



CHEL TENHAM
BOROUGH COUNCIL

Neighbourhood Planning Protocol

Published:
25 March 2025

Table of Contents

Neighbourhood Planning Protocol	1
1. Introduction	1
2. What is Neighbourhood Planning?.....	1
Neighbourhood Plans.....	1
Neighbourhood Development Orders	1
Community Right to Build Orders	2
3. Guidance about Neighbourhood Planning	2
4. Resourcing for Neighbourhood Planning	2
5. Stage of Process and Sign Off	2

Table of Figures

Figure 1: Stage of process and sign-off	3
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1. Introduction

- 1.1 Neighbourhood planning was introduced by the Localism Act 2011. This provided an opportunity for local communities to lead and prepare statutory plans for their area and to prepare Orders giving planning permission for specific development. Neighbourhood Development Plans and Neighbourhood Development Orders are prepared in accordance with the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.2 Cheltenham Borough Council produced a neighbourhood planning protocol in December 2015. This revised protocol has primarily been produced to update how decisions relating to the different stages of neighbourhood planning will be undertaken by the council, together with updating on changes made via national guidance on the matter of neighbourhood planning. The revised protocol also signposts the reader to other sources of information relating to neighbourhood planning which may assist local communities.

2. What is Neighbourhood Planning?

- 2.1 There are three main planning tools, which are:
- i. Neighbourhood Plans
 - ii. Neighbourhood Development Orders
 - iii. Community Right to Build Orders

Neighbourhood Plans

- 2.2 As set out within the [\(Government's\) Planning Practice Guidance \(PPG\) on Neighbourhood Planning](#), "A neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development strategy and should shape and direct development that is outside of those strategic policies... Within this broad context, the specific planning topics that a neighbourhood plan covers is for the local community to determine. A neighbourhood plan should, however, contain policies for the development and use of land..." (Paragraph: 004 Reference ID: 41-004-20190509). Neighbourhood Plans "should not promote less development than set out in the strategic policies" (Paragraph: 044 Reference ID: 41-044-20190509).

Neighbourhood Development Orders

- 2.3 This is a community led "order" that grants planning permission "for specific types of development in a specific neighbourhood area. A Neighbourhood Development Order can therefore:
- apply to a specific site, sites, or wider geographical area
 - grant planning permission for a certain type or types of [development](#)

- grant planning permission outright or subject to [conditions](#) Paragraph: 010 Reference ID: 41-010-20140306 of [PPG Neighbourhood Planning](#)

Community Right to Build Orders

- 2.4 As set out in the [PPG Neighbourhood Planning](#), “A Community Right to Build Order is a form of Neighbourhood Development Order which can be created by a local community organisation, and so not restricted to a town or parish council or neighbourhood forum, and can be used to grant planning permission for small scale development for community benefit on a specific site or sites in a neighbourhood area...” (Paragraph: 012 Reference ID: 41-012-20190509).

3. Guidance about Neighbourhood Planning

- 3.1 Locality, “the national membership network supporting local community organisations”, have produced guidance on [neighbourhood planning](#). This includes the ‘[How to create a Neighbourhood Plan: Your step by step roadmap guide](#)’, which may be helpful to refer to. Neighbourhood planning support in the form of ‘technical support’ and ‘grant funding’ may be available. Further information about these aspects is available via [neighbourhood planning \(about\)](#).
- 3.2 The [Neighbourhood Planning Independent Examiner Referral Service \(NPIERS\)](#), which is managed and administered by the Royal Institute of Chartered Surveyors (RICS), have also produced guidance which may be helpful to refer to.

4. Resourcing for Neighbourhood Planning

- 4.1 There is no requirement or expectation by Government for local authorities to fund communities who wish to undertake neighbourhood planning. The council does not have a budget to fund neighbourhood planning, and it will not be able to write the plan or order for the local community. Any funding that the Government may provide to the council to support neighbourhood planning will be safeguarded to support the cost of the required independent examination and referendum.

5. Stage of Process and Sign Off

- 5.1 The council recognises that it must:
- i. provide assistance to parish councils, neighbourhood forums or community organisations that produce a neighbourhood plan or order.
 - ii. take decisions at key stages in the neighbourhood planning process. Figure 1 sets out the key stages in the process and what level of sign-off will take place. It is recommended that

this is read in conjunction with the [NPIERS Guidance to service users and examiners](#), specifically pages 10-17 which has a flowchart mapping the neighbourhood planning examination process. This provides details about who is responsible for different aspects of neighbourhood planning.

Figure 1: Stage of process and sign-off

Please note: The stages in the table that relate to sign-off are marked with a *. References to regulations are taken from The Neighbourhood Planning (General) Regulations 2012 (as amended)

Stage	Protocol
Publicising a Neighbourhood Area / Forum Application	Cabinet, the Planning and Liaison Member working group and local ward members for the areas concerned are to be notified.
Designating a Neighbourhood Area	Cabinet to decide* on whether to designate Neighbourhood Area.
Designating a Neighbourhood Forum	Cabinet to decide* on whether to designate Neighbourhood Forum.
Production of Neighbourhood Plan or Order	Produced by the Qualifying Body (QB). Officers to provide advice or assistance.
Pre-submission consultation and publicity on Neighbourhood Plan or Order	Before submitting Plan or Order to Cheltenham Borough Council, the QB must publicise and invite representations (Regulation 14). Consideration of the Plan/Order will also be made via the Planning and Liaison Member Working Group.
Publicising a Plan Proposal or Order	QB submits Plan / Order to Cheltenham Borough Council (Regulation 15). Officers to check documents for compliance with legislation and regulations. CBC will then publicise and invite representations (Regulation 16)
Appointment of an independent examiner	Officers to organise appointment of an independent examiner with the agreement of the QB.
Submission of Neighbourhood Plan or Order	<u>Director of Community & Economic Development in conjunction with the Cabinet Member for Planning and Building Control to decide*</u> whether the Neighbourhood Plan or Order should be submitted for examination (Regulation 17).
Examination of Neighbourhood Plan or Order	Examiner assesses whether it meets certain basic conditions and requirements set out in statute.
Approval of Neighbourhood Plan or Order	CBC and QB will publish the examination report.

Stage	Protocol
for referendum	Cabinet to decide* whether it accepts the examination report in full or part – e.g. regarding any proposed modifications and whether / when to hold a referendum (Regulation 18).
Referendum on Neighbourhood Plan or Order	CBC will run the referendum on behalf of the QB. Providing more than 50% of those taking part in the referendum vote in favour of the plan being made part of the development plan for the local area, the LPA must proceed to make the plan part of its development plan
Adoption of Neighbourhood Plan or Order	The decision to adopt a Neighbourhood Plan or an Order is made by Council and then publicized* (Regulations 19 and 20).