

Neighbourhood Planning

A User's Guide



A user-friendly guide to creating a Neighbourhood Plan
including ready-made templates



PlanningStreet



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This guide has been produced by PlanningStreet; consultants specialising in Neighbourhood Planning. It is possible for a reasonably well-equipped non-qualified steering group to create their own effective Neighbourhood Plan using just this guide.

However it is recommended that full use be made of Local Authority Link Officers and that some additional professionally qualified input is obtained before publication. No liability can be accepted including but not limited to error or omission should the guide be used alone.

PlanningStreet is happy to provide advice and support including carrying out key elements of the process. We are happy to quote on a fixed fee basis enabling you to keep control of your costs and use us only as much as necessary.

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Contents

Introduction

- What is a Neighbourhood Plan? 1
- What are the differences between NDP, NDO and CRTB? 1
- How long does it take? 2
- Roles – who does what? 2
- Abbreviations and terms 3

The Process

- The process 5
- Process table 6-7

Getting Started

- Form a Steering Group 9
- Apply for your area 9
- Scoping the Plan 10
- Baseline Data 10
- Creating Objectives and Vision 11
- SA / SEA Scoping If needed 12
- Writing the Plan 13
- Drafting Policies 14
- SA / SEA report if needed 14
- Revising the Plan 15
- First formal Consultation 15
- After the Consultation 15

Preparing Ancillary Documents

- Consultation Statement template 16-18
- Basic Conditions Statement 19

Final Stages

- Submitting your Plan 20
- Examination 20
- Referendum 20
- Making the Plan 20
- Monitoring the Plan 21

Appendices

- When is SA / SAE required? 24
- Who should be consulted? 24
- The Basic Conditions 25
- Legislation 25

Introduction

What is a Neighbourhood Plan?

The Localism Act of 2011 brought in a new level of plans intended to give communities increased control over the future of their areas. Neighbourhood Plans, as they are called, are prepared by local communities. But, unlike Parish Plans, Neighbourhood Plans automatically become part of the local Development Plan, sharing the same high legal status as the Local Authority's own Local Plan. This is without doubt one of the most exciting developments in British Planning for many years. At last communities can take control of local planning by devising their own policies or by giving planning permission to a particular development; yet, a Neighbourhood Plan is not compulsory and may not be the right approach for every area.

There are also some limits on what a Neighbourhood Plan can do; Neighbourhood Plans must be in general conformity with the Development Plan and government guidance, cannot breach European law, and cannot be used simply to say 'no' to all development in an area. What they can do however, is to select sites to be preserved or developed and can set policies covering everything from infrastructure to design. Additionally, the creation of a Neighbourhood Plan in your area can make the area eligible for money deriving from the Community Infrastructure Levy or CIL.

What are the differences between NDP's, NDO's and CRTB?

There are three main types of Neighbourhood Plan.

A Neighbourhood Development Plan (NDP) – this is the most common type of plan and is similar to a local authority Local Plan in that it sets out policies that help control development locally via decisions on planning applications submitted to the LPA.

A Neighbourhood Development Order (NDO) focuses on one particular site and effectively allows a community to grant planning permission for a specific development it wants. This development can be carried out by a third party developer.

A Community Right to Build Order (CRTB) is another way to grant planning permission for local development – but this must be of a kind instigated by a community organisation that aims to benefit the local community directly – for instance through building a village hall or affordable housing.

What is involved?

The process for each type of Neighbourhood Plan is broadly the same. There are a number of stages to go through and various documents to produce before a plan can be formally adopted or 'Made' by the Local Planning Authority (the LPA). The stages include; research, at least 2 two rounds of consultation, the preparation of draft plans, creating a Consultation Statement, A Basic Conditions Statement and if necessary, an SEA, SA or EIA environmental report.

In other words, a suite of documents has to be prepared, consulted on and finally submitted for approval. After final public consultation by the LPA, the plan is then examined by a qualified independent Inspector. If it passes this examination it can then proceed to a referendum. Any plan achieving a simple majority (50% plus 1 of those who actually vote) is then 'Made' or adopted, gaining legal force. This may all sound a bit daunting, but in fact the tasks can be easily broken down into sub-tasks and spread around a volunteer group. The LPA will have a Link Officer who can help for free, and for more detailed assistance you may need a private planning consultant. Don't worry - grants are available for such help.

How long does it take?

Since every area is different, it is not possible to say for sure how long a plan will take. However, realistically a full NDP is likely to take between 12 and 36 months, while an NDO or CRTB Order could be finished in about a year. A lot depends on the resources available and to what extent these can be supplemented by help from the LPA and paid assistance from a consultant, as well as the scope of the issues to be covered. The process is likely to be quicker if you follow a guide, such as this one, which provides templates and use a qualified and experienced planning consultant.

The Roles

There are a number of organisations, people and groups likely to be involved in a Neighbourhood Plan. Some of these and their respective roles are:

A Qualifying Body – only these bodies can normally create a Neighbourhood Plan. These can include:

- a Parish or Town Council
- a neighbourhood forum
- a community organisation

The Steering Group

- The working group delegated by the Qualifying Body to carry out the Neighbourhood Plan work. Often this is a special sub-committee of the Parish Council but usually includes non-council members and the LPA Link Officer, plus a planning consultant if you are using one.

The Local Planning Authority (LPA) – usually your local Council

- The LPA can usually provide a Link Officer to give support and free advice. Their role is limited however.
- The LPA is involved in approving the area of a plan, and also holds the referendum.
- The LPA is responsible for making or adopting the plan.
- The LPA will screen a plan to see if it needs Sustainability Appraisal (SA or SEA) as well as HRA.

A Planning or Environmental Consultant

- A private sector person or organisation that is expert in planning and who works for a fee. Some, like PlanningStreet specialise in Neighbourhood Planning.

The Consultation Bodies

- These include: English Heritage, the Environment Agency and Natural England. Their role is to comment on your draft documents. A full list is given in this guide.

Public Consultees

- These are anyone likely to be affected by your plan

Private Developers

- It is perfectly possible for plans (usually NDO's) to be created with a private sector developer.

Glossary

The following terms used throughout this report or that you may come across are defined here:

Basic Conditions – the conditions that a Plan must satisfy by law (Schedule 4B TCPA 1990)

CIL – Community Infrastructure Levy

Community Engagement - informal local discussion and interaction (in addition to formal consultation)

Consultation - formal periods of designated consultation specified by regulation

Consultation Body – body that must be consulted during production of plan and SA / SEA

CRTB – Community Right to Build Order

DAS – Design and Access Statement

EIA – Environmental Impact Assessment

EU – European Union

Evidence Base - evidence gathered and retained to support the Plan

HRA – Habitats Regulation Assessment

Link Officer- officer provided free of charge by LPA to assist groups preparing Neighbourhood Plans

LPA - Local Planning Authority

NDP- Neighbourhood Development Plan – Neighbourhood Plan setting out policies for development

NDO- Neighbourhood Development Order – Neighbourhood Plan granting permission for specified development

Neighbourhood Forum – possible qualifying body in non-parish areas – needs 21 members minimum

NPIERS - Neighbourhood Planning Independent Examiner Referral Service

OMS – Offshore Marine Sites

Planning Consultant – paid qualified assistant specialising in planning

Qualifying Body – an organisation authorised to prepare a Neighbourhood Plan

SA – Sustainability Appraisal

Scoping- initial data gathering and appraisal stage of Neighbourhood Plan, SA or SEA

SEA – Strategic Environmental Assessment

Steering Group - sub group of Qualifying Body tasked with running the Neighbourhood Plan

TCPA 1990 – Town and Country Planning Act 1990

The Process

The overall Neighbourhood Plan process is shown on the process table below. This table is useful for keeping track of where you are at any given point, but more detailed instructions are supplied in the written text following - which walks you through the process. In other words, the order of the text follows the order set out in the table.

Although Neighbourhood Plans are covered by regulations, there is in fact no defined format for one. In writing this guide therefore we have created templates that, if correctly used, will ensure that a Plan complies with regulations. But in practice the templates should be regarded as guides and not forms to be simply filled in. Every area is different and each Neighbourhood Plan should reflect that. You will no doubt have your own ideas and that's fine.

Your plan may need to be accompanied by an Environmental Report. This is like an eco-MOT, and is carried out by one of three processes; SA or SEA for an NDP (similar except in level of detail) and EIA Environmental Report for an NDO or CRTB. These mechanisms test the environmental credentials of your plan. You can either;

- Begin your Neighbourhood Plan and await Screening (this happens a bit later when you submit your early plan to the LPA and they decide whether an SEA / EIA is required. (See our separate guide to SA / SEA).
- Begin your Neighbourhood Plan with an intention that SA / SEA or EIA will be an integral part, regardless of the result of later Screening. Many groups decide to do this as a demonstration of Good Practice, but also because, whether or not an environmental report is formally required, it is up to every plan to demonstrate that it will deliver 'Sustainable Development', and such a report is a recognised way of proving this. We recommend an environmental report is done for every plan but it is possible to make a plan without one if the LPA agrees.

An environmental report is likely to be required if your Plan will have significant effects on the environment. What counts as significant is defined in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004. This is a long and complex list. In practice, effects are likely to be defined as significant where:

- A Neighbourhood Plan allocates sites for development
- The neighbourhood area contains sensitive natural or heritage assets that may be affected
- It involves a major scheme
- The effects have not already been considered via a sustainability appraisal of the Local Plan.

The first table below indicates the basic Neighbourhood Plan process (in pink) as well as both SA and SEA. This is the process for an NDP.

The second table shows the process for an NDO or CRTB.

Refer to our separate Guide for how to carry out the SA / SEA if applicable which also explains the difference between the two. EIA is best carried out by a specialist consultant.

TABLE 1: Neighbourhood Plans and SEA / SA Process Table for NDP's

| SEA | NDP Process | SA |
|---|--|---|
| GETTING STARTED | GETTING STARTED | GETTING STARTED |
| | Qualifying Body initiates process & forms Steering Group | |
| | Area Application (Map) Validation | |
| | 6 Week consultation. Decision | |
| | Scoping /Evidence gathering / community engagement to create Pre-submission Draft Plan: | |
| Screening Sea /HRA – significant env. effects likely? – Consult Stat consultees (5 weeks) | < > Develop Objectives and Vision | SA Not required but can help prove plan delivers Sustainable development. HRA screening needed. |
| Scoping <ul style="list-style-type: none"> • Other plans and programmes • Baseline • Identify issues and problems (environmental only) • Create SEA Objectives (framework) • Produce Scoping Report > • Consult stat consultees (5 weeks – Steering Group) | Engage Community (begin Consultation Statement) - see template page 16 of this guide Begin drafting policies (and alternatives) ----- Revise / Add to Objectives & Policies in light of SA / SEA Framework if applicable Engage community (add this to Consultation Statement) Informally consult LPA departments on policies Produce revised Pre-Submission Draft NDP | Scoping <ul style="list-style-type: none"> • Other plans and programmes • Baseline • Identify issues and problems (social, economic, environmental) • Create SA Objectives (framework) • < Produce Scoping Report • Consult stat consultees (5 wks – Steering Group) |
| Testing <ul style="list-style-type: none"> • Test Objectives of the plan against SEA Objectives • Test policies (preferred approach) and alternatives (scoring) • Evaluate overall effects of the plan and alternatives • Consider minimising adverse effects / maximising beneficial effects • Non-technical summary • Propose monitoring methods • Complete Environmental report > | Revise Plan if needed in light of SA / SEA (if applicable) > < ----- Complete Pre-Submission Draft NDP | Testing <ul style="list-style-type: none"> • Test Objectives of the plan against SA Objectives • Test policies (preferred approach) and alternatives (scoring) • Evaluate overall effects of the plan and alternatives • Consider minimising adverse effect / maximising beneficial effects • Non-technical summary • Propose monitoring methods • < Complete Environmental Report |

Continued >

TABLE 1: Neighbourhood Plans and SEA / SA Process Table for NDP's Continued >

| SEA | NDP Process | SA |
|--|--|---|
| Environmental Report <ul style="list-style-type: none"> • Publish SEA Report | Draft NDP <ul style="list-style-type: none"> • Publish Pre-submission draft | Environmental Report <ul style="list-style-type: none"> • Publish SA Report |
| 6 weeks Consultation | 6 weeks consultation (Steering Group) | 6 weeks Consultation |
| Refine SEA Report if errors detected or if NDP is to be changed | Create Submission Draft <ul style="list-style-type: none"> • Refine NDP • Add info. to Consultation Statement • Proposals for monitoring | Refine SA Report if errors detected or if NDP is to be changed |
| | Create or add <ul style="list-style-type: none"> • Map • Consultation Statement • Basic Conditions Statement • SEA / HRA Screening • Reg 9 statement if no SEA or SA (see templates in this guide) | |
| | | |
| FINAL STAGES | FINAL STAGES | FINAL STAGES |
| | | |
| Submit SEA along with other docs to LPA | Submit NDP and docs to LPA | Submit SA along with other docs to LPA |
| | LPA Assessment of Plan | |
| | 6 weeks consultation (LPA) | |
| | Modifications | |
| | Examination <ul style="list-style-type: none"> • Chose inspector (NPIERS). • Consultation Schedule (LPA) • Examination | |
| | LPA Produces decision notice and Schedule | |
| Modifications if necessary | Mods if necessary | Modifications if necessary |
| | Referendum & online publication (LPA) | |
| | Decision Statement | |
| | Make the Plan (if 50% plus 1) | |
| | | |
| ONGOING MONITORING | ONGOING MONITORING | ONGOING MONITORING |

TABLE 2: Neighbourhood Plans and EIA Process Table for NDO's and CRTB's Continued >

| NDO Process Pre-Submission Draft Plan | | HRA / EIA |
|---|---|--|
| Qualifying Body initiates process & forms Steering Group | | |
| Area Application (Map) Validation | | |
| 6 Week Area consultation. Decision (LPA) | <p>Scoping /evidence gathering / community engagement Create Draft NDO Background: Other plans and programmes Flush out possible issues / development details. Develop draft Objectives and Vision.</p> <p>Consult on Principle of Development Consult on Issues e.g.: Affordable Housing, Highways, AONB etc.</p> <p>Write up details in Draft Plan Template - keep updated ></p> | EIA / HRA Screening / EIA Scoping (Developer Request Required for EIA Screening and Scoping) Identify issues and problems (environmental / habitat) |
| <p>Confirm Viability</p> <p>Engage community with draft plan / vision etc. (add this engagement to Consultation Statement) Informally consult LPA departments and other key consultees.</p> <p>Produce Pre-Submission Draft NDO This is like fuller DAS.</p> | | <p>Start Work on EIA Continue Consultations with key consultees, e.g.:</p> <p>Development Management Housing Highways AONB</p> |
| Revise Plan if needed in light of EIA / Consultee Comments | | Continue working on EIA |
| Complete Pre-Submission Draft NDO | | Complete Draft EIA Environmental Report |
| Draft NDO - Publish Pre-submission draft | | Environmental Report - Publish Draft EIA Environmental Report |
| 6 weeks' consultation (run by Steering Group) Incl. Statutory Consultees | | 6 weeks Consultation (Steering Group) |
| <p>Create Submission Draft Refine NDO in light of responses Add info. to Consultation Statement Proposals for monitoring</p> | | Refine EIA Report if errors detected or if NDO is to be changed |
| <p>Create or add Map Consultation Statement Basic Conditions Statement SEA / HRA Screening Statement or Reg. 9 statement if no SEA or SA</p> | | |
| Submit NDP and docs including EIA to LPA | | Submit EIA along with other docs to LPA |
| LPA Assessment of Plan | | LPA Assessment of EIA |
| 6 weeks public consultation (run by LPA) | | 6 weeks public consultation (run by LPA) |
| Modifications if necessary | | Modifications if necessary |
| <p>Examination</p> <ul style="list-style-type: none"> • Chose inspector (NPIERS). • Consultation Schedule (LPA) • Examination | | |
| LPA Produces decision notice and Schedule | | |
| Modifications if necessary | | Modifications if necessary |
| Referendum & online publication (LPA) | | |
| Decision Statement | | |
| Make the Plan (if 50% plus 1) | | |

Getting Started

Looking at the Table, the first step is to create a Steering Group and determine the area to be covered by a Plan. Here are the actual tasks this involves.

- **Steering Group**

Form a Steering Group and agree terms of reference. This is usually a sub-group of the Parish Council and should include members of the council, the local community, the LPA's Link Officer and a planning consultant if you are using one. It is not necessary for all members to physically attend every meeting. Spread the tasks around according to willingness of volunteers and aptitude / experience.

- **Area Application**

One of the first jobs is to decide what area will be covered by the Plan. For an NDP this is usually the whole parish. For an NDO or CRTB it will usually be just the development site in question.

Once the area is determined, you can apply to the LPA to have the area approved. They will have a form and you will need to complete this and add a map showing the area as a boundary. You will also have to produce a short statement explaining why the area is considered to be appropriate in planning terms.

This might (for example) be because:

- It is self-contained
- It has an established jurisdiction and management (e.g. a Parish Council)
- There are no cross boundary issues likely to require detailed involvement of another Parish or body.

Once submitted the LPA will validate your application, and then consult on it for 6 weeks before issuing a decision notice. While this is going on however, you can get on with what's known as 'Scoping.'

Scoping: evidence gathering / community engagement

Scoping can be done in a number of ways, but it essentially consists of researching issues, gathering data and deciding on priorities for the plan. You might for instance:

- Create an agenda for discussion – why might a plan be needed?
- Explain what a plan could do
- Do some basic research of possible local issues / problems and produce some hand-outs / wall charts explaining these Scoping Issues. The following template is comprehensive and may help collect your thoughts.
- Should an SEA be done?
- Hold a public meeting / workshop – agree most important issues the plan could deal with.
- Start Consultation Statement (see template on page 16)

Scoping Continued >

This step is essentially a brain-storming session (or sessions) for the plan-making team, although the wider community can also be involved, for instance through workshops.

We've set out a wide range of topics or themes below – but you can add or subtract to this according to what is right for your area. For NDP's the list given here is likely to be comprehensive. Use the NDO template for an NDO / CRTB and adapt if needed.

What you are trying to do is think of your area under each heading and then write down what is found locally. You are looking for areas of different land use, known local problems and issues, and indeed anything your Plan is likely to cover. In the case of an NDO or CRTB this will be concerned mainly with the site but you should consider the immediate environmental surroundings it as well if there are likely to be impacts there. In the last column record the plans and policies covering your area (e.g. Local Plan, Village Design Statement).

Baseline Data for NDP's – template

| Topic | Local Problems / Issues | Relevant Plans / Policies |
|---------------------------|-------------------------|---------------------------|
| Biodiversity | | |
| Land and Soil | | |
| Water & Flood Risk | | |
| Air Quality | | |
| Climate | | |
| Historic Environment | | |
| Landscape | | |
| Population and Housing | | |
| Community and Health | | |
| Education | | |
| Services & Infrastructure | | |
| Transport | | |
| Economy | | |

Baseline Data for NDO's and CRTB's

| Topic | Local Problems / Issues | Relevant Plans / Policies |
|---------------------------|-------------------------|---------------------------|
| Biodiversity and Nature | | |
| Present Land Uses | | |
| Water & Flood Risk | | |
| Historic Environment | | |
| Townscape | | |
| Landscape | | |
| Population and Housing | | |
| Community | | |
| Education | | |
| Services & Infrastructure | | |
| Transport | | |
| Economy | | |

Setting Objectives – template for all Neighbourhood Plans

Once you have completed one of the above tables, and before you go on to create actual policies, you can then decide what Objectives the Plan might have. In the case of an NDO or CRTB these will be demonstrating how the problems and issues will be addressed by the development proposed.

| Local Issue or Problem | Neighbourhood Plan Objective |
|--|--|
| e.g. High value placed on landscape and views in and out of village by the community | e.g. Prevent harm to views and landscape from new development. Take opportunities to open up the view of countryside from village when possible. |
| | |
| | |
| | |
| | |

Creating your plan's 'Vision' – some helpful hints

Once you have sorted out your Objectives, the next step is to agree a Vision. The Vision is a short statement that summarises what the plan is all about. To write it you need to ask questions like these.

- What is the plan area like now?
- What are the issues/problems?
- What do we want to change?
- How do we make that change?
- What will the area be like if we succeed?

You can ask the community to comment on the Vision specifically when you engage them or formally consult. The Vision can therefore change throughout the plans early development. It need only be a paragraph or two long.

Once you have your Objectives and Vision then you can:

- For an NDP, apply to the LPA to get the plan Screened for SEA (find out whether an SEA is required)
- For all Plans, apply to the LPA to get the plan Screened for HRA 'HRA' is a check (usually your LPA or Council will carry this out for you) that your plan does not harm internationally recognised wildlife habitats; these include special areas of conservation (SAC), Special Protection Areas (SPA) and Offshore Marine Sites (OMS). It is required by the EU Habitats Directive. The HRA is usually done at the same time as the SEA / SA Screening of the draft plan by the LPA.
- For an NDO or CRTB get the plan screened for EIA. Ask also for a Scoping Opinion saying what any EIA should include if one is required.
- Start your consultation Statement (see template in Appendix 1) recording all you have done so far in terms of involving the community and consulting them.
- Start your SEA if needed
- Begin writing the draft Neighbourhood Plan or Order.

SA/ SEA Scoping (NDP's only)

Should Screening determine that an SEA is required, then this is where you would begin the SEA Scoping Report. This can probably borrow some of the text you have created for your Neighbourhood Plan Scoping Report as it's a similar thing. However the SEA Scoping Report focuses on;

- Environmental Issues
- Creating a set of environmental Objectives as a framework against which your Plan can be judged. These are different from your Plan's Objectives.
- How you would like the area to be – whereas your Plan Objectives are definite proposals, these SA / SEA Objectives are more aspirational.

Like your emerging draft Plan, you will need to consult on the SEA Scoping Report. The requirement for this Scoping Report however is only to engage with your own community and the three Consultee Bodies.

With the Scoping Report out of the way and its Framework of Objectives in mind, you can continue to develop your Neighbourhood Plan, before returning to create a full SA / SEA Report later.

FOR FULL GUIDANCE ON SA/SEA SEE THE SEPARATE PLANNINGSTREET GUIDE. Your LPA Link Officer should also be able to help.

EIA -(NDO's and CRTB only)

If Screening indicates that your NDO or CRTB requires an EIA then the LPA Scoping Opinion should indicate what issues should be covered. If in doubt cover all applicable issues to your project.

The EIA Environmental Report should ideally be prepared by specialist consultants.

If EIA is NOT required, your NDO or CRTB will still have to cover all material planning issues (including environmental ones). In this case you might want to do this by setting out each issue as a separate chapter in the NDO. Specialist reports can then be attached as appendices if needed. This process is much like the normal DAS and supplementary reports that accompany a regular planning application.

Writing the Plan

Here is the overall template for the Neighbourhood Plan or Order. You can set out the headings now in electronic documents, save those files and then simply fill them in as the plan evolves. The bullet points are hints or suggestions about what to include. Drop into the relevant sections the tables you have done so far.

Introduction

- Who is creating the Plan? What is its underlying authority?
- What area does the Plan cover, what are its aims?
- Community Involvement
- Methodology – e.g. scoping / research, community involvement, consultation, Local / National Policy.

Planning Policy Context

- Legal basis for the Neighbourhood Plan
- The Local Development Plan
- Other relevant plans

Physical Context

- Description of area
- Baseline data table
- Detailed summary / description / explanation of issues highlighted in the table from the Scoping exercise

Vision of the Plan

- Give the written Vision you have agreed

Main Objectives of the Plan

- Explain how the plan's objectives were formed
- Issues and Objectives table
- Explain how the Objectives will be translated into policy.

Plan Policies

There is no established format for this but you might want to include a reference table at the start of each policy listing the Plan Objective that the policy relates to, plus relevant policy references from the Local Plan and NPPF. A Planning Consultant could prove useful here. Then each policy following that usually has;

- Some explanatory text
- The Policy itself (ideally colour-coded or emphasized to make it stand out)
- A written justification
- Monitoring Proposals

Conclusion

You may want to add a conclusion explaining how the policies will help deliver the Vision of the Plan.

Appendices: These may include: Maps / Diagrams

Plan Policies (NDP's only)

Perhaps the most difficult aspect of plan preparation is the drafting of policy. Even within Local Authorities this is a specialized art – requiring accurate understanding of the law if the policy is to be legal, robust and enforceable. There is no established format (though you could look at your Local Plan for ideas) but you might want to include a reference table at the start of each policy as a heading, listing the Plan Objective that the policy relates to, plus relevant policy references in Local Plan and NPPF.

Then each policy usually has:

- An explanatory text background to cover what the policy is dealing with
- The Policy itself (ideally colour-coded or emphasized to make it stand out)
- A written justification – explanation of need for the policy

Policy Content

Policies must be drafted to regulate the use and development of land. Policies covering matters (like highways or waste disposal) that are the responsibility of authorities other than the LPA are not allowed.

Policies must:

- Conform to National planning policy
- Be in general conformity with Development Plan policy for the area
- Be compatible with EU law
- Be unambiguous and clearly worded
- Be reasonable and enforceable through existing planning powers.

Policies can:

- Allocate sites for development
- Designate formal Green Space (areas used for recreation and not to be built on)
- Impose design constraints
- Specify infrastructure improvements required if development is allowed
- Deal with other matters thrown up through consultation providing they are land-use matters regulated by the planning system (e.g. agricultural operations cannot be included). However these matters can be included as 'advisory' or 'non-policy action' notes.

Informal Policy Consultation

We advise that you informally consult Development Management and other sections of the LPA regarding your policies at an early stage. A planning consultant can also be helpful here.

SA / SEA Environmental Report (if required)

When you have a complete draft Plan including policies, you can carry out the environmental testing of SA / SEA if this is needed. The result of this will be a full SA / SEA Environmental Report.

Essentially what this phase involves is using your SEA Objectives derived in the SA / SEA Scoping Report as an environmental 'touch stone' - a gold standard against which you can judge the effects of your Plan. The end result is an Environmental Report to sit alongside your now completed Pre-Submission Draft Neighbourhood Plan. Normally both of these go through to the first formal consultation together.

Revising the Plan

When you have completed the SA / SEA exercise, you will need to revise your emerging plan as appropriate and show that this has been done. Be aware that this stage can take quite a while. Here you are taking the inputs from the consultation and SA / SEA and revising the plan as appropriate. Here you are finishing what is known as the 'Pre-Submission Draft'.

NDO's and CRTB

Instead of policies an Order includes all the material planning aspects of the proposal. It must also consider the problems and issues raised by consultees and indicate how these may be overcome. Instead of policies therefore an NDO includes a set of Proposals and a discussion of Issues.

First Formal Consultation

When you have your Pre-Submission Draft Plan (that is, your first complete draft but not the one you'll eventually be submitting to the LPA) and your SA / SEA Environmental Report (if needed), (EIA Draft for NDO's and CRTB's) you can hold your first formal 6 week consultation. This differs from the informal 'Community Engagement' you have done so far. Usually for this event, you would consult at the same time on both Neighbourhood Plan and SA/SEA/EIA (if any). For this first formal consultation you must:

- Publish the Plan and environmental report (physically and electronically)
- Publicise details of where and when the Plan can be inspected
- Provide details of how to make representations on the Plan
- Specify the date by which representations must be received, allowing at least six weeks
- Create and make available a form for comments
- Consult the Consultee Bodies if appropriate.

Most Steering groups also organize consultation events, though this is not compulsory. Following the consultation period, you need to record the responses in the Consultation Statement you began earlier (see Template on page 16). You need to show:

- Who said what
- Changes made as a result of comments
- An analysis or synthesis of comments, drawing out themes

After the Consultation

After the first formal consultation and assessment of responses you need to:

- Revise the Plan as appropriate
- Refine the environmental report (if any) if the Neighbourhood Plan is to be changed
- Add to your Consultation Statement

In the course of the above you will be turning your Plan from 'Pre-Submission Draft' to what is known as the 'Submission Draft' – that is, the actual plan that will be submitted to the LPA and Examiner.

Preparing the Ancillary Documents

Before you can submit your plan however, there are a few ancillary documents to finish. You will need to:

- Finish the Consultation Statement (See template below)
- Create separately a map showing the Plan area
- Draft a Basic Conditions Statement (see template below)
- Include an HRA Screening Statement (from the LPA)
- Include an SEA Screening Statement (from the LPA) – NDP’s only
- Include an EIA Screening Statement and Scoping Opinion – NDO’s CRTB’s
- Include an SA / SEA if required.
- Include an EIA if required.

Ancillary Document Templates

Here are some templates for the ancillary documents.....these are suggestions as there is no fixed format.

Neighbourhood Plan Consultation Statement – basic template

A good Consultation Statement does not need to be complex. Nor do the methods you use to actually engage with the community or consult with relevant bodies. No one is expecting you to commit the resources of an LPA to the job. The Statement simply needs to show that you have consulted anyone likely to be affected and that their views have helped shape the plan. The report needs to be accurate, professional and clear, but it does not have to be exhaustive.

A typical consultation statement includes the following headings:

Introduction - Reason for consultation and commitment to the process. Statement that the document complies with Regulations 14 and 15 of the Neighbourhood Planning (General) Regulations 2012.

Methodology of consultation – What was done, where, when, how; questionnaires, events, polls, websites, existing networks. Who was consulted directly (e.g. Statutory Consultee Bodies - see Appendix 5.)

As well as some explanatory text, you can set the results out in tabular form – like this example. This table records organisations rather than individuals - for example the Statutory Consultees. At this point personal responses from private individuals are recorded under one heading of ‘General Public’.

| Consultation Method? | Who was Consulted? | When? | Numbers? |
|----------------------|--------------------|-------|----------|
| | | | |
| | | | |
| | | | |
| | | | |

Include Groups / Cross Section, Extent of response, numbers, photos.

Summary of issues and themes from responses

(How these were considered and the responses of the Plan)

You might want to group these under headings or themes (e.g. ‘Transport’ ‘Housing’ etc...)

Conclusion

Analysis of comments, support or opposition to the plan and its policies. Changes made (how the consultation has affected the development of the Plan. You need to show that it has).

Consultation Statement Appendices Continued >

Consultation Statement Appendix 1: Schedule of individual public consultation responses.

At some point in the Consultation Statement you need to show every individual comment that was received and the response of the Plan to that, whether from individuals or organisations. You can however keep the individual ones separate from the organisation ones if you wish. A simple table like this one will suffice.

| Consultee | Summary of Comment | Plan Response |
|-----------|--------------------|---------------|
| | | |
| | | |
| | | |
| | | |

Consultation Statement Appendix 2: Meetings and events

Description (can include pictures)

Consultation Statement Appendix 3: Questionnaire

The template shows an example of a questionnaire form (yellow) and the analysis needed (pink section). Create one form with both sections for analysis and multiple forms of just yellow section for distribution as the questionnaire. Use questions relevant to your area. You need to show the questionnaire form here in your statement.

| Question | Strongly Disagree | Disagree | Neither agree or Disagree | Agree | Strongly Agree | Total Responses | Average (Mean) | Analysis |
|--|-------------------|----------|---------------------------|-------|----------------|-----------------|----------------|----------|
| 1. I want to see more affordable housing | | | | | | | | |
| 2. I want to protect the character of the village | | | | | | | | |
| 3. I support development within the village limits | | | | | | | | |
| 4. The village needs more facilities | | | | | | | | |
| 5. More should be done to encourage people to work in the village. | | | | | | | | |

Consultation Statement Appendices Continued >

Consultation Statement Appendix 4: Press and Media

Copies of advertisements, formal notices etc. Notes describing this part of the process.

Consultation Statement Appendix 5: Statutory Consultees

Paragraph 1, Schedule 1 of the Neighbourhood Planning (General) Regulations 2012 defines the Statutory Consultees (bodies or people who MUST be consulted if you consider the plan may affect them) as:

- A local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority.
- The Coal Authority
- The Homes and Communities Agency
- Natural England
- The Environment Agency
- The Historic Buildings and Monuments Commission for England (known as English Heritage)
- Network Rail Infrastructure Limited
- The Highways Agency
- The Marine Management Organisation
- Any person whom the electronic communications code applies
- Any person who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority
- Any one the following persons who exercise function in any part of the relevant neighbourhood area –
 - a. a Primary Care Trust
 - b. a person to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989 (licences authorising supply, etc)(a);
 - c. a person to whom a licence has been granted under section 7(2) of the Gas Act 1986 (licensing of gas transporters)(b);
 - d. a sewerage undertaker;
 - e. a water undertaker;
- voluntary bodies some or all of whose activities benefit all or any part of the relevant neighbourhood area;
- bodies which represent the interests of different racial, ethnic or national groups in the neighbourhood area;
- bodies which represent the interests of different religious groups in the neighbourhood area;
- bodies which represent the interests of persons carrying out business in the neighbourhood area; and
- bodies which represent the interests of disabled persons in the neighbourhood area.

You Must show which of these was consulted and which were not, with reasons.

The following Statutory Consultees WERE Consulted:

| Consultee | Method | Date |
|------------------|---------------|-------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

The Following Were NOT consulted:

| Consultee | Reason not consulted |
|------------------|-----------------------------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Ancillary Document Templates

Basic Conditions Statement – template

Introduction and scope

The **INSERT NAME** Neighbourhood Development Plan (NDP) has been prepared in accordance with the statutory regulations; Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied by Section 38A of the Town and Country Planning Act 2004, as amended by the Localism Act 2011 and as embodied in the Neighbourhood Planning Regulations 2012). It has been prepared by **INSERT NAME** as the Qualifying Body. The preparation of this document has been delegated to the Steering Group.

Plan Period

The plan period of the **INSERT NAME** Plan runs between **DATE** and **DATE**.

Excluded Development

The **INSERT NAME Plan** does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

Neighbourhood Area

The **INSERT NAME** Plan relates to **AREA**. No other Neighbourhood Plan is in place in this area.

The Basic Conditions - Compliance

Great care has been taken during preparation of the Plan to ensure compliance with the 'Basic Conditions' required by paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990
The Basic Conditions are:

- a) **National Policies and advice**
Explain how the plan complies with the NPPF
- b) **Having special regard to the desirability of preserving any listed building or its setting** or any features of special architectural or historic interest that it possesses -only required for NDO / CRTB
- c) **Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area**, it is appropriate to make the order. This applies only to NDO / CRTB
- d) **Contributing to the achieving of sustainable development**
How does the plan do this (is it proven by an SA/SEA? Or EIA?)
- e) **General conformity with the strategic policies of the development plan**
The **INSERT NAME** Plan is consistent with the **INSERT NAME** Plan and aims to help deliver its objectives; Examples are:

| Neighbourhood Plan Policy | Relevant Local Plan Policy | Notes |
|-------------------------------|----------------------------|--------------------------|
| Policy 1 – Affordable Housing | Policy CP42 | Allocates at local level |

- f) **EU Regulations and obligations**

Statement to the effect that the Plan does not breach EU Laws (e.g. SEA)

- g) Habitat Regulations Assessment / EIA**
Confirm these interests will not be harmed by the Plan

Final Stages

It pays to check your documentation early with the LPA's link officer well before formal submission, ideally as each document is produced, to avoid later delays.

Submitting Your Plan

Once you have all the documents needed you can formally submit the Plan to the LPA. The final list of what you need to provide is:

- Neighbourhood Plan Submission Draft (revised draft incorporating results of last consultation)
- SEA Screening Statement (NDP)
- EIA Screening Statement (NDO /CRTB)
- HRA Screening Statement
- SA / SEA if required (NDP)
- EIA if required (NDO CRTB)
- Map showing the Plan area
- A Consultation Statement
- A Basic Conditions Statement
- Any other relevant material

The LPA will validate your application (check it is in order). They will tell you when they have done this. Once they are happy, they will then publicly consult on the plan for 6 weeks.

Examination

After the consultation period the LPA will collect together all representations made and will ask you to select an Examiner from a list provided by NPIERS. It is up to the LPA to make the arrangements for the Examination, including forwarding all the documents to the Inspector. The LPA will meet all the costs of this. Usually, unless there are especially controversial issues involved, Examination is by Written Representations rather than Public Inquiry. The Inspector will typically take between 2 and 6 weeks to reach their decision.

Once the LPA have received the Inspectors Report, they will consider the findings, create a schedule of changes necessary and then issue this together with a formal decision notice. It will then be up to the steering group or their consultant to make modifications to the Plan and if necessary the SA / SEA or EIA. Once the changes have been made the revised Plan can be submitted again to the LPA.

Referendum

The LPA will then organise a Referendum (this is done by the same department that usually organises local and general elections using the same basic process and polling stations). Anyone on the electoral roll for the area of the plan can vote. A simple majority is required (50% of those voting on the day plus 1 or more).

Making the Plan

The result of the Referendum is usually announced immediately after the count on the day. The LPA then issues the Decision Notice formally 'Making' or adopting the Neighbourhood Plan. From that date on it becomes legally part of the Development Plan and the LPA will host the Plan on its website. It should not be necessary for the decision to make a plan to go to a planning committee. Most LPA's officers have sufficient authority although it's likely that the decision will need to be signed by the head of service or department.

On-going Monitoring of the Plan

It is a requirement that your Neighbourhood Plan is kept up to date through monitoring. This need not be onerous but could involve keeping an eye on other documents in the Development Plan and on government guidance to see that your plan keeps abreast of important changes.

You need to say how you will do this in your Neighbourhood Plan.

You will also need to monitor the plan's effectiveness – perhaps devising indicators to see whether the policies are working. Usually your LPA does this for their own plans so you should have a ready-made guide as to how it is done.

Appendices

Neighbourhood Planning Guide Appendix 1: When is an SEA Required?

SEA is required only for NDP's. Screening (which must be carried out by an LPA) will find that an Environmental Report is required where it is likely to have 'significant effects' on the local environment.

What counts as significant is defined in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004. This is a long and complex list. In practice, effects are likely to be defined as significant where:

- A neighbourhood plan allocates sites for development
- The neighbourhood area contains sensitive natural or heritage assets that may be affected
- The effects have not already been considered via a sustainability appraisal of the Local Plan.

Neighbourhood Planning Guide Appendix 2: When is an EIA Required?

EIA Screening is required for an NDO / CRTB. You can request this from you LPA.

Usually only major schemes will found to actually need an EIA.

The exact criteria can be found on Government Websites.

You can ask the LPA to provide a Scoping Opinion setting out what issues must be covered by an EIA if one is required.

Usually EIA's are carried out by specialist consultants.

Neighbourhood Planning Guide Appendix 3: Who should be consulted?

Outside the formal consultation processes recorded in the process table, local community involvement (e.g. consultation at an early stage, workshops, meetings etc) it is only necessary to involve the local community and Appropriate Body (usually the Parish Council).

For the Scoping report you must consult the Consultation Bodies

- English Heritage
- English Nature
- Environment Agency

But should also involve the parish community, and the LPA or Council

For the main SA / SEA report, Regulation 13 of the Environmental Assessment of Plans and Programmes Regulations 2004 sets out who must be consulted and the way this must be done.

You must consult:

- The Consultation bodies again
- Anyone likely to be affected by the plan

The latter may include:

- The LPA
- Neighbouring parish and town councils
- Landowners and landowning organisations

- Other organisations that you have been working with or who may have an interest
- Local Businesses
- Utilities
- The general public of your area

Do not be tempted to skimp on this requirement or exclude those whose remarks may be negative or unwelcome. Failure to adequately consult can undermine a report or plan it relates to. Consult fully, including depositing the report in public places where it can be viewed, online and advertised in the local press. Check out Regulation 13 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Neighbourhood Planning Guide Appendix 4: The Basic Conditions

Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004 sets out the 'Basic Conditions'.

Every Neighbourhood Plan must demonstrate compliance by means of a 'Basic Conditions Statement' to be included with a Neighbourhood plan:

- a. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or Neighbourhood Plan)
- b. Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders
- c. Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders
- d. The making of the order (or Neighbourhood Plan) contributes to the achievement of sustainable development
- e. The making of the order (or Neighbourhood Plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- f. The making of the order (or Neighbourhood Plan) does not breach, and is otherwise compatible with, EU obligations
- g. Prescribed conditions are met in relation to the Order (or Plan) and prescribed matters have been complied with in connection with the proposal for the order (or Neighbourhood Plan)

Condition 'd' is especially relevant since SA or SEA or EIA are accepted means of proving a plan will deliver Sustainable Development and SA or SEA or EIA can therefore prove critical even if not formally required by Screening. We recommend that every NDP carries out an SA or SEA. If an NDO or CRTB does not require an EIA then the Order itself should deal with all relevant environmental and planning issues in depth.

Neighbourhood Planning Guide Appendix 5: Legislation

- **Town and Country Planning Act 1990 (the 'Principal Act')**
Especially paragraph 8(2) of **Schedule 4B** as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004 which defines the 'Basic Conditions' that a plan must pass.
- **Planning and Compensation Act 2004**
- **Localism Act 2011**
- **The Neighbourhood Planning (General) Regulations 2012 ('the Regulations')**
- **The European Directive 2001/42/EC (the 'Strategic Environmental Assessment Directive')**
- **Environmental Assessment of Plans and Programmes Regulations 2004 (including Schedules).**
Especially paragraphs (2) and (3) of regulation 12 which set out how a reports should be prepared.

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