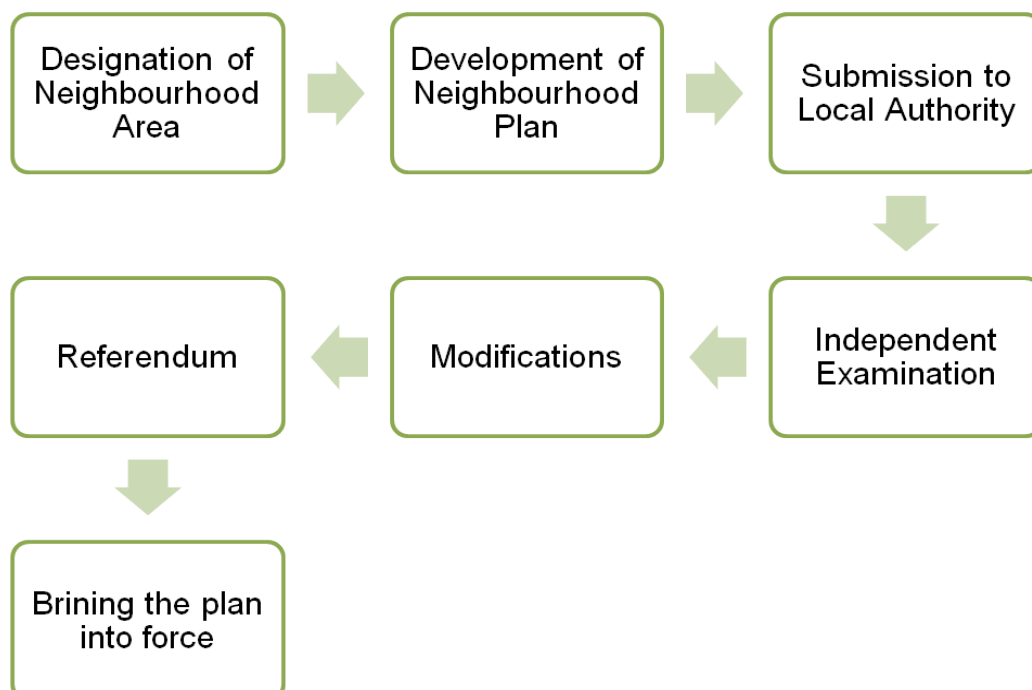


## Neighbourhood Planning – Supporting Information

### 1. Introduction/Background

- 1.1 The Localism Act 2011 brought in the ability for local communities to develop Neighbourhood Development Plans (NDPs), to decide the future shape of the places where they live.
- 1.2 Neighbourhood Development Plans allocate land for development and establish general planning policies for development and use of land in a neighbourhood. It must be in general conformity with the Development Plan (in this case the Core Strategy and Local Plan Saved Policies), and cannot prevent new development. NDPs are the first plans at parish level that can be adopted to form part of the development plan, and which will therefore have full weight in the development management process.
- 1.3 Neighbourhood Plans can only be developed by a ‘qualifying body’ in West Berkshire Parish Councils are considered to be this ‘qualifying body’. Neighbourhood Forums (which are the other type of qualifying body) can only be formed in areas which are un-parished and therefore are not applicable to West Berkshire.

### 2. Process of developing a Neighbourhood Plan



#### 2.1 Designation of Neighbourhood Area

- (1) Once a parish council has decided to develop a Neighbourhood Plan they need to submit an area designation application form to the Council (see appendix C). Currently, once an area application is received the

Council are required to publicise and consult upon the request – this is 4 weeks for area applications covering a whole parish and 6 weeks for all other applications. Local authorities must issue a decision on whether to designate a neighbourhood area within a specified timeframe – 8 weeks for parish councils applying for the whole parish area, 20 weeks for neighbourhood areas falling within the area of two or more local authorities, and 13 weeks for all other applications.

- (2) However, the Government are currently proposing that for applications for whole parish areas, local planning authorities will no longer need to consult and determine the application within 8 weeks. Instead, the designation would be made as soon as possible once the authority is satisfied that the application is valid and complete.
- (3) Following the designation of the Neighbourhood area the Parish Councils then start work on the neighbourhood Plan and the service level agreement between the Council and the Parish is signed. This sets out the expectations of the two parties during the development of the Neighbourhood Plan (see appendix D).
- (4) Most parish council's set up a separate working group to deal specifically with the neighbourhood plan, this group can include members of the parish council as well as members of the public who are interested in getting involved. The working group is required to keep the parish council informed of the progress being made, and all decisions need to be made by the parish council as the 'qualifying body'.
- (5) It should be noted that the Neighbourhood Planning Bill, introduced to Parliament in early September 2016, introduces a process for modifying neighbourhood areas where a neighbourhood plan has already been made in relation to that area.

## 2.2 Development of a Neighbourhood Plan

- (1) Engagement with the local community is critical to the success of the Neighbourhood Plan. Initial consultation should help to identify the issues and aims of the plan, with later periods of consultation helping to refine the policies and proposals included within the plan.
- (2) Neighbourhood Plans must be in general conformity to the Development Plan (Core Strategy and Local Plan Saved Policies) and have regard to national policy (NPPF).
- (3) The Council have a duty to support communities in the development of neighbourhood planning. This usually means an officer meeting with the working party to discuss the emerging neighbourhood plan and offer advice and guidance. The Council have produced a guidance note for communities developing Neighbourhood Plans (See appendix E).
- (4) Officers will not help to write the plan, but will review policies as they are developed to ensure consistency and that they meet the requirement for neighbourhood plans.

- (5) The Council are required to screen the emerging Neighbourhood Plan to determine whether Strategic Environmental Assessment (SEA) and/or Habitat Regulations Assessment (HRA) will be required. This is to determine if the Neighbourhood Plan will have any significant effects on the environment or on sites of importance for nature conservation. The Screening opinion is then consulted on with the three statutory environmental consultees (Environment Agency, Historic England, and Natural England) to ensure that they do not disagree with the Council's determination. Once agreed a determination letter is issued to the Parish Council setting out the outcome of the screening opinion. This will either require the Parish Council to carry out SEA and/or HRA or not. It is likely that where a Neighbourhood Area is within the AONB or the Neighbourhood Plan proposes site allocation an SEA will need to be carried out as part of the preparation of the Neighbourhood Plan.
- (6) Once a Parish Council is happy that they have completed their neighbourhood plan, they are required to carry out a six week consultation with the local community. Following this consultation, amendments can be made to the plan, before it is submitted to the Council for examination.
- (7) The Council will also respond to the formal consultation setting out an initial view as to whether the proposed neighbourhood plan meets the basic conditions, and what, if anything, would need to be changed to ensure that these conditions are met.

### 2.3 Examination of the Neighbourhood Plan

- (1) The Council review the neighbourhood plan to ensure any requested changes to ensure compliance with the basic conditions (as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990) have been met. The Council are required to publish the proposed plan for 6 weeks before it progresses to examination.

#### Basic Conditions

- Have appropriate regard to national policy
- Contribute to the achievement of sustainable development
- Be in general conformity with the strategic policies in the development plan for the local area
- Be compatible with EU obligations

- (2) The Council appoints an examiner to examine the neighbourhood plan, in agreement with the Parish Council. The Council has used the RICS Neighbourhood Planning Independent Examiner Referral Service (NPIERS). NPIERS provides the referral provides the details of three people willing (and with the relevant qualifications) to carry out the examination. The details of these three people are passed on to the Parish Council for them to choose who they would like to carry out the examination. The Council will provide guidance on who they consider to be the most appropriate where this is relevant. The Council are

required to cover the cost of the examination. NPIERS examiners are paid a set price, currently set at £750 a day.

- (3) The expectation is that neighbourhood plans will be examined using written representations. Although a hearing session can be called if the examiner considers that this would be more appropriate. Experience suggests that written representations only examinations will take 4 – 6 days, with an examination requiring a hearing session taking 9 – 11 days.
- (4) The examiner will only consider whether the proposed plan meets the basic conditions and other requirements set out by law
  - (a) Has appropriate regard to national policy
  - (b) Contributes to the achievement of sustainable development
  - (c) Is in general conformity with the strategic policies in the development plan for the local area
  - (d) Is compatible with EU obligations
  - (e) Meets human rights requirements
- (5) The examiner will produce a report following the examination and will make one of three recommendations:
  - (a) The plan proceeds to referendum (it meets all the legal requirements)
  - (b) Modifications are made to the plan and then it proceeds to referendum
  - (c) The plan does not proceed to referendum
- (6) Currently the examiner's report can only make recommendations. It is up to the Council, in discussions with the parish council, to decide whether to make any recommended modifications. If the examiner's recommendations are not taken forward clear reasons need to be given.
- (7) If the parish council are not happy with the modifications being proposed they have the option of withdrawing the plan.
- (8) It is the responsibility of the Council to cover the costs of the independent examination and referendum.

## 2.4 Referendum

- (1) If the neighbourhood plan is found to be satisfactory (with modifications if required) the Council will arrange for the referendum to take place. This is organised by the elections unit and 28 working days before the date of the referendum the Council is required to publish information about the neighbourhood plan. 25 days before the date of the referendum the Council is required to give notice that a referendum is taking place and the date of the poll.

(2) The parish council may encourage voting and provide information on the proposed plan. They can only produce factual material, not promote a ‘yes’ vote. Individual members of the parish council and others may act independently, with independent funds, to campaign for a yes vote.

(3) The question asked is:

“Do you want West Berkshire Council to use the neighbourhood plan for [name of neighbourhood area] to help it decide planning applications in the neighbourhood area?”

(4) All those on the electoral register are entitled to vote.

(5) If more than 50% of those voting vote yes then the local planning authority is required to bring the plan into force.

2.5 The estimated cost of carrying out the referendum is a minimum of £5,000 per polling station; however, if a polling station contains more than one box the cost will be greater as the staffing costs will double. This is covered by the Council.

### 3. Summary of the development of a Neighbourhood Plan

3.1 The table below sets out a summary of the stages of the development of a neighbourhood plan and who is responsible for each stage.

Stage	Responsibility	Notes
Neighbourhood Area Application	Parish Council	The Application form (shown in appendix C) will be published on the Council’s website for communities to download.
Determination of Neighbourhood Area	West Berkshire Council (Officer)	<p><i>Current method</i></p> <p>Upon receiving the application for a neighbourhood area from the parish council, the Council must publicise and consult upon the application for 4 weeks (if the neighbourhood area is the same as the parish boundary) or 6 weeks (for all other areas).</p> <p>The Council must determine the application within a prescribed timeframe (from the day after the application is publicised, this is 20 weeks for neighbourhood areas falling within two or more local authority areas, 8 weeks if the application is the same as the parish boundary, and 13 weeks for all other applications).</p> <p><i>Proposed Change though the Neighbourhood Planning Bill</i></p> <p>The Government are proposing that if the neighbourhood area is the same as the parish boundary, then the designation would have to be made as soon as possible once the Council is satisfied that the application is valid and complete.</p>
Designation of	West Berkshire	Approval of the Neighbourhood Area is proposed to

<b>Stage</b>	<b>Responsibility</b>	<b>Notes</b>
Neighbourhood Area	Council (Head of Planning)	be delegated to the Head of Planning.
Development of the Neighbourhood Plan	Parish Council	The Council have a duty to support the development of Neighbourhood Plans. <ul style="list-style-type: none"> <li>• Service Level Agreement – Appendix D</li> <li>• Neighbourhood Planning guidance – Appendix E</li> </ul>
	West Berkshire Council (Officers)	The Council have a duty to support the development of the Neighbourhood Plan. This will involve attending a set number of meetings to offer advice and guidance as set out in the Service Level Agreement. <p>In addition the Council are required to carry out Screening to determine whether Strategic Environmental Assessment (SEA) is required. This is best done early on in the development of the Neighbourhood Plan, once it has been agreed what Policy topics the will be included in the Neighbourhood Plan.</p> <p>If a Neighbourhood Plan is proposing to allocate sites it is likely that SEA will be required.</p>
Pre Submission Consultation (6 weeks)	Parish Council	The Parish Council are required to consult their local community on their proposed plan before it is submitted to the Council for examination. <p>The Council will respond to the pre-submission consultation giving an initial view of whether the proposed plan will meet the basic conditions and if any changes are required. Internal council consultees will also be consulted at this point.</p>
Submission of the Neighbourhood Plan	Parish Council	The Parish Council will submit the proposed Neighbourhood Plan to the council for examination along with the following ‘Submission documents’ <ul style="list-style-type: none"> <li>• Map/Statement identifying the area to which the proposed neighbourhood plan relates</li> <li>• Consultation statement (setting out who was consulted, and how and a summary of the main issues raised and how these issues have been considered)</li> <li>• Basic Conditions statement (setting out how the proposed neighbourhood plan meets the requirements)</li> <li>• Copy of Screening opinion/Environmental report (depending on the outcome of the SA/SEA screening carried out by the Council during the development of the plan).</li> </ul>
Publication of the Neighbourhood Plan (6 weeks)	West Berkshire Council (Officers)	The Council is required to publish the proposed Neighbourhood Plan, inviting comments for 6 weeks.

<b>Stage</b>	<b>Responsibility</b>	<b>Notes</b>
Examination	West Berkshire Council (Officers)	West Berkshire Council will, in discussion with the Parish Council, appoint an examiner to examine the proposed Neighbourhood Plan. All procurement requirements will be completed following the appointment of an examiner.
Examiner's Report	West Berkshire Council (Officers)	Once the examiner's report has been received the Council will review the report and consider the recommendations made within the report. It is likely that a meeting will take place at this stage with the Parish Council to discuss the recommendations included in the report.
Modifications	West Berkshire Council (Officers)	Where the examiner has requested modifications are made to ensure the plan the council will review these and propose changes to the Parish Council for agreement.  <i><u>Proposed Change to bring in time limits</u></i> It is proposed that Local Planning Authorities will have a period of five weeks from receiving the examiner's report to determine whether to submit the plan to referendum. This would bring the Council policy in line with national policy.
Determination / Approval to proceed	Council to approve referendum and adoption of Plan	Following agreement of modifications with the Parish Council the Neighbourhood Plan will be brought to Council for approval. This will include a copy of the draft determination notice to be published. The motion would be: To approve the neighbourhood plan for referendum and to adopt the neighbourhood plan immediately following a successful 'yes' vote
Referendum	West Berkshire Council (Officers)	The Council are required to make the arrangement for the referendum.  <i><u>Proposed Change to bring in time limits</u></i> It is proposed that the referendum should take place within 10 weeks of the decision being made that the referendum should be held. This would bring the Council policy in line with national policy.
Adoption (Automatic on successful 'yes' vote)	West Berkshire Council	Following a 'yes' vote the Council will have adopted the Neighbourhood Plan into the development plan for the area (following the council resolution above) and will use it to determine planning applications for the neighbourhood area.  <i><u>Proposed Change to bring in time limits</u></i> It is proposed that The Council should bring the neighbourhood plan into force within 8 weeks of the date of the referendum, unless there are unresolved legal challenges. This would bring the Council policy in line with national policy.

## 4. Costs and Funding

- 4.1 Local Authorities are able to claim up to £30,000 Neighbourhood Planning Grant per designated neighbourhood area from the government. The payments are broken into stages to reflect the work involved in getting a plan to that point of being published prior to examination.
- (1) £5,000 made following the designation of a neighbourhood area. This recognises the time that officers will have put into supporting an advising the community group to this point.
  - (2) £5,000 made when the Council publicises the NDP prior to examination. This is to contribute towards the cost of the examination and staff costs incurred at this stage.
  - (3) £20,000 made on successful completion of the NDP examination. This will part pay for the examination as well as further costs that will be incurred in taking the NDP through a referendum.
- 4.2 The cost to the Council is made up of officer time, the examination and the organisation and delivery of the referendum.
- 4.3 It is estimated that approximately 90 to 100 hours of officer time is required to support a community develop a neighbourhood plan, at a cost of approximately £2,500. This has been based on the time given to support the development of the Stratfield Mortimer Neighbourhood Plan.
- 4.4 The Council are required to fund the examination into the Neighbourhood Plan. On average the cost of the examination should be between £3,000 and £8,500 depending on the time taken to examine the Neighbourhood Plan (4 -11 days at £750 a day + VAT). However, the Stratfield Mortimer examination cost approximately £18,185 (20 days at £750 a day + VAT).
- 4.5 Referendums on average cost £5,000 per ballot box to deliver, plus the officer time associated with arranging the referendum. The overall cost of the referendum would therefore, depend on the number of ballot boxes required.

## 5. Neighbourhood Plans in West Berkshire

- 5.1 There is some interest from communities in West Berkshire wishing to develop neighbourhood plans. Two areas have already been designated, with one Neighbourhood Plan currently at examination. A number of other communities have been in contact with the Planning Policy team regarding neighbourhood planning and initial meeting held with representatives of the communities. These initial meetings provide the community with some initial guidance on neighbourhood planning and allow the community to ask questions about the process.
- 5.2 Designated Neighbourhood Areas
- (1) **Stratfield Mortimer** – Plan is currently at examination. An examination hearing was held in August 2016. The Council has received the Examiner's report and have agreed with the Parish Council to make a determination by May 2017 to allow for full consideration of the recommendations and issues raised in the report. The officer



recommended determination will be brought to Council for approval in the spring 2017. Should the plan progress to Referendum there will be one polling station.

- (2) **Tilehurst** – The Neighbourhood area was designated in May 2015. Launch events were held in April 2016. Since the initial meetings to discuss the designation of the neighbourhood area there has been little contact with the neighbourhood planning group, however a meeting has now been scheduled for October. Should the plan progress to Referendum there will be four polling stations.

### 5.3 Neighbourhood Area Applications

- (1) **Compton** – An application for a Neighbourhood Area for Compton parish was submitted on 27<sup>th</sup> September 2016. The application has been refused and further information has been requested from the Parish Council as to why they wish to develop a Neighbourhood Plan. Should the plan progress to Referendum there will be one polling station.

### 5.4 Parishes considering developing a Neighbourhood Plan

- (1) **Burghfield** – seriously considering development of a Neighbourhood Plan. The Parish Council are currently considering whether to develop a plan for Burghfield Parish alone, or whether to include some or all of Sulhamstead Parish (as some of the settlement of Burghfield Common is located in Sulhamstead Parish). Sulhamstead Parish Council has indicated that they might be interested in a joint neighbourhood Plan. Should the plan progress to Referendum there would be four polling stations. Should the plan come forward for both Burghfield and Sulhamstead Parishes there would be an additional polling station resulting in a total of five polling stations.
- (2) **Newbury** – following discussions with officers it is unlikely that the Town Council will peruse a neighbourhood plan. However, if a plan did come forward and progresses to Referendum there would be 13 polling stations.
- (3) **Lambourn** – officers are in early discussions with the Parish Council over the suitability of a NDP for the parish.

## 6. Adoption of the Neighbourhood Plan

- 6.1 As neighbourhood plans become part of the development plan, Members are required to approve the adoption of the Neighbourhood Plan. Following a successful referendum the Neighbourhood Plan becomes part of the development plan.
- 6.2 Members are asked to approve the following scheme of delegation, with all neighbourhood plans being brought to Council to agree the referendum and subsequent adoption should the referendum be successful.

## 7. Recommendation

- 7.1 Members are asked to approve the process for approving Neighbourhood Plans

- (1) The designation of Neighbourhood Areas is delegated to the Head of Planning.
  - (a) The Scheme of Delegation is amended to allow the Head of Planning to make the determination in relation to a Neighbourhood Area.
- (2) Following the examination, but prior to the referendum taking place, Council are asked to approve the Neighbourhood Plan progresses to referendum and agreed to adopt the Neighbourhood Plan into the development plan if there is a successful 'yes' vote at the referendum.

## 8. Consultation and Engagement

8.1 Bryan Lyttle (Planning), Laila Bassett (Planning), Phil Runacres (Electoral Services), Planning Advisory Group (PAG)

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### Background Papers:

Town and Country Planning, England The Neighbourhood Planning (General) Regulations 2012 (As amended)

### Wards affected:

All wards could be affected depending on Parish communities wish to develop a neighbourhood plan.

### Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aims:

- BEC – Better educated communities**
- HQL – Maintain a high quality of life within our communities**

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- SLE1 – Enable the completion of more affordable housing**
- HQL1 – Support communities to do more to help themselves**

### Officer details:

Name: Rachael Lancaster  
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## Appendix B

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

<b>Name of policy, strategy or function:</b>	Neighbourhood Planning
<b>Version and release date of item (if applicable):</b>	N/A
<b>Owner of item being assessed:</b>	Rachael Lancaster
<b>Name of assessor:</b>	Rachael Lancaster
<b>Date of assessment:</b>	20 September 2016

Is this a:		Is this:	
<b>Policy</b>	<b>Yes</b>	<b>New or proposed</b>	<b>Yes</b>
<b>Strategy</b>	<b>No</b>	<b>Already exists and is being reviewed</b>	<b>No</b>
<b>Function</b>	<b>No</b>	<b>Is changing</b>	<b>No</b>
<b>Service</b>	<b>No</b>		

1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
<b>Aims:</b>	To help deliver the government's policy for Neighbourhood Planning in the District.
<b>Objectives:</b>	To allow community groups to develop planning policies to shape the future of their communities
<b>Outcomes:</b>	Completion and adoption by the Council of the Neighbourhood Plan.
<b>Benefits:</b>	Delivery of government policy regarding neighbourhood planning Give more control to local communities to shape their community going forward, including the potential allocation of future housing sites.

<p><b>2. Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b></p> <p>(Please demonstrate consideration of all strands – Age, Disability, Gender)</p>
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Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
All	<p>Neighbourhood planning should have a positive impact on all groups. Communities are more aware of the specific groups and issues within their communities and therefore, can ensure that minority groups and those with protected characteristics are fully informed of the process and are invited to fully engage with the development of the neighbourhood plan.</p> <p>Neighbourhood Planning has the opportunity to fully engage all members of society ensuring that they all have a say in the future development of their community.</p> <p>Neighbourhood plans must comply with EU obligations and therefore, should a submitted Neighbourhood plan have a negative impact on any one group/protected characteristic it would not meet the required basic conditions and therefore, would not be accepted.</p>	<p>Neighbourhood Planning legislation, National Planning Policy Framework (NPPF), National Planning Guidance (NPG)</p>
<b>Further Comments relating to the item:</b>		

3. Result	
<b>Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b> Neighbourhood Planning allows communities to develop a planning framework for their own community, enabling all members of society to engage in the local planning process.	
<b>Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b>	

Development of a neighbourhood plan should have a positive impact upon a local community as all members of the community are encouraged to engage with the process of developing the plan.

**If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage 2 Equality Impact Assessment.**

**If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.**

<b>4. Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	No
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	
<b>Stage Two not required:</b>	Yes

**Name: Rachael Lancaster**

**Date: 20 September 2016**

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**Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.**