

## **Neighbourhood Planning – Policy & Funding Q&A**

### **1. I appreciate that money should not be the only driver but what incentives are there to a small rural community to undertake such a large challenge when the District Council appears not to share any CIL Monies?**

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. It provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 10, 15, 20 years in ways that meet identified local need and make sense for local people. They can put in place planning policies that will help deliver that vision or grant planning permission for the development they want to see. Once a neighbourhood plan has been approved at referendum, it forms part of the statutory development plan and becomes the starting point in making planning decisions.

Once the neighbourhood plan has passed referendum, parished communities will benefit from 25% of the revenues from the Community Infrastructure Levy (CIL) arising from the development that takes place in their area, where their authority collects contributions using this method.

Communities without a parish or town council can still benefit from CIL revenue. If there is no parish or town council the charging authority will retain the Levy receipts (where it is charged) but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding. Charging authorities should set out clearly and transparently their approach to engaging with neighbourhoods using their regular communication tools e.g. website, newsletters, etc. The use of neighbourhood funds should therefore match priorities expressed by local communities, including priorities set out formally in neighbourhood plans.

The postponement of neighbourhood plan referendums due to COVID-19, may have an impact on the level of neighbourhood CIL that some communities would have expected had referendums been allowed to go ahead. Where a referendum has been postponed as a result of regulations under the Coronavirus Act 2020, the CIL charging authority are still required to pass 15% of the relevant CIL receipts to the parish council. However, we encourage CIL charging authorities to work with the parish council or neighbourhood forum wherever possible, to consider whether an additional sum, equal to the shortfall in expected CIL receipts can be agreed. Further details can be found in our neighbourhood planning guidance, available here: <https://www.gov.uk/guidance/neighbourhood-planning--2# covid-19>.

### **2. With regards to updating a NP, is funding available, and at what point can we review it, and can we fast track this without having to go through Reg 14 again?**

There is no requirement to review or update a neighbourhood plan. However, policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a local plan covering the neighbourhood area that is adopted after the making of the neighbourhood plan.

Minor (non-material) updates to a neighbourhood plan or Order would not materially affect the policies in the plan or permission granted by the Order. A local planning authority may make such updates at any time, but only with the consent of the qualifying body. Consultation, examination and referendum are not required. If a qualifying body wish to make updates (modifications) that do materially affect the policies in the plan,

they should follow the process set out in [guidance](#), with the following additional requirements:

- the qualifying body must (at the pre-submission publicity and consultation stage and when the modified plan is submitted to the local planning authority) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons
- the local planning authority must (when sending the modified plan to the independent examiner) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons. The local planning authority must also submit a copy of the original plan to the independent examiner
- the qualifying body must decide whether to proceed with the examination after the examiner has decided whether the modifications proposed change the nature of the plan

Neighbourhood planning groups can still apply for funding and support from the Government's Neighbourhood Planning Support Programme to update their plan. Further information is available here: <https://neighbourhoodplanning.org/apply/>

**3. Given the support for Neighbourhood Plans in the White Paper, is the funding deadline being extended beyond 2022?**

The current Neighbourhood Planning Support Programme runs until 2022. Government has stated in 'Planning for the Future' that Neighbourhood Plans should be retained in the reformed planning system. We will make further funding announcements in due course.

**4. Due to Covid19, will the access to funding be extended beyond March 2021?**

The current Neighbourhood Support Programme runs until 2022. Government has stated in 'Planning for the Future' that Neighbourhood Plans should be retained in the reformed planning system. We will make further funding announcements in due course.

**5. You mention you offer Technical Support AND Grants. Who actually provides the Technical Support and how is it paid for? Our Local planning authority is not interested in helping produce local plans unless it gets paid by the parish council. It has other ideas on how to use the CIL!**

Applications for Technical Support are reviewed by our contractor Locality, who are responsible for providing support to neighbourhood planning groups on behalf of MHCLG and signed off by MHCLG. Following a successful application, Technical Support packages are then delivered directly to neighbourhood planning groups by experienced consultants at AECOM, in most instances. All Technical Support packages are funded by MHCLG.

**6. How can a group produce a Neighbourhood Plan within the 30-month timescale of a Local Plan?**

At present, no time scales have been proposed for the preparation of a neighbourhood plan. We will review and analyse responses from the Planning for the Future consultation

before producing more detailed proposals on neighbourhood planning, including how neighbourhood plans will interact with local plans.

**7. Why haven't all planning authorities been made to introduce CIL? Our Neighbourhood Plan was made in 2015 and our Planning Authority still is putting off CIL, denying the Town Council the CIL contributions which were a major reason for investing in the Plan in the first place.**

Local authorities can choose whether or not they want to charge CIL. If there are lower land values in an area, the levy would need to be set at a low level to ensure there is no significant impact on the viability of development. In these circumstances there may be less of a case to introduce CIL. However, all local planning authorities are able to seek section 106 planning obligations, as a requirement of planning permission, to mitigate the impact of a specific development. A planning obligation might, for example, require the provision of, or contribution to, local health or educational facilities, transport infrastructure or public open space.

We intend to reform the current approach to developer contributions by creating a new, single system, the Infrastructure Levy. This new levy would be a flat rate, value based charge, set nationally, at either a single rate, or at area specific rates, and charged on the final value of a development. We will aim for the new Levy to raise more revenue than under the current system of developer contributions. Our proposals are set out in our White Paper 'Planning for the Future' which was published on 6 August and is out to consultation until 29th October. The consultation responses will support the assessment of the proposals, and detailed design.

**8. Why not allow a Parish/Town Council to create and produce "Supplementary Planning Documents" SPD's which Planning Authorities use such as detail for car-parking, or Character Appraisals for areas? Currently LPA's still bring these forward in a swifter way than a full Local Plan. Giving that power to produce SPD's to Towns/Parishes will help in terms of speed and cost and engagement.**

Thank you for your suggestion. As mentioned, we are keen to hear views on the role of neighbourhood plans in the proposed new system and will be considering the feedback we've received through various engagement events alongside the responses to the 'Planning for the Future' consultation.

**9. Will there be more support for planning authorities to support NDPs? Many in our area struggle to afford and recruit qualified and experienced staff.**

Local Planning Authorities (LPAs) are currently funded by MHCLG to support neighbourhood plan-making through New Burdens payments, which serve to offset the financial implications that authorities bear in facilitating neighbourhood planning activity. Any new policy proposals would need to be underpinned by a New Burdens Assessment to determine the level of support required by local authorities to undertake their duties.

**10. Is the LPA correct in telling us that our NP is no longer valid because over 2 years old?**

There is no timeframe within which neighbourhood plans are required to be reviewed or updated. However, when other policies in the development plan are updated, this may mean that existing neighbourhood plan policies become out-of-date, for example where they conflict with a strategic policy or where they are superseded by other local policies. This does not necessarily mean that the whole neighbourhood plan becomes out-of-date, but only those policies which are superseded by other development plan policies. The starting point for decision making is the development plan, and the National Planning Policy Framework sets out that permission should not usually be granted where a planning application conflicts with an up-to-date development plan (including any neighbourhood plan which forms part of the development plan).

The Framework also confers a degree of limited protection to neighbourhood plans from the presumption in favour of sustainable development where the wider local authority area is unable to meet its 5 year housing land supply or housing delivery test requirements. Protection applies for those neighbourhood plans which satisfy all the criteria set out at [paragraph 14\(a\) – \(d\)](#). Paragraph 14(a) sets out that the protection can apply where the neighbourhood plan became part of the development plan 2 years or less before the date on which the decision is made. This includes circumstances in which the neighbourhood plan is updated by way of making a material modification to the plan, (provided the relevant criteria continue to be met including that the neighbourhood plan contains policies and allocations that meet the identified housing requirement for the neighbourhood area). In updating the neighbourhood plan, it will be important to ensure that sites identified for years 1-5 are deliverable in line with [paragraph 67](#) of the National Planning Policy Framework.