

## Neighbourhood Planning

### What is Neighbourhood Planning?

Neighbourhood planning is a way for communities to decide the future shape of the places where they live and work. It was introduced through the Localism Act 2011, and the regulations came into force in April 2012.

Communities can choose to produce either a Neighbourhood Development Plan or a Neighbourhood Development Order (which includes Community Right to Build Orders) or both.

A Neighbourhood Development Plan (NDP) can allocate land for development and establish general planning policies for development and the use of land in a neighbourhood. The detail of the plan can be tailored to the wishes of local people. It must be in general conformity with the Development Plan, and cannot be used to prevent new development.

Where there is a town/parish council, they are responsible for taking the lead in the preparation of a NDP. In areas without a parish/town council (this could be where a larger urban area covering a number of parishes wishes to do a NDP), a group of at least 21 people must be formed and apply to the Council to be designated as a “neighbourhood forum.”

The [Neighbourhood Planning \(General\) Regulations 2012](#), and [Amendment 2015](#), set out the legal requirements involved in this process.

NDPs and NDOs will be subject to a public referendum. Once plans or orders have been subjected to an independent examination and any necessary modification made to ensure they meet important legal requirements. It is necessary to gain more than 50% ‘yes’ vote of those voting in the referendum in order to bring the plan or order into force.

### Stage 1 - Designation of a Neighbourhood Area

For a town/parish council, there is a strong presumption that the neighbourhood area will be the same as the parish boundary. However, a smaller, more focused area, such as a town or local centre, could be chosen for the neighbourhood area.

Once the area has been identified, it needs to be submitted to the Council.

Applications for designation of a neighbourhood area must include:

- Map of area
- Statement explaining why the area is considered appropriate to be designated as a neighbourhood area
- Statement that the organisation or body making the area application is a relevant body ([S61G of 1990 Act](#))

Neighbourhood areas cannot overlap with other neighbourhood areas.

Once an application has been received the Council must publish the application on its website and bring the application to the attention of the people who live, work or

carry out business in the proposed neighbourhood area. The Council will invite comments on the proposed neighbourhood area to be submitted. Consultation must be for at least 6 weeks, and include the following details:

- Copy of the area application (see above)
- Details of how to make representations
- A date by which representations must be received.

Following the consultation, the Council will notify the qualifying body of the decision and publish details (including a map of the area) on the website.

Once a neighbourhood area has been designated it is advisable to publicise and promote the proposal to prepare a Neighbourhood Plan. The aim should be to make sure that everyone knows about the plan and has an opportunity to participate.

### **Duty to Support**

The Council have a duty to support groups producing Neighbourhood Plans. This can involve:

- Attending meetings with the qualifying body
- Making data available for the evidence base
- Setting out local/national policies which need to be considered
- Providing advice on the legal requirements
- Providing general planning advice
- Checking the plan prior to formal submission
- Providing advice on who needs to be consulted
- Identifying any need for (screening) for environmental assessment (SEA) or Habitat Regulations assessment (HRA)

### **Stage 2 – Production of the Neighbourhood Development Plan**

A NDP is a planning document that will guide the future development of an area. The plan should consider the use and development of land and associated social, economic and environmental issues. It cannot deal with non-planning matters. Matters should be those that would be used to determine a planning application. Other non-planning 'policies' can be included, but it must be made clear that these are community priorities, not the planning policies of the NDP.

The scope of the NDP will depend on the local community. It could be a comprehensive and detailed document, cover one or two key issues, or set out guiding principles to guide new development.

It is suggested that the plan could include:

- Vision and Aims – setting out the community's overall aim for its future development. The vision and aims can then be translated into policies, guidance and proposals.
- Planning Policies – once made the NDP will form part of the Development Plan and therefore, can contain policies against which development proposals will be considered. Planning applications in the neighbourhood area will then be determined in accordance with the NDP policies unless material considerations indicate otherwise. Policies should provide a clear indication of how a decision maker should react to a development proposal.

- Planning Guidance – policies can be supplemented by more detailed guidance to help in the interpretation of the policies of the plan.
- Site Allocations – The NDP may earmark key sites for specific kinds of development (Housing ,retail, employment or mixed use)
- Community Proposals – proposals can relate to the use and development of land such as: improving key public spaces, pedestrian links, provision of new community facilities, information regarding the use of CIL money received by the parish.

### **Community and stakeholder engagement**

It is important to engage with the local community and key local stakeholders. As the NDP will be subject to local referendum it is important to get local support for the plan as it progresses.

Local Stakeholders can include:

- Local councillors
- Local shopkeepers/businesses
- Community groups
- Local trusts/project groups
- Organisations representing minority groups
- Educational establishments
- Local health and social care providers
- Any other local organisations

Community engagement is also a statutory requirement of all plans, including NDPs. All NDPs submitted for examination need to be accompanied by a statement of consultation that shows that the legal requirements for consultation have been met.

It is recommended that the following stages of community engagement are considered:

- Early engagement – This should identify key issues and themes to inform the vision and aims. Open questioning should be used (eg. What is good/bad about the area? What makes a neighbourhood good to live/work in? What needs to change?) Different groups of the community should be consulted at this stage. Engagement could take the form of workshops/questionnaires/drop in sessions
- On-going Engagement – this can include consultation on the draft vision and aims for the plan, engage the community in the development of policies/themes for inclusion within the plan. This can include detailed questionnaires to determine what is important to the local community. For some sites/policies/proposals different options may be proposed so that people can express their preferences.
- Consulting on the completed plan - This is a statutory period of consultation, that must be carried out before submission of the proposed plan to the Council. Few people are likely to read the whole document; therefore short summaries can be a useful way to set out the aims, themes and direction of policy. The plan may be amended taking into account any of the feedback received.

## **Evidence Base**

Planning policy and proposals need to be based on a proper understanding of the place they relate to in order for it to be relevant and realistic.

The evidence base needs to be proportionate to the size of the neighbourhood area and the scope and detail of the NDP.

A good starting point is to look at the local population (where do they live, how old are they, what jobs do they have). Other evidence may relate to housing, transport, environment, heritage, retail, community facilities etc.

There are two main phases – firstly reviewing the existing evidence, and secondary identifying and developing any further evidence required.

Existing Evidence – Talk to the Council about the evidence they already have that would be useful to support the NDP

New Evidence – this will usually be focused more at the local level.

It is not necessary to include the evidence base and outcomes of community engagement in the plan itself as this will result in a very thick and unwieldy document. Instead a background document is suggested which lists sources of evidence, contains any new evidence and summarises the outcomes of the community engagement at the various stages of the plan making process. Any criteria used in decision making could also be included (such as site selection criteria). Having a background paper allows the NDP to focus on the policies and proposals themselves, rather than the process that created them.

Evidence base documents should be kept simple and concise.

## **Requirements of the NDP**

The NDP must:

- Have appropriate regard to national policy
- Contribute to the achievement of sustainable development
- Be in general conformity with the strategic policies of the development plan for the local area (Core Strategy, Local Plan Saved Policies, Housing Site Allocations DPD – and any future Local Plan).
- Be compatible with EU obligations, inc. Human rights requirements
  - Must not have a significant adverse effect on a European Site or offshore marine site

The NDP should not re-state the Council's plan, it should set out the community's view on the development and use of land in their neighbourhood.

The NDP should:

- Set a timescale over which the plan will be delivered
- Set the aims for the plan
- Set out policies and proposals

Policies should:

- Give substance to the plan's aims and vision
- Help the Council make decisions on planning applications in the neighbourhood area
- Be clear and concise
- Be accompanied by supporting or explanatory text to help make their intention clear

The NDP can put forward regeneration or enhancement proposals for the area (eg. New community centre, school). It can include policies relating to improvement of key public spaces, reduction in street clutter or enhancement of parks and green spaces

Considerations of how proposals will be funded (Community Infrastructure Levy/Section 106/other) should be sent out in the NDP.

Site Allocations

NDPs do not have to include site allocations; it is for the parish/town council to decide if they want to allocate site/s through the NDP.

Allocations could be for housing, employment, community facilities or other kinds of development.

The Local Plan sets overall growth allocations for the local area, and allocations made through the NDP will need to be complementary and distinctive to any allocations made through the Local Plan or subsequent DPDs.

Where allocations are to be included, they will need to be evidence based. There needs to be a clear and transparent process based on planning-focused selection criteria. Decisions should be informed by the Council's [Strategic Housing Market Assessment \(SHMA\)](#) and [Strategic Housing Land Availability Assessment \(SHLAA\)](#) and discussions with local landowners.

Options consultations

In developing the plan, different options may be considered and be subject to consultation to find people's preferences. The thinking behind each option should be fully explained, with lists of possible advantages/disadvantages to help people make informed choices.

Supporting Sustainable Development

The NDP should contribute to the achievement of sustainable development. Sustainable Development can be seen as development that enables growth to cater for the needs of current generations but ensuring that growth does not mean worse lives for future generations.

There are many ways that a NDP can address sustainable development, they can include:

- Encourage and support travel choices, inc. facilities for walking and cycling
- Good mix of community facilities within walking distance of the majority of residents

- Encourage the reuse and refurbishment of existing buildings
- Energy efficiency/water recycling and reuse is promoted for new development

### **Environmental Assessments (SEA) and Habitats Regulation Assessments (HRA)**

SEA is required where plans are likely to cause significant environmental effects. Not all NDPs will require SEA.

The Council will screen the NDP as to whether SEA and HRA is required. It is best that this is done early on in the process, to assess whether the NDP is likely trigger any EU directives.

If an SEA is required the gathering of evidence for its preparation can be integrated into the NDP process.

Where a Neighbourhood Plan is proposing to allocate sites, or the Neighbourhood Area is located within the AONB it is likely that an SEA will be required.

Even if there is no need to undertake formal SEA it is good practice to prepare a statement setting out how environmental issues have been taken into account and considered during the preparation of the NDP.

### **Stage 3 - Pre-submission Consultation**

The Parish/town council must carry out a 6-week consultation on the propose DNDP prior to the submission of the Plan to the Council.

This includes:

- Publicise the plan in such a way as it is brought to the attention of people living, working or running businesses in the neighbourhood area
- Consult with the statutory consultation bodies who's interest may be affected by the plan
- Send a copy to the Council

Any comments received need to be taken into account and any changes made to the NDP prior to submission to the council.

A summary of the comments received and how these have been taken into account in the preparation of the NDP.

It is at this stage that the Council will response formally to the consultation setting out whether they think that the proposed NDP is in conformity with national/local policy.

### **Stage 4 - Submission to the Council**

Once the Parish/Town council is happy with the NDP and any changes following the pre-submission consultation have been made the NDP is submitted to the Council.

The following documents need to be submitted:

- A map identifying the area covered by the plan
- Consultation statement

- Proposed NDP
- Statement on how the plan fulfils the basic conditions and other legal requirements.

Once the NDP has been received the Council will check that the NDP meets the legal requirements and is in general conformity with national/local policy.

The Council will then publish the plan for 6 weeks, asking for comments. The Council will also notify anyone referred to in the consultation statement that the plan has been received.

At the same time the Council will look to appoint an examiner to examine the plan.

#### Consultation statement

The focus of the consultation statement should be on the pre-submission consultation. However, it is useful to include details of all previous consultations that have informed the NDP to ensure a clear and concise document setting out how consultation has informed the development of the NDP.

It should include:

- Names of people/organisations consulted on the NDP
- Details of how they have been consulted
- Summary of the main issues and concerns raised through the consultation
- Descriptions of how these issues and concerns have been considered and addressed in the NDP

#### Basic Conditions statement

This needs to demonstrate how the NDP meets the basic conditions and legal requirements of Neighbourhood Planning.

It needs to confirm that:

- The draft plan is submitted by a qualifying body
- What is being proposed
- The NDP states the period for which it is to have effect
- Confirmation that the policies do not relate to “excluding development”
- Confirmation that the proposed NDP does not relate to more than one neighbourhood area
- Confirmation that there are no other NDPs in place within the neighbourhood area

### **Stage 5 - Independent Examination**

The Council will appoint a person to carry out the examination. This appointment will be agreed with the parish/town council.

The Council will send the plan and supporting information to the examiner electronically. Please note that it is usual for the Examiner to request hard copies of all documents used to support the NDP. These will need to be provided by the Parish Council.

Normally the examination will be conducted by written representations. If the examiner thinks it necessary, they may invite interested parties to a public hearing to present their comments, to examine an issue in more depth or to ensure fairness.

The examiner is only considering whether the NDP meets the basic conditions. Does the NDP:

- Have appropriate regard to national policy
- Contributes to the achievement of sustainable development
- Is in general conformity with the policies in the development plan
- Compatible with human rights
- Compatible with EU obligations

Following the examination the examiner will issue a report to the Council and parish/town council. The examiner can make three recommendations:

- Plan proceeds to referendum (meets the basic conditions)
- Modifications are required before the NDP can proceed to referendum (to meet the basic conditions)
- Plan does not proceed to referendum (does not meet the basic conditions and no modifications could be made to meet them)

Where referendum is recommended, the examiner will also make a recommendation about the area to be included within the referendum. It maybe that the referendum area covers a wider area than the neighbourhood area.

It is the responsibility of the Council to cover the costs of the referendum.

If the plan is not recommended to proceed, discussions need to be had with the Council and parish/town council as to whether to abandon the plan, or whether to make significant modifications and repeat the process again from the pre-submission consultation.

### **Modifications**

If the Council can make modifications to the NDP to ensure it meet the basic conditions, it is required to do so. The Council will take into account the examiners recommendations but the recommendations are not binding.

Modifications should be explained to and discussed with the parish/town council to ensure consensus. If consensus is not possible the parish/town council have the option of withdrawing the plan.

Where modifications are made the Council must publish details of the modifications made.

### **Stage 6 - Referendum**

If the NDP is found to be satisfactory, the Council will arrange for the referendum to take place. This is organised by the Council's elections team.

28 working days before the referendum the Council will publish the information about the NDP.

25 working days before the date of the referendum the council are required to give notice that a referendum is taking place and the date of the poll.

The Parish/town council may encourage voting in the referendum. Public money and parish council can only produce factual material about the NDP, not promote a yes vote. However, individual members of the parish council and others may act independently to campaign for a 'yes' vote.

The question will ask:

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?

People on the electoral register are entitled to vote.

If more than 50% of those voting vote yes, the Council will bring the plan into force.

### **Making the Plan**

Where the referendum has voted for the plan, the Council will bring the plan into force and make it part of the development plan.

Decision on whether or not to grant planning permission in the neighbourhood area will need to be made in accordance with the NDP, unless material considerations indicate otherwise.

Delivery of other parts of the NDP may come down to the Parish Council. It is not up to the Council to deliver the whole of the plan.

### **Funding**

The organisation Locality offer some grants and support. Further information is available at: <http://mycommunity.org.uk/programme/neighbourhood-planning/>.

Planning Aid England has produced guidance on how to resource a NDP: [http://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/How\\_to\\_resource\\_your\\_neighbourhood\\_plan4.pdf](http://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/How_to_resource_your_neighbourhood_plan4.pdf).

### **Further guidance**

Locality and Planning Aid England have produced a series of useful guides to help with the preparation of NDPs:

- Locality:  
<http://mycommunity.org.uk/resources/?filterable=true&category=neighbourhood-planning&p=4>
- Planning Aid England:  
<http://www.ourneighbourhoodplanning.org.uk/resources/documents/29>.

Government guidance on NDPs is set out in the Planning Practice Guidance:  
<http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/designating-a-neighbourhood-area/>.