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Briefing

The English Planning System:

An overview

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What is the planning system?

The planning system shapes what development can happen where. Done well, planning ensures that the right development happens in the right place at the right time, benefiting communities, the environment and the economy. Decisions are fair and transparent. The most amazing thing about the planning system is that since 1947 it has been about public interest. Decisions on development affect people, their environment and quality of life. Therefore, these key decisions are taken by elected representatives or those working on their behalf, rather than private individuals. This is a cornerstone of democracy. The planning system also gives you the most powerful right to participate and be heard in plans and decisions that affect your environment and that of future generations.

General Warning!

The government continually tries to reform the planning system, passing new planning acts, amending legislation, releasing ministerial statements (which have the same status as policy) and revising policy, procedures and guidance. Reforms (which are intended to speed up decisions and make the system easier to use by the public and developers) have led to unintended consequences, allowing development to proceed regardless of the wider costs to society and the environment. The constant churn of regulation, policy and guidance since 2010 has tended to favour economic over social and environmental outcomes, and speed over quality of decision. The system is political and at times contentious. Planning ministers rarely stay in the role long enough to see through their changes and ensure these work as intended. Publication of a White Paper, setting out the government's proposals for reforming the planning system further is expected during 2020.

A brief overview of recent planning reforms

Radical reform of the planning system has occurred over the past few years. 2008 saw the introduction of a new regime for determining most major infrastructure projects or Nationally Significant Infrastructure Projects (NSIP). The final decision on NSIPs is made by the Secretary of State (though it is first examined by the Planning Inspectorate – a government agency). NSIPs include new power stations, new airports and major airport expansion (such as Heathrow), strategic roads, major harbour development and so forth.

In 2012, government published a National Planning Policy Framework (NPPF) replacing separate planning policy statements, which has since undergone two revisions. Planning Practice Guidance is updated regularly to reflect wider reforms.

Since the revocation of regional strategies in 2010 there is now emerging a tier of sub-regional planning with the establishment of city-regions and mayor led authorities, some with strategic planning powers where agreed under devolution arrangements.

The Localism Act 2011 introduced a new right for communities to draw up a neighbourhood development plan, neighbourhood development order or a Community Right to Build Order. Many places now have or are preparing neighbourhood plans. The Neighbourhood Planning Act 2017 further strengthens neighbourhood planning,

requiring decision-makers to take account of well-advanced neighbourhood plans and giving plans full legal effect at an earlier stage.

Some reforms in recent years have had a deregulatory emphasis, allowing developers to bypass the planning system and the safeguards it provides to ensure planning outcomes are in the public interest. One example is extending permitted development rights to cover changes of use from office to residential which has led to poor outcomes including homes which have not met standards we would expect in unsuitable locations. A new approach to encourage housing development on brownfield sites, known as Permission in Principle, has also been introduced (see our Planning Applications Guide for further detail on these).

From time to time ministers issue statements on various aspects of the planning system. This includes several Written Ministerial Statements (WMSs) issued to support the application process around fracking (2015, 2018 and 2019).

How does the planning system work?

In England and Wales we have a "plan-led system." This means that the development plan¹ provides the starting point for deciding planning applications unless "material considerations" suggest otherwise. Broadly speaking, the plan-led system has two key functions at local level:

- **Development management and control:** where a local authority receives, processes and decides planning applications (grants/ refuses permission) and carries out related tasks such as enforcement (taking action to control unauthorised development).
- **Plan-making:** where a local authority draws up a Local Plan (see Glossary) setting out policies and allocates sites to guide new development; a parish or town council or neighbourhood forum produces a Neighbourhood Plan; or a strategic authority or group of authorities prepares a Spatial Development Strategy or Joint Strategic Plan.

Development management or control

When a person or organisation wants to build something, planning permission is normally required. For most development, it is the local council who decides whether or not to grant permission (also known as the local planning authority), but there are other instances whereby the Secretary of State or a strategic planning authority (such as the Greater London Authority) makes the decision instead.

There's a set procedure a council needs to follow when it receives a planning application before it can reach a decision. The proposal will be assessed against planning policies and local and wider impacts, and then a decision will be made. This process is known as development management or development control. In general, the planning system is set up support development in line with the statutory development plan (eg Local, Neighbourhood and Strategic Plans) unless material considerations suggest otherwise. There are opportunities to express your support for a planning application, or object if

¹ The development plan sets out the policies and proposals for the development, conservation and use of land in a local planning authority's area.

there's good reason, such as proposals which aren't in line with local or national planning policies (see our Planning Applications guide for advice on how to do this). The council must consider all representations before coming to their final decision.

There are a couple of instances where planning applications aren't necessary:

- In places where a Local Development Order has been made. However there are caveats – they are prohibited where European protected sites (see Glossary) would be at risk of significant effects.
- To carry out Permitted Development (such as building a conservatory).

Depending on the type of development you wish to carry out, you may need prior approval from the local authority, and you'll also need to abide by building regulations where relevant. In some places, such as Conservation Areas, permitted development rights are restricted. See our Planning Applications guide for more detail on permitted development.

From planning application to consent: what's the process?

After a planning application is made, and any additional information required to assess impacts has been submitted and considered, planning officers (or "examiners" for major projects) have to weigh up the different arguments as to why a proposed development should or shouldn't go ahead. Depending on the type of development, planning officers must seek the opinion of statutory consultees (such as Natural England or the Environment Agency – see Glossary) on whether the proposed development has the potential to cause significant environmental, and other, impacts. The planning officer then reaches a view on whether negative impacts are likely to outweigh the perceived benefits of a development. If that's the case, then the planning officer (or examiner) should recommend that the application be refused.

The planning officer will make their recommendation to the elected planning committee (for larger and more controversial applications) or to an officer with responsibility for delegated decisions (eg for smaller, less controversial applications). For larger or more controversial applications, the committee then votes to grant or refuse planning permission. In some instances, the committee may postpone the decision or defer back to officers to issue a decision once further additional information has been received (such as where there has been a holding objection from a statutory consultee that has since been withdrawn).

Faced with refusal, a developer can appeal to the Planning Inspectorate for a second opinion. Developers can also apply to the Planning Inspectorate to make a decision on the grounds of non-determination (where a local authority is considered to have taken too long to determine an application). The Planning Inspector will make the decision in this instance, subject to a hearing or inquiry if needed.

Local planning authorities can be designated as poorly performing if they fail to meet criteria for either speed or quality of decision-making, allowing developers to submit applications directly to the Planning Inspectorate. Authorities that decide fewer than 60% of major applications within the statutory deadline of 13 weeks or 70% of non-major applications within the eight-week deadline are at risk of being designated and placed under "special measures". Any authority that has more than 10% of either major or non-major applications overturned at appeal over a two-year period is similarly at risk

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of designation. The Ministry for Housing, Communities and Local Government (MHCLG) has written to a number of local authorities threatening to take over decision-making powers in some instances where councils fail to decide enough applications within the statutory timetable. However, at the time of writing, no council has had their ability to decide applications rescinded.

Communities and other individuals (third parties) are not allowed to appeal against planning permissions granted. You can bring a Legal Challenge to the High Court if you suspect the correct process has not been followed, however this can incur significant costs so is not to be considered lightly. Alternatively, you can complain to the Local Government Ombudsman (who has more limited powers).

Finally, in the case of NSIPs:

- The developer carries out screening and scoping of environmental matters.
- This is followed by a public consultation, known as a pre-application consultation. During this consultation, the developer will usually provide preliminary environmental information.
- The developer then submits an application for a development consent order (DCO) to the Planning Inspectorate. There are opportunities for individuals, groups and organisations to make representations, and an examination and hearings will take place, prior to the secretary of state taking the final decision.

DCO hearings (which form part of the examination process) follow a different format to planning appeal inquiries as there is limited or no opportunity for cross examination with a DCO application. Following the examination, the inspector will then make a recommendation to the relevant Secretary of State who makes the final decision.

A brief guide to the planning system in England

This is the current structure of the planning system in England:

- **Neighbourhood planning:** introduced by the Localism Act (2011), neighbourhood planning is the lowest tier of planning, carried out by Neighbourhood Forums (unelected organisations designated by local authorities), Parish or Town Councils who can prepare neighbourhood plans, neighbourhood development orders and community right to build (explained later in this guide).
- **Local Plans and Minerals and Waste Plans:** prepared by local planning authorities and minerals planning authorities.
- **Development management:** carried out by local planning authorities and minerals planning authorities.
- **Enterprise Zones**, led by **Local Enterprise Partnerships**, where planning constraint is relaxed and takes the form of local development orders (LDOs).
- **Sub-regional planning – Spatial Development Strategies:** being prepared in London and Liverpool City Region; and **joint strategic plans** (Greater Exeter, Oxfordshire, South Essex, South West Herts, West of England) and non-statutory strategic spatial framework (Cambridgeshire and Peterborough).
- **NSIPs:** nationally significant infrastructure projects (new airports, power stations, harbour development) examined by the Planning Inspectorate. Decided by the relevant Secretary of State.

How decisions are influenced

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Any planning decision must take into account “material considerations”, which means relevant policy, circumstances and evidence. The process is also informed by aspects of European law (EU Directives), national policy and legislation.

European Directives

European Directives and law directly influence UK land use, planning legislation and regulations, and will continue to do so post-Brexit where translated into UK legislation.²

On 31 January 2020, the UK left the EU. A transition period will run until 31 December 2020, and during that time the UK will mostly continue to be treated as if it were a member state of the EU – and continue to be subject to EU law. Some EU Directives have been implemented into UK law via regulations (see footnote 2 below), and these regulations will continue to function after the expiry of the transition period (and until such time they are revised, if applicable).

UK legislation

UK legislation comprises primary legislation, by way of acts of Parliament, and secondary legislation (eg regulations). Primary planning legislation includes:

- the Town & Country Planning Act (1990)
- the Planning Act (2008)
- Planning & Compulsory Purchase Act (2004)
- the Localism Act (2011)
- the Growth and Infrastructure Act (2013)
- Infrastructure Act (2015)
- Housing and Planning Act (2016)
- Neighbourhood Planning Act (2017).

Planning regulations include The Town and Country Planning Local Planning (Local Planning) (England) Regulations 2012 and The Town and Country Planning (Development Management Procedure) (England) Order 2015 and so forth.

National planning policy

Planning acts and regulations in turn influence national planning policy. The National Planning Policy Framework (NPPF) must be taken into account by planning authorities when deciding planning applications and should inform the preparation of Local, Neighbourhood and Strategic Plans and the planning policies these contain.

For consideration of major infrastructure projects (NSIPs), there are National Policy Statements (NPSs). These have legal status. Drawn up specifically to address NSIPs which are larger pieces of infrastructure such as motorways, long distance railway lines and power stations. NPSs are material considerations for local councils in decisions and plan making.

² For example, requirements for Environmental Impact Assessment are implemented under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and for Strategic Environmental Assessment under the The Environmental Assessment of Plans and Programmes Regulations 2004 and the Planning and Compulsory Purchase Act 2004.

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Government circulars, directives, white papers and ministerial statements also carry weight in planning decisions. Weight is a term describing how much importance is given to a policy or other material factor when deciding planning matters.

Strategic, local and neighbourhood planning

Mayoral-led and combined authorities, where devolution agreements permit, produce Spatial Development Strategies whereas local councils draw up Local Plans, decide planning applications and can work with other councils to prepare Joint Strategic Plans. Neighbourhood Forums, Parish and Town Councils prepare Neighbourhood Plans. All these plans and strategies form part of the statutory “development plan” for an area.

Minerals and waste planning are the responsibility of unitary and metropolitan authorities and County Councils (the “top tier” councils).

Planning authorities may also produce non-statutory supplementary planning documents (SPDs), to address certain matters, such as design or affordable housing.

National Planning Policy Framework (NPPF)

The NPPF sets out national policies on planning for housing, employment, biodiversity, Green Belt, transport, climate change, retail, town centres and so forth. Local planning authorities must consider the NPPF when drawing up development plans and related documents, and when deciding planning applications. Key aspects include:

Sustainable Development (paragraph 7, NPPF 2019). The purpose of the planning system is to “contribute to the achievement of sustainable development...summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.” In this context, sustainable development includes economic, social and environmental objectives, with the latter stating the planning system should: “contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

Presumption in favour of Sustainable Development (paragraph 11, NPPF 2019). Where a planning authority cannot demonstrate a five-year housing land supply, or housing delivery falls substantially below the requirement, a so-called “presumption in favour of sustainable development” applies. This allows developers to put in applications contrary to the Local Plan but which the local authority may find hard to refuse unless they can prove protected areas or assets provide a “clear reason for refusal”, or the benefits of the proposed scheme are “significant and demonstrably outweighed” by the impacts when assessed against other policies of the NPPF.

Climate change (paragraphs 148-154, NPPF 2019). The NPPF sets out ways in which planning should help address climate change: “Plans should take a proactive approach to mitigating and adapting to climate.” In terms of considering new development, the policy states: “new development should be planned in ways that... help reduce greenhouse gas emissions, such as through its location, orientation and design.” Local Plans should also “help increase the use and supply of renewable and low carbon energy and heat.”

Net gain for biodiversity (paragraph 170, NPPF 2019). “Policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity.” This approach is subject to the mitigation hierarchy, which aims to refuse permission where significant harm cannot be avoided, mitigated or compensated. Our view is that by enabling developers (in certain circumstances) to bypass normal constraints and offset nature impacts on a development site by introducing net gains elsewhere, net gain dilutes the value placed on nature and puts monetary profit above the environment.

Veteran trees and ancient woodland (paragraph 175, NPPF 2019). “Development resulting in the loss or deterioration of [such] irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.”

Fracking. Explicit “in principle” support for unconventional fossil fuel extraction, including hydraulic fracturing, has been removed from the NPPF following a High Court Order in 2019. While the NPPF still provides indirect support for fracking (requiring “great weight” to be given “to the benefits of mineral extraction”), this needs to be balanced against broader planning considerations such as tackling the climate crisis and reducing greenhouse gas emissions, when councils are deciding such schemes.

Coal (paragraph 211, NPPF 2019). Planning permission for coal extraction should not be granted unless: “a) the proposal is environmentally acceptable, or can be made so by conditions or obligations; b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts)”.

Compared to Welsh planning policy for coal, the policy still has a long way to go, as it allows coal extraction (open-cast or deep) in England in some circumstances. We continue to fight against such dirty and damaging developments which in our view have no place in the transition to a net zero-carbon economy.

Waste planning is covered in [separate guidance](#) by government.

Planning Practice Guidance and Circulars

[Planning Practice Guidance](#), first published by government in March 2014, is subject to periodic updates. Maintained by the Ministry of Housing, Communities and Local Government, it is an extensive online resource available to anyone engaged with, or interested in learning about, the planning system. Topics covered include:

- Planning for housing, town centres and retail, and employment;
- Climate change, renewable and low-carbon energy;
- Air quality, noise and light pollution;
- The natural environment, open space, local green space and tree preservation orders;
- Strategic Environmental Assessment and Sustainability Appraisal.

The guidance also includes sections which explain certain procedures, such as “When is permission required?”, “Determining a planning application” and “Plan-making”.

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Planning circulars, issued by government, provide non-statutory advice and guidance on particular issues to expand on subjects referred to in legislation. They are used to explain policy and regulation more fully and may include a direction or requirement to take specific action or guidance on implementation of aspects of planning policy. An example of a circular is “English National Parks and the Broads: UK Government Vision and Circular 2010” which provides information about their statutory purposes, management and other matters.

Duty to co-operate

Introduced by the Localism Act (2011), the duty to co-operate places a legal duty on local authorities and prescribed public bodies to engage constructively, on an ongoing basis, on strategic, cross-boundary matters (such as transport, Green Belts and so forth). Under the duty, plan-making authorities must talk to each other and consult certain other organisations (prescribed public bodies) about strategic matters such as housing, employment, transport and other cross-boundary issues. There must be evidence that co-operation has informed the preparation of the Local Plan – and this is tested at Examination (see Glossary) by a planning inspector. Authorities are required to prepare a statement of common ground, and inspectors take this duty very seriously. Authorities who fail to demonstrate they have met this duty will not be allowed to proceed with their plan unless this is addressed.

The development plan

The development plan, also known as the statutory development plan, is a collection of adopted planning policies that guide decisions on new development in an area. This consists of the Local Plan, and where applicable, the Neighbourhood Plan(s), Joint Strategic Plan and Spatial Development Strategy.

Sub-regional planning

Devolution agreements have granted powers to certain mayoral-led and combined authorities (for example, Liverpool City Region Combined Authority) to prepare a Spatial Development Strategy. The strategy and policies usually cover themes that cross multiple boroughs or districts, delivering housing, employment, infrastructure, transport and biodiversity objectives. The London Plan is an example of a Spatial Development Strategy, providing policy levers which borough councils must consider when formulating their Local Plans and when deciding planning applications.

Joint strategic plans prepared by local councils working together are another example of sub-regional, strategic planning.

At the time of writing it is unclear whether the Greater Manchester Spatial Framework, currently in preparation, is intended to be a mayoral-led Spatial Development Strategy or a Strategic Plan prepared jointly with local authorities.

Local Plans

The NPPF Chapter 3 sets out requirements for preparing a Local Plan which each local planning authority is expected to prepare, either singly, or jointly with other authorities. Paragraph 15 states: “Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic,

social and environmental priorities; and a platform for local people to shape their surroundings.”

The 2004 Planning and Compulsory Purchase Act places a duty on local authorities to carry out plan-making with the “objective of contributing to the achievement of sustainable development.” In addition, the Planning Act (2008) puts an additional obligation on plan-making authorities to ensure their development plan documents (taken as a whole) include policies that are “...designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change.” This is known as the s19(1A) duty and has been used to good effect by Friends of the Earth to get climate change amendments to mineral plan policies.

Local Plans can either comprise a standalone plan or a suite of documents. Documents that make up the Local Plan are also referred to as “development plan documents.” There are also several other documents which are key to the local planning process. Together, these are called “local development documents” and include:

1. Statement of Community Involvement (SCI)

The SCI explains how the local authority expects to engage with the public in preparing its plan and how it will undertake consultation in relation to planning applications.

2. Development plan documents (DPDs)

DPDs are statutory documents which form part of the Local Plan. A Local Plan must include a strategy, development management policies (see Glossary), site allocations and a policies map. Authorities are moving away from the old approach of having a folder of documents (called the Local Development Framework), and instead preparing Local Plans as a single document or in two or three parts, with, for example, part one of the Local Plan covering strategic policy and part two, site allocations and development management policies. Area Action Plans can be useful when planning for an area which is to be subject to significant change (however preparing these is optional).

3. Supplementary planning documents

Some authorities produce non-statutory supplementary planning guidance or documents to address certain matters, such as design or affordable housing. These elaborate on policies and proposals in the Local Plan and provide more detail than is possible with a planning policy. While there is no requirement to prepare supplementary planning documents, plan-making authorities generally do. Examples include:

- Design guides
- Development briefs
- Practice advice notes

Please refer to Friends of the Earth Guide to Local Plans for more detailed guidance.

Local Development Scheme

This is a public statement on a council’s website setting out a timetable and details of what local development documents will be produced, in what order and when. The Local

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Development Scheme (LDS) is your first port of call if you want to find out about your area's Local Plan and, if applicable, Neighbourhood Plan, and when consultation will take place on these. Please refer to Friends of the Earth Guide to Local Plans for more detail.

Minerals and waste planning

Minerals Plans provide planning policies covering a range of different minerals, including aggregates (such as sand and gravel – materials commonly used for building materials) and hydrocarbons (oil and gas). Mineral Plans also identify the location of future mineral sites (eg a quarry or mine).

Waste plans provide policies that deal with an area's waste arisings, including how this will be dealt with, and identify new sites for waste management and disposal. Waste plans have to adhere to [National Planning Policy For Waste](#) (in force since October 2014). This document acknowledges the role positive planning plays in achieving sustainable waste management objectives and covers:

- the role of waste planning in meeting European Obligations;
- the Waste Hierarchy;
- preparing Waste Local Plans and Sustainability Appraisals;
- the preparation of evidence, including assessing waste management capacity, forecasting waste arisings, using data to monitor and forecast waste needs, and how to identify suitable sites and areas;
- how to determine planning applications;
- regulatory regimes.

Minerals and waste planning are the responsibility of unitary and metropolitan authorities and County Councils (the “top tier” councils) who are the minerals and waste planning authority.

Minerals and waste plans are produced by the minerals and waste planning authority who is also responsible for deciding planning applications relating to minerals and waste. Minerals and waste plans are produced singularly or jointly.

They must adhere to principles of sustainable development and ensure policies contribute to climate change mitigation and adaptation. National minerals policy is set out in the NPPF.

Community Strategies

Local authorities (county and district councils and unitary authorities) are duty-bound (under the Local Government Act 2000) to prepare a Community Strategy in partnership with the community. They are prepared by the Local Strategic Partnership, made up of representatives from the council, local bodies and interest groups.

Community Strategies and Local Strategic Partnerships are likely to have a significant effect on how your area prioritises the services, strategies and spending by the council, police, health service and other bodies.

Local planning authorities must ensure their planning policies are aligned with the aims and objectives of the Community Strategy. A good example is the recently adopted [Peterborough Local Plan \(2019\)](#).

Local Enterprise Partnerships and Enterprise Zones

Local Enterprise Partnerships (LEPs) are central to government regional funding initiatives and play a role in the distribution of EU funds. There are 38 Local Enterprise Partnerships (LEPs) in England who have so far been allocated £9.1 billion to drive economic growth in their local areas.

LEPs are made up of academics, council and government representatives, as well as people from business, the voluntary sector and the community. Their main role is to determine local economic priorities and to undertake activities to advance economic growth and job creation, while improving infrastructure and raising workforce skills in the local area. LEPs exert a strong influence on the planning system, influencing plan-making, decisions on planning applications, growth plans, investment decisions and the designation of Enterprise Zones and Local Development Orders.

There continue to be concerns about the way LEPs operate, such as a lack of openness, accountability and diversity. Steps have been taken to improve matters (such as sharing minutes of meetings and freedom of information requests online), and the appointment of community and voluntary sector representatives on some boards. Concerns, however, remain. A select committee [report](#) (June 2019) notes that “LEP boards are not yet representative of their local areas and business communities and local scrutiny and accountability arrangements are not strong enough considering the significant sums of public funding that LEPs manage.” To find out about your local LEP visit: <https://www.lepnetwork.net/about-leps/location-map/>

Enterprise Zones are designated areas across England which provide tax breaks and government support in order to help local businesses grow and provide incubation for new businesses and flexibility for companies seeking to expand. There are 48 EZs in England, and they are central to the government’s long-term economic plan.

Local Development Orders (LDOs) provide a simplified planning framework for specified types of development in defined circumstances. They are made by a local planning authority to extend permitted development rights, or grant planning permission, for specific development proposals or classes of development in a particular, defined area. An LDO can permit new buildings, enable changes of use of a building, and allow small-scale developments such as changes to signage or to shop fronts. LDOs are used in Enterprise Zones and areas with clearly defined boundaries, such as a masterplan area (see Glossary) or town centre. LDOs can grant permission for development indefinitely or for a limited period. An LDO can set out a design framework or specify design codes which proposals must meet in order to be granted permission. For example, design codes have been used in this way to simplify the planning process as part of the self-build housing project at Graven Hill, Bicester.

Neighbourhood planning

Introduced by the Localism Act 2011 neighbourhood planning can be undertaken by Parish or Town Councils where they exist, or elsewhere by Neighbourhood Forums set up for the purpose of preparing a Neighbourhood Plan or Neighbourhood Development Order. Forums must consist of a minimum of 21 people, and should be established for:

“the express purpose of **promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the**

neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area).”(Localism Act 2011 Schedule 9)

All people living and working in an area can become a member of the Neighbourhood Forum. Once established, a Neighbourhood Forum or Parish/ Town Council can create a Neighbourhood Plan which sets out policies to guide development in their neighbourhood or draw up a Neighbourhood Development Order. Neighbourhood Plans can straddle the boundary of more than one local authority, so long as there is agreement from all authorities.

Neighbourhood Plans and Neighbourhood Development Orders must be in line with the Local Plan and National Planning Policy Framework (NPPF).

Neighbourhood Plans are useful for:

- Including policies that go beyond those in an adopted local plan. For example, an NP might set out sustainable design principles for new buildings or a requirement for new development to generate a proportion of its own energy. NPs can allocate additional sites where this will better meet the needs of the neighbourhood area.
- Restricting certain types of development where it may have a negative impact, such as preventing a proliferation of fast food takeaways. The plan cannot however be used to impede development allocated by (or in line with) the Local Plan.
- Planning for more housing than the Local Plan. Planning Practice Guidance states that Neighbourhood planning bodies are “encouraged to plan to meet their housing requirement, and where possible to exceed it”, provided the strategic policy aims of the Local Plan aren’t undermined and there is sufficient infrastructure (among other considerations).
- Directing the location of new development, such as new shops, housing and offices within the neighbourhood area.
- Designation of local green space
- Protecting community assets

They are less useful for restricting the type and scale of development, especially in terms of housing numbers which have been confirmed by strategic housing allocations/policies of an adopted, up-to-date Local Plan

Neighbourhood Plans and Neighbourhood Development Orders are subject to examination by an independent examiner who checks that certain basic conditions have been met. Where this is the case (that is, conditions are met) a local referendum is then held. Provided more than 50% of those voting support the plan, a Neighbourhood Plan, or Neighbourhood Development Order is made by the local authority and subsequently forms part of the statutory development plan for an area. Where development is proposed in an area covered by a Neighbourhood Plan, the plan must be taken account in any decision to grant or refuse permission, along with the Local Plan.

The Neighbourhood Planning Act 2017 strengthens neighbourhood planning by ensuring that planning decision-makers take account of well-advanced neighbourhood development plans and by giving these plans full legal effect at an earlier stage.

Planning Practice Guidance provides more detail on Neighbourhood Plans (see references at the end of the document).

Neighbourhood Development Orders (NDOs)

Communities and businesses can use NDOs to give automatic permission for the specific types of development they want to see on a site – either in full or in outline – without the need for developers to submit a planning application. This could be a major benefit when combined with a Neighbourhood Plan, providing permission for niche or bespoke development locals may want to see, such as a new village or convenience shop, or community facilities.

Caveats to the type of development that can be included within NDOs rule out: minerals and waste development (such as minerals excavation or fracking); Schedule 1 Environmental Impact Assessment development (such as major power plants, major road schemes (motorways); waste disposal incineration – see our separate EIA Guide and NSIPs.

Climate Action

Linked to our work with Climate Action groups, we are working with other NGOs to push for new legislation which ensures Neighbourhood Plans require consideration of climate change mitigation and adaptation – as is required for Local and Strategic Plans. Such a requirement would ensure that a range of climate change measures can be incorporated in these plans, applying bespoke policy detail to the neighbourhood level.

Community Right to Build

The Community Right to Build empowers certain community organisations to bring forward smaller-scale development on a specific site, without the need for planning permission by drawing up a Community Right to Build Order. Communities are given the freedom to develop, for instance, small-scale housing and other facilities they wish to see. A Community Right to Build Order is a type of Neighbourhood Development Order and may be prepared by Parish and Town Councils and community organisations that meet certain legal requirements.

Top tips

The planning system may appear complicated but below are some top tips you can use to ensure your involvement is as effective as possible.

Objecting to or supporting an application:

- Read the other planning guides we have prepared for you – including the guide to planning applications.
- Get in touch with the planning officer at your local authority (council) and ask them questions if you want something explained.
- Use “material consideration” in your response, such as impacts on amenity, noise, nature and/ or biodiversity, highway safety, visual and landscape impact, air quality and climate change. Issues such as a possible reduction to your house price, the loss of a private view or personal information about a developer’s character will carry no weight in the officer’s overall decision (which is primarily concerned with the public good).

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- Get others involved – together you can make a difference. Never take “no” for an answer.

Help shape a plan by responding to a consultation (local, minerals or strategic plans):

- Local authorities are duty-bound to engage and consult with local communities – don't let them off the hook!
- Contact your local authority to find out about upcoming consultations and opportunities to get involved. Some local authorities welcome suggestions all year round, including outside of formal consultations. Ask to be added to their Local Plan mailing list to be notified of progress and key consultations.
- Contact the local authority planning team, your local councillor or the Cabinet Member for Planning for more advice on the process if you're unsure.
- Read as much of the plan and policies relevant to your concerns as you can, including the policy “justifications”. If you have time, read the accompanying evidence-based documents.
- Make sure you are clear about the issues you have with the policies and suggest alternative policy wording to help the council understand your point of view and the reasons why a change is needed to the wording.

Get involved in neighbourhood planning:

- Be prepared to research the process before committing. Check out Planning Practice Guidance (link at end of guide) as well as other resources, and read up on the experiences of those who have been through the process.
- Find out if a Neighbourhood Plan or Neighbourhood Development Order is being prepared for your area, or whether a Community Right to Build initiative is taking place. If not, join with others or attend a Parish or Town Council meeting to make the case for one or more of these to happen.
- If there is no Local or Parish Council in your area, your group can apply to the council to be designated a Neighbourhood Forum which will then be empowered to lead the neighbourhood planning process.
- Set out your aims and objectives early, and don't forget that climate change can be central to your approach.
- Make sure you have a team who are willing to commit, patient and who can get the job done. Enjoy the journey.

Glossary

Amenity: The pleasant or normally satisfactory aspects of a location which contribute to its overall character and the enjoyment of residents and visitors.

Area Action Plan: used to provide the planning framework for areas where significant change or conservation is needed. Part of the statutory development plan for an area.

DCO or Development Consent Order: A Development Consent Order (DCO) is the means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP).

Development Management policies: Part of the suite of local planning policies used to determine a planning application and guide decisions on new development. Part of the statutory development plan for an area.

Development plan: This refers to the collection of planning policies and proposals for the development, conservation and use of land and buildings in force in a particular local authority area. It includes the Local Plan and, where applicable, any Neighbourhood Plan(s) and Spatial Development Strategy relevant to the area in question.

Enterprise Zone: Enterprise Zones are designated areas across England that provide tax breaks, simplified planning rules and Government support.

European Protected site: includes special area of conservation (SAC), special protection area (SPA) and Ramsar wetland.

Examination: Formal examination of the Local Plan and supporting documents by an inspector appointed by the Secretary of State to consider if the plan is sound and legally compliant.

Informal Hearing: A procedure for dealing with planning appeals where there is informal discussion of the proposal round a table chaired by the Inspector. Less formal than a Public Inquiry with no cross examination. Hearings are also held as part of the process for determining a DCO application.

Internationally or European protected site: special area of conservation (SAC), special protection area (SPA), Ramsar wetland, potential SPA, possible SAC or proposed Ramsar wetland.

Local Development Scheme: sets out the Council's programme for preparing planning documents. It lists the local development documents to be prepared and provides a timetable for producing them.

Local Plan: sets out planning policies in a local authority area and allocates land for development. The Local Plan is used to guide planning decisions.

Masterplan: A type of planning brief outlining the preferred use of land and the overall approach to the layout in order to provide detailed guidance for subsequent planning applications.

Neighbourhood Plan: A plan prepared by a Parish or Town Council or a Neighbourhood Forum for a particular neighbourhood area. The process is subject to independent examination and a community referendum.

National Planning Policy Framework: Sets out government's planning policies for England and how these are expected to be applied. These are material considerations in all planning decisions.

NSIP or Nationally Significant Infrastructure Projects: Nationally Significant Infrastructure Projects (NSIPs) are large scale developments (relating to energy, transport, water, or waste) which require a type of consent known as "development consent order".

Policies map: An Ordnance Survey based map, which geographically explains the policies and proposals in the Local Plan.

Public Inquiry: A formal procedure for dealing with planning appeals where parties frequently have legal representation, there are witness statements and cross-examination takes place.

Site Allocation: Area of land allocated for a specific use or type of development, such as housing, retail or employment, in a Local Plan or Neighbourhood Plan.

Spatial Strategy: A broad overview of how spatial planning objectives can be achieved within the development plan.

Statutory consultees: organisations and bodies, defined by statute, who local planning authorities are legally required to consult before reaching a decision on relevant planning applications.

Spatial Development Strategy: A plan containing strategic policies prepared by a Mayor or a combined authority. It includes the London Plan (prepared under provisions in the Greater London Authority Act 1999) and plans prepared by combined authorities that have been given equivalent plan-making functions by an order made under the Local Democracy, Economic Development and Construction Act 2009 (as amended).

Further information and guidance

Friends of the Earth
The Printworks
139 Clapham Road
London SW9 0HP

Tel: 020 7490 1555

Website: friendsoftheearth.uk

Specific reading

Community Rights and Resources Pack (contains the individual guides referred to above)

<https://friendsoftheearth.uk/legal-and-planning/guide-community-rights-environment-and-planning-law>

Find your Local Council

Search for your local council here:

<https://www.planningportal.co.uk/> (click on “find your council”)

Planning Policy

National Planning Policy Framework

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

National planning policy for Waste

<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

Online Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

Planning Acts

The Planning and Compulsory Purchase Act 2004

<https://www.legislation.gov.uk/ukpga/2004/5/contents>

Housing and Planning Act 2016

<http://www.legislation.gov.uk/ukpga/2016/22/contents/enacted>

Town and Country Planning Act 1990

<https://www.legislation.gov.uk/ukpga/1990/8/contents>

Neighbourhood Planning Act 2017

<http://www.legislation.gov.uk/ukpga/2017/20/enacted/data.pdf>

Regulations

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

English Planning System

<https://www.gov.uk/guidance/environmental-impact-assessment>

The Town and Country Planning (Local Planning) (England) Regulations 2012

<http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2019

<http://www.legislation.gov.uk/ukxi/2019/1154/made>

The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019

<http://www.legislation.gov.uk/ukxi/2019/907/made>

Useful websites

Government departments, bodies and agencies

Ministry of Housing, Communities and Local Government

<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>

Department for Business, Industry and Industrial Strategy

<https://www.gov.uk/government/organisations/department-for-business-energy-and-industrial-strategy>

Department for Environment, Food and Rural Affairs

www.defra.gov.uk

The Planning Inspectorate

<http://www.planning-inspectorate.gov.uk/>

Historic England

<https://historicengland.org.uk/>

Environment Agency

www.environment-agency.gov.uk/

Environment Agency Public Registers (Environmental Permitting)

<https://www.gov.uk/guidance/access-the-public-register-for-environmental-information>

Information Commissioners Office

www.ico.org.uk

Neighbourhood Statistics

www.neighbourhood.statistics.gov.uk

Planning Portal

<https://www.planningportal.co.uk/>

Non-Governmental Organisations (NGO)

Air Quality – UK National Air Quality site

www.airquality.co.uk

Environmental Law Foundation

English Planning System

www.elflaw.org/

Liberty

www.liberty-human-rights.org.uk/

Town and Country Planning Association

www.tcpa.org.uk

Wildlife and Countryside Link

www.wcl.org.uk

Organisations who provide advice

CPRE: The Countryside Charity planning site (working with Locality and the National Association of Local Councils)

www.planninghelp.org.uk

The Royal Town Planning Institute – Planning Aid

<http://www.rtpi.org.uk/planning-aid/>

The Prince's Foundation

<http://www.princes-foundation.org/>

General Reading

Five reasons for Climate Justice in Spatial Planning, RTPI

<https://www.rtpi.org.uk/media/3682/five-reasons-for-climate-justice-in-spatial-planning.pdf>

Planning for climate change guide for local authorities – RTPI/TCPA guide (2019)

<https://www.rtpi.org.uk/media/3152143/Rising%20to%20the%20Climate%20Crisis.pdf>

Local Enterprise Partnerships

<https://www.lepnetwork.net/about-leps/the-38-leps/>

<https://www.lepnetwork.net/transparency/>

Enterprise Zones

<https://enterprisezones.communities.gov.uk/>

<https://www.lepnetwork.net/about-leps/enterprise-zones/>

Neighbourhood Planning

Advice on funding and applying and other resources

<https://neighbourhoodplanning.org/>

Centre for Sustainable Energy/RTPI Guide to embedding climate change within neighbourhood plans

<https://www.cse.org.uk/downloads/reports-and-publications/policy/community-energy/energy-advice/planning/renewables/low-carbon-neighbourhood-planning-guidebook.pdf>

PPG Guidance on Neighbourhood Planning

<https://www.gov.uk/guidance/neighbourhood-planning--2>

Neighbourhood Plans including climate change policies (examples):

Long Ashton NP: <https://www.n-somerset.gov.uk/wp-content/uploads/2015/11/Long-Ashton-neighbourhood-plan.pdf>

Gwinear-Gwithian NP: <https://www.cornwall.gov.uk/environment-and-planning/planning/neighbourhood-planning/neighbourhood-planning-in-cornwall/tab-placeholder/a-i/gwinear-gwithian-parish-neighbourhood-development-plan/>