Neighbourhood areas – Informal Advice Note

Please note the following is informal guidance the Localism Act 2011 and The Neighbourhood Planning (General) Regulations 2012 should be referred to for full accurate details.

Neighbourhood areas are defined areas for which neighbourhood development plans and orders can be made. In Brighton & Hove a local parish council or a ‘neighbourhood forum’ will need to apply to the city council in order to obtain a Neighbourhood Area designation. It is intended to be a process led by the local community.

Local planning authorities must apply the rules below when deciding on designating neighbourhood areas.

- Only one forum per neighbourhood area, neighbourhood areas cannot overlap.
- Within a parish only the respective Parish Council can apply for a neighbourhood area (the neighbourhood area may be the whole or part of the parish however when determining an application regard has to be given to the desirability of designating the whole of the area).
- A neighbourhood area can cross two or more local planning authority boundaries eg Brighton & Hove and the South Downs National Park and/or Adur District Council.
- When designating a neighbourhood area a local planning authority may modify existing designations (only with a parish council's consent when applicable and regard has to be given to the desirability of maintaining existing boundaries of designated areas)
- When designating a neighbourhood area a local planning authority has to consider whether it is predominantly business in nature and thus whether to designate it a business area
- The local planning authority has to publish a map setting out areas that are for the time being designated as neighbourhood areas, also identifying those that are business areas
- If the local planning authority refuse an application (in whole or part) it has to give reasons to the applicant

Application for designation of a neighbourhood area

Applications for the designation of a neighbourhood area must include all of the following

- A map identifying the area to which the application relates
- A statement explaining why this area is considered appropriate to be designated as a neighbourhood area
• A statement that the organisation or body making the area application is a relevant body (e.g. a Parish Council or a body designated or capable of being a Neighbourhood Forum)

Please note that an application for an area that covers land within Brighton and Hove and the South Downs National Park should be sent to both Brighton & Hove City Council and also the South Downs National Park Authority.

Due to the links to the forum the city council is of the opinion applications for neighbourhood areas and forum should be submitted together.

**Process once an application has been submitted**

Once an application has been submitted the City Council is required to undertake the following:

“As soon as possible after receiving an area application from a relevant body, a local planning authority must publicise the following on their website and in such other manner as they consider is likely to bring the area application to the attention of people who live, work or carry on business in the area to which the area application relates —

• a copy of the area application;
• details of how to make representations; and
• the date by which those representations must be received, being not less than 6 weeks from the date on which the area application is first publicised”

**Publicising a designation of a neighbourhood area etc**

As soon as possible after designating a neighbourhood area, a local planning authority must publish the following on their website and in such other manner as they consider is likely to bring the designation to the attention of people who live, work or carry on business in the neighbourhood area —

• the name of the neighbourhood area;
• a map which identifies the area; and
• the name of the relevant body who applied for the designation.

As soon as possible after deciding to refuse to designate a neighbourhood area, a local planning authority must publish the following on their website and in such other manner as they consider is likely to bring the refusal to the attention of people who live, work or carry on business in the neighbourhood area —

• a document setting out the decision and a statement of their reasons for making that decision (“the decision document”); and
• details of where and when the decision document may be inspected.