provides a powerful means of applying local policies and specifying strategic allocations.

Neighbourhood development plans or orders will not take effect unless there is a majority of support in a referendum of the neighbourhood. The fact that only one plan can be produced in any neighbourhood and the requirement for a referendum mean that it is important that the Plan truly represents the aspirations of the community it has been produced for.\(^7\)

- Neighbourhood Planning: the stages of the process

There will be five key stages to neighbourhood planning. As a statutory document, the neighbourhood plan is expected to take between 18 months and 2 years to produce.

**Stage 1: Defining the neighbourhood**
In areas such as Wealden with a parish or town council, the parish or town council will take the lead on neighbourhood planning, aided by Wealden District Council.

**Stage 2: Preparing the plan**
Next, parish or town councils will begin collecting their ideas together and drawing up their plans. Local planning authorities (Wealden DC) have a 'duty to support' in terms of agreeing the area covered, providing general guidance and advice on the shape and content of the Plan, and finally validating whether the plan is in line with the strategic objectives of the Local Plan.

**Stage 3: Independent check**
Once a neighbourhood plan or order has been prepared, an independent examiner will check that it meets the correct basic standards through an Examination. An Examination report will be released which may contain requirements for modifications.

**Stage 4: Community referendum**
The local planning authority (Wealden DC) will organise a referendum on any plan or order that meets the correct standards. This ensures that the community has the final say on whether a neighbourhood plan or order comes into force. If a simple majority of those who vote support the plan, then it comes into force.

**Stage 5: Legal force**
Once a neighbourhood plan is in force, it carries real legal weight and is a statutory document. Wealden DC will remain the decision maker but will be obliged, by law, to take what it says into account when considering proposals for development in the neighbourhood.

**Relationship to other Localism Act provisions**\(^8\)

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\(^7\) [http://www.planningportal.gov.uk/inyourarea/neighbourhood/](http://www.planningportal.gov.uk/inyourarea/neighbourhood/)

While these are not specifically related to neighbourhood planning, it is useful to understand a number of other Localism Act provisions which are now being introduced.

**Community Infrastructure Levy**
The Community Infrastructure Levy (CIL) allows local authorities to set charges which developers must pay when bringing forward new development in order to contribute to new services and infrastructure.

Through the Localism Act there will be a requirement for a meaningful proportion of CIL funds to be passed to Parish and Town Councils where the development has taken place. Wealden is currently developing its CIL, but is awaiting a decision from central government on what the meaningful proportion will be set at. Wealden's Proposed CIL will be published for a period consultation in February/March 2013.

**New Homes Bonus scheme**
The New Homes Bonus Scheme provides cash for areas that allow new homes to be built in their area. Government funding has been set aside for local councils that welcome new housing development, which they can spend to benefit their local community. Under the scheme the Government matches the council tax raised from new homes for the first six years through the New Homes Bonus. Councils and communities work together to decide how to spend the funds.

**Assets of Community Value**
This gives local groups a legal right to nominate any vital community asset - including local shops, pubs, libraries and leisure centres - to be assessed for recording on a list by the local council.

It is designed to make it easier for community groups to safeguard and, if appropriate and possible, to take over buildings and land considered to provide a valued local service or public facility. It provides more power to local groups, more time, and a more robust legal mechanism to allow these assets to be purchased by communities than was previously in place.

**Statutory and Non Statutory Options for Communities**

Neighbourhood Planning and the Localism Act in general provide new and powerful tools to allow locally based decision making in the planning process. However, there are existing statutory and non statutory tools which may require less resources and time, but deliver the same results. By not having to follow the Neighbourhood Planning regulations, these tools can actually be applied on a far more local basis and still have considerable value in guiding development in specific locations and also at the wider Parish/Town level. They have a history of being implemented in Wealden but could be used to a greater effect. Planning Aid England, and the Localism Network have produced documents which help set out their continued importance. Links to those documents are provided at the end of this note.

- **Statutory and Non Statutory (inc community plans)**

**Statutory Tools Available**

- Area Action Plans
- Development Plan Documents
- Supplementary Planning Documents

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9 http://www.planningportal.gov.uk/inyourarea/neighbourhood/
Local Development Order
Article 4 Directives

Statutory tools hold direct power over the planning system; a key benefit for local communities. There are two types of statutory tools (i.e. governed by planning law): Development Plan Documents (DPD) and Supplementary Planning Document (SPD). DPDs go through a rigorous statutory process and are a very powerful tool. An SPD does not have to go through the same process and is often used to confirm the workings of a DPD.

Other tools include Local Development Orders (LDO), which are similar to Neighbourhood Development Orders. The LDO allows a Local Planning Authority to introduce new permitted development rights. They are flexible and can be developed through consultation between a Parish or Town Council and Wealden DC. Article 4 Directives are similar in their set up but are intended to restrict specific types of development, examples may include the restriction of houses for multiple occupancy in specific areas.

Existing statutory tools are very powerful and producing them is generally a more straightforward process than is required for the new Neighbourhood Plans. However, as is the case with Neighbourhood Plans, being a statutory documents means they will still take months or possibly years to produce.

Non Statutory Tools Available

- Village/Town Masterplans
- Village/Strategic Site Design Statements and Design Briefs
- Parish and Town Plans
- Community led Planning/Community Action Plans
- Town centre action plans

Non statutory options (i.e. those not governed by planning law) are currently available to enable communities to plan for their areas. While they are non statutory, significant material weight is given to those which are based on sound evidence base and have undergone extensive consultation. Usefully, they do not have to follow any statutory procedures and so can be much simpler and quicker for communities to produce. Most towns in Wealden have already produced town plans and masterplans to provide a vision for development and to cover a range of issues wider than planning. The planning related aspects of these informed the Core Strategy. In the towns, there is much scope for the use of more refined non statutory documents such as strategic site concept and design statements, and town centre actions plans. In villages and rural areas masterplans, site plans, and design statements are likely to be very useful in terms of implementing the local plan.

Overall, there is existing and new scope for the use of a broad range of localised planning tools to cater for the differing needs of parishes and towns. More time and resources are generally required for existing statutory tools and for all new neighbourhood planning tools. Non statutory tools will still retain their relevance and should be considered by communities as it is very possible that they will meet communities' aims and objectives.

At this stage, reading this document and considering the guidance available at the other sources listed will assist you in deciding on what is most appropriate for your circumstances.
**Further points to consider**

Considering these points may help you to decide how you should go about producing a Neighbourhood Plan

- Do you intend to involve local businesses, local councillors or community groups from neighbouring areas?
- Are willing land owners involved (if applicable)?
- If the plan is for housing or employment, has the land previously been identified in the Council's Strategic Housing Land Availability Assessment or Employment Land Review?
- How will you build consensus and get as many people involved as possible in the community?
- Are there other groups or areas nearby with similar objectives? Have you contacted them?
- Will neighbouring areas be affected by the neighbourhood plan? If so, how?
- What sort of skills and support will you need to prepare a neighbourhood plan?
- What are your broad timescales? (Government guidance\(^\text{12}\) estimates that Neighbourhood Plans are likely to take around 2 year to prepare and adopt)

For further information on neighbourhood planning in Wealden please contact:

Planning Policy Team
Wealden District Council
Pine Grove
Crowborough
TN6 1DH

nplans@wealden.gov.uk

01892 602007

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\(^\text{12}\) http://www.pas.gov.uk/pas/core/page.do?pageId=1240896
Other useful sources

Planning Advisory Service
http://www.pas.gov.uk/pas/core/page.do?pageId=1240896

DCLG
Neighbourhood Planning web page
http://www.communities.gov.uk/planningandbuilding/planningsystem/neighbourhoodplanning
vanguards/?view=Standard

Frequently asked questions

An Introduction to Neighbourhood planning

List of front runners

South Downs National Park
http://www.southdowns.gov.uk/planning/neighbourhood-planning

Plain English guide to the Localism Act
http://www.communities.gov.uk/publications/localgovernment/localismplainenglishupdate

Community organisations sponsored by DCLG

RTPI / Planning Aid England
http://www.rtpi.org.uk/planningaid/

Locality
http://locality.org.uk/resources/introduction-neighbourhood-planning/

Princes Foundation
http://www.princes-foundation.org/what-we-do/projects/engage/clg-planning-
scheme/supporting-communities-and-neighbourhoods-planning

CPRE
http://www.cpre.org.uk/what-we-do/housing-and-planning/planning/update/item/2691-get-
involved-in-planning-your-neighbourhood

Some examples of Local Authority support developed so far

Aylesbury Vale District Council: Neighbourhood planning guidance
http://www.aylesburyvaledc.gov.uk/planning-building/planning-policy/what-is-the-vale-of-
aylesbury-plan/-neighbourhood-planning/

South Northamptonshire: A guide to Neighbourhood planning (includes links to front runners)
http://www.southnorthants.gov.uk/2394.htm

Wiltshire Council Neighbourhood Planning Guide, June 2012 (highly recommended)
Others

Design Council: Neighbourhood Planning toolkits and guidance


Levett-Therivel / URS Scott Wilson DIY ; SA of Neighbourhood Plans
http://www.levett-therivel.co.uk/DIYSA.pdf

Localism Network: Choices and Choosing
http://www.localismnetwork.org.uk/Localismnetwork.org.uk/Localism_Network_files/CPRE1hyperlinked.pdf

Town and Country Planning Association

Guidance on Community Consultation

Wiltshire Council Neighbourhood Planning Guide, June 2012 (pages 12-19)

CPRE ‘How to Shape Where You Live’ (pages 40-43)

RTPI Good Practice Guide to Public Engagement in Development Schemes 2012 (not strictly related to neighbourhood planning but it contains useful information)