

PROPOSED NEIGHBOURHOOD DEVELOPMENT ORDER AND NEIGHBOURHOOD DEVELOPMENT PLAN

I can confirm that in areas where there is a parish council, the parish council will be the qualifying body to apply for a neighbourhood development order and a neighbourhood development plan. In areas where there is not a parish council, neighbourhood forums (as defined in the Bill) will be the qualifying bodies with the same powers as parish councils in respect of neighbourhood planning.

In an area where there is no parish council, there might be more than one neighbourhood forum covering the same 'neighbourhood' coming forward. There can only be one forum for each neighbourhood. A neighbourhood forum cannot make an application which relates to the whole or any part of the area of a parish council.

Before the publication of the Bill, it was clear that the Coalition Government wanted to confer a range of new powers on community organisations (the descriptions and definitions of which were not certain). One of the new proposed powers was colloquially heralded as the new 'community right to build'. Now the Bill has been published, I can confirm community organisations (which as defined do not include parish councils) may apply for community right to build orders, which will be a particular type of neighbourhood development order.

I take this opportunity to confirm that some months before the publication of the Bill, NALC was invited to attend a number of meetings arranged by the Department for Communities and Local Government relating to developing new powers for community organisations, which at that stage were not clearly defined. At all meetings, we advocated a role for parish councils.

We strongly pushed for parish councils to be recognised as the relevant local bodies to directly drive and influence new development in their areas. We are delighted that the role of parish councils has been recognised in the Bill, not only in the new neighbourhood planning powers but in respect of other rights such as the community right to challenge and assets of community value.

Nalc Head of legal Services 4.4.11