

# Neighbourhood planning

## A simple guide for councillors



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# Summary

Neighbourhood plans are a fundamentally new tool to give communities more control over the type, location, size, pace and design of development in their area. They were introduced under the Localism Act 2011 as part of a suite of new community rights.

Town and parish councils and communities all over the country have either started developing neighbourhood plans or applied to their local authority for designation of neighbourhood areas or forums. These plans, developed by a parish council or neighbourhood forum, become part of the development plan for the area once passed by an examiner and ratified by the community through a referendum. Planning application decisions in those neighbourhoods will then be made taking into account the policies set out in these very important plans. Having good, clear, useful plans can help build community confidence that new development will suit their needs, encourage investment in community infrastructure and underpin the strategic policies of your local plan.

It's more than likely that communities in your area are waking up to this new opportunity. So there is good reason for you as a local authority member to understand the process and be ready to support and advise your parishes, town councils or neighbourhood forums.

This guide is to help you:

- understand the basics of neighbourhood planning;
- think about what this means for your community; and
- think about your role as a councillor at all stages of neighbourhood planning.

It has been formatted to allow you to go straight to the section that deals with the issues and concerns that fit where your communities are in the neighbourhood planning process. The advice is based on practical issues and questions raised by councillors at PAS events and draws on up to date examples of live neighbourhood plans. Go to:

- **Section 2** - If your ward, parish or town is considering Neighbourhood Planning and applying for designation
- **Section 3** - If your parish town or neighbourhood forum is designated, gathering evidence, writing a plan
- **Section 4** - If your parish or town or neighbourhood forum is preparing for publication, submission, examination or referendum.
- **Section 5** - if you want signposts to further information.

# 1. Introduction

## Why neighbourhood planning?

Neighbourhood planning provides a statutory right for local people and businesses to plan for the future of their places in a sustainable and fair way. Crucially, it is designed to enable local people and communities to strongly influence how development will occur locally. Neighbourhood planning has the potential to:

- give communities a bigger say over the type, location, size, pace and design of development coming forward (including infrastructure, housing and commercial development)
- tackle long term trends or challenges affecting communities
- foster progressive relationships between communities, developers and local authorities
- provide neighbourhoods with more influence on delivery and implementation.

Neighbourhood plans may not propose less development than the local plan (or core strategy), but they can propose more homes or businesses or alternative sites or higher design standards for buildings and the public realm. In short they have an intensely local focus and can be as ambitious or modest as the community decides. Groups already well into their planning process have found their plans and the debate around them has galvanised their neighbourhoods and brought people together, opening up lines of communication on important local issues.

## Neighbourhood planning tools

Neighbourhood planning is optional but if 'made' (adopted) by the local authority, neighbourhood plans will form part of the statutory development plan for your area. As such, these neighbourhood plan policies will take precedence over the Local Plan in determining planning permission for local (non-strategic) development. This makes it a far-reaching activity and a very appropriate one for a councillor to get involved in; even if you may have felt a bit removed from planning in the past or have been put off planning by the perceived complexity, controversy or jargon.

Groups pursuing neighbourhood planning can use any combination of the following tools to achieve their vision and objectives:

- **Neighbourhood development plans.** These usually set out a vision for an area or site and provide planning policies for the use and development of land. Though some may be similar to a Local Plan they will be about neighbourhood rather than district-wide issues.
- **Neighbourhood development orders.** These grant planning permission for specified forms developments agreed by the neighbourhood. They could be used, for example, for certain types of household extensions, shop fronts, or 'green energy' proposals. Where one is in place there would be no need for an applicant to apply to the local authority for planning permission.

- **Community right to build orders.** These are similar to a neighbourhood development orders though smaller in scale. Appropriately constituted community groups can grant planning permission for new buildings they want to see go ahead, without the need to apply to the local authority for permission once a community right to build order is in place.

## Bodies responsible for neighbourhood planning

There are three main groups that can conduct neighbourhood planning. The type of group will depend on whether the area is parished or not.

- **Parish and town councils** - In a neighbourhood which contains all or part of the administrative area of a town or parish council, the town or parish council has lead responsibility for neighbourhood planning.
- **Neighbourhood forums** - In non-parished areas a neighbourhood forum will need to be formed and designated by the local authority. There can only be one forum per neighbourhood area. The forum must satisfy a range of criteria, such as having a board/steering group broadly reflective of the neighbourhood/community including residents and businesses. A forum must have a minimum membership of 21 and the involvement of at least one councillor is expected. The local authority consults with the community and then needs to agree to its formation and the area boundary (see Section 2).
- **Other Community Organisations** - Any community organisation can develop a Community Right to Build Order in an area provided they meet the conditions set out in the regulations. It does not need to be designated by the LPA in order for it to develop a Community Right to Build Order in a designated neighbourhood area.

Businesses, investors, developers and other commercial organisations can and are taking the lead in some neighbourhood areas. They can set up their own forums or sponsor a neighbourhood forum and its activity. Business forums still need to apply to be designated as neighbourhood forums,. These arrangements may be particularly effective in areas that are predominantly commercial in character.

In many areas civic forums are already in place. Civic forums historically have brought together community groups, local interests and service providers to help shape the community activities and environment in the area. They are recognised by their local authority and community and regularly play a role in kick-starting neighbourhood planning. If a civic forum is interested in becoming a Neighbourhood Forum you may need to work to help them explore whether neighbourhood planning represents the best option to address their local issues.

The boundaries, make-up, and structure of the parish council, neighbourhood forum or business forum have to be proposed to the local authority. For all groups thinking of undertaking neighbourhood planning, group representation and area boundaries can be contentious and councillors can help those involved to understand the implications of, for example wanting to include or exclude particular areas. Involving a councillor early on will help the neighbourhood group to:

- reduce potential opposition or stalling processes
- reduce the amount of time required to understand and access the fundamentals of neighbourhood planning (i.e. set up, paperwork etc.)
- understand the planning constraints (e.g. protecting areas – green belts, character/natural assets, commercial land and property) and opportunities locally.

## Support and funding for groups

Direct support is available to groups under the Supporting Communities in Neighbourhood Planning Programme, administered by a consortium led by Locality/RTPI Planning Aid on behalf of Government. Groups can apply for grant support under the programme. Other resources for neighbourhood planning activities may come from:

- cash reserves owned by the group
- grants from local authorities
- sponsorship from local businesses, developers or landowners (but groups will need to carefully consider how this might be perceived)

In all cases you can help to highlight the group's requirements and assist them in levering in support or additional resource through help on formal application processes or discussions with the local authority and other stakeholders.

Many groups have attracted the voluntary support of local urban designers, architects, planners, environmentalists and business owners who can bring very relevant skills to the core group.

Where such skills are not available in the group but a need is identified, consultants with specialist skills might need to be bought in (such as for help with evidence, engagement, environmental assessments, policy drafting etc.) Your experience of commissioning services will be invaluable for groups unaccustomed to writing a brief or tendering for specialist services. It's important that you advise groups not to commission consultants too early. In liaison with the local authority, you will be in a good position to advise on what groups can conceivably do on their own without external professional/technical help.

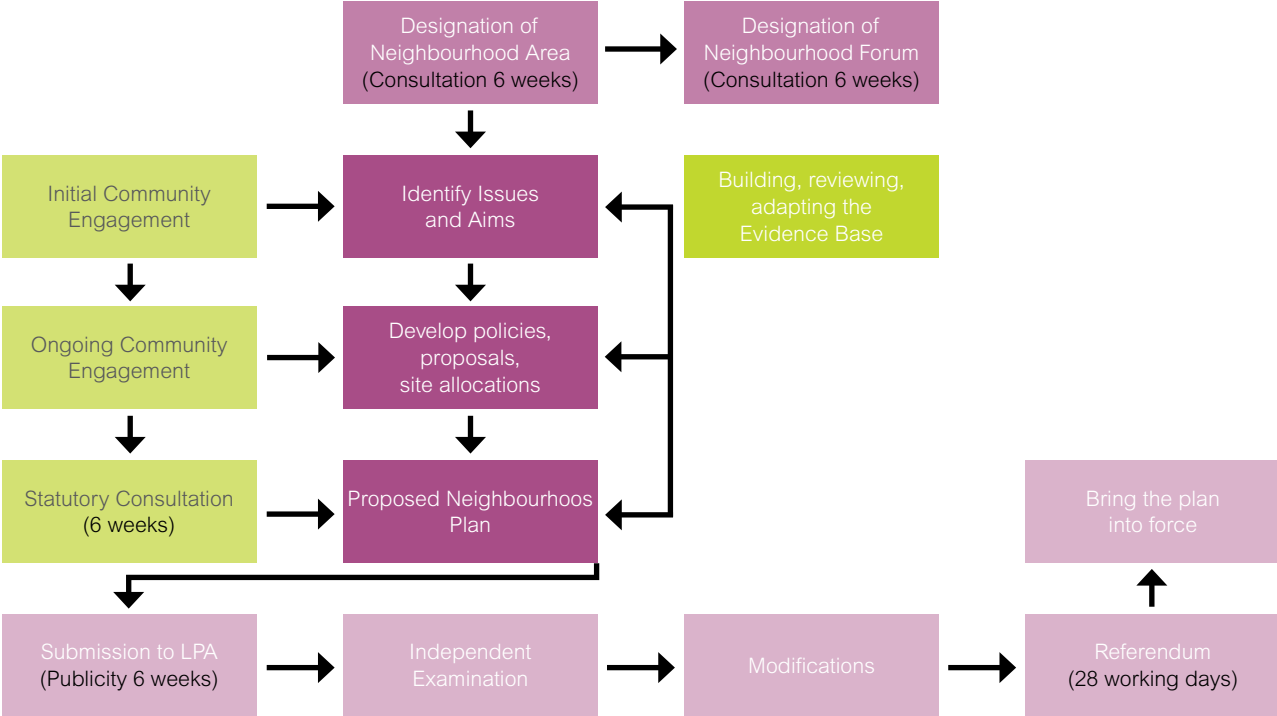
## The neighbourhood planning process

There is a formal process for neighbourhood planning set out in the neighbourhood planning regulations<sup>1</sup>. A summary of the process (with the key regulatory requirements highlighted in red) is shown opposite.

Sources such as the Planning Advisory Service (PAS) website, Locality, the Department for Communities and Local Government (DCLG) and the Royal Town Planning Institute (RTPI) provide a lot more detail on these key steps in the process (see the 'Useful links and resources' section for further information).

<sup>1</sup> <http://www.legislation.gov.uk/ukxi/2012/637/contents/made>

**Figure 1 Neighbourhood planning process (Source: Locality<sup>2</sup>)**



2 <http://locality.org.uk/wp-content/uploads/Roadmap-worksheets-map-May-13.pdf>



# 2. If your ward, parish or town council is considering neighbourhood planning and applying for designation

You will need to be able to:

- encourage and inform communities wanting to undertake neighbourhood planning;
- understand and explain the general process
- help community groups to think about what they can achieve using neighbourhood planning rights
- help find support on funding, resources, community engagement and capacity building
- help the steering group or forum members to work on their applications to become designated forums and to establish neighbourhood areas
- mediate where overlapping boundaries/ areas exist
- liaise between the parish/town council/ neighbourhood forum and the local authority.

## Role of the local authority

A local authority must take decisions at all key stages in the neighbourhood planning process and provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan or order<sup>3</sup>. In the early stages the local authority will have to:

- provide technical advice/support to groups thinking of preparing neighbourhood plans
- publish valid applications on their website and consult for 6 weeks on the proposals
- agree and formally designate a neighbourhood area, in both parished and non-parished areas

<sup>3</sup> Paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

- agree and formally designate the neighbourhood forum in non-parished area.

It's up to the local authority to decide what they are willing to put into their advice and support role. An early meeting to discuss expectations is a good idea. Councils are offered financial support from the government to undertake this work. Their support could include providing evidence to the emerging group, help with facilitation or advice on consultation.

Designating a forum and area in non-parished areas requires separate applications from the prospective group to the local planning authority. If proposals come forward for overlapping areas the local authority, including councillors, will need to arbitrate, and decide which boundary is most appropriate in planning terms. Similarly, the local authority may have to make a decision about the right forum if more than one application is made. One of the most helpful elements of support councils can offer communities in the early stages is to ensure that the processes for considering designation applications facilitate an early decision. Many communities report that enthusiasm ebbs away if there is a long delay before the area or forum designation is given.

## Getting established

The first few weeks of a neighbourhood group's development are a particularly critical phase. If you express your willingness, you will be one of the first ports of call for communities wanting to prepare neighbourhood development plans. You will need to think about how you can assist the burgeoning group whilst also balancing district-wide matters. Where previously you have helped residents to respond to planning applications or comment on a draft Local Plan you now



have the opportunity to work pro-actively with your constituents from the start to make a plan for themselves.

In this phase, there is an opportunity to bring together people who don't normally work together – different community interests for example and also other interests like landowners or active developers in the neighbourhood. Your role here can be about enabling, mediating and managing expectations. Whilst the ownership of the plan is in the hands of the community, your input will be invaluable. Sometimes neighbourhood groups will have come together because of opposition to proposed developments, the quality of past development, proposed planning strategies or the effect of national policy. Your role here will be to explain where higher level policies are coming from and signposting the national and local plan policies, explaining the reasons for strategic decisions taken by the council and mediating to find a consensus and a collaborative way forward.

By encouraging early discussions with service providers, you will be able to help groups to think about new ways to bring in resources to their area through providing sites and managed growth, for services to operate from more effectively and to gain contributions from developers to local infrastructure. You will be able to help local people to understand the impact of reductions to local budgets and loss of grant funding for local services.

## Facilitating an initial meeting and getting the right people together

For both forums and parish councils it's a good idea to include a variety of individuals and groups on a widely representative steering group or wider working groups (perhaps including newer residents, children, businesses, service providers, national and local builders, non-profit housing groups, people on waiting list, the homeless, self-builders and retailers). If a forum isn't comfortable with any particular interests being

directly involved on the core group/steering group, then they should be encouraged to set up a wider reference or working group. The important thing is not to leave liaison with interested local bodies until the formal consultation phase when attitudes have become entrenched.

Neighbourhood planning presents a unique opportunity to bring together people who don't normally work together and who may even be suspicious of each other. Rather than plunging headlong into a long neighbourhood planning process, open meeting may help groups to assess the pros and cons of doing a neighbourhood plan and reveal interested parties not previously considered. It can also help to tease out the likely issues arising from any area boundary put forward at designation. Councillors can help to facilitate the discussion helping those involved to focus on:

- what they want to achieve as an outcome for their area
- what they need to do to achieve this
- what evidence they might use to define the neighbourhood boundary and the implications of a boundary (forums only)
- the local conditions including strategic policies and local geography and character
- the opportunities for involving partners in the project.

Taking the group on guided tours of the proposed area can be extremely worthwhile for teasing out the really big issues or opportunities. As local experts you can contribute to these discussions and tours given your insight and appreciation of historical planning/infrastructure issues.

There may be circumstances where a neighbourhood plan (or order) is not the answer to addressing a neighbourhood issue, the scoping phase and initial meeting should explore this further. For example, if whole scale change or regeneration is needed, then an area action plan or masterplan might be a more suitable route. Similarly if the issues were solely about character and design, a Village Design Statement might be more appropriate. Talking to the planning officers about this to discuss all of

the options available for the community will be necessary at this early stage.

## Agreeing the neighbourhood area

Neighbourhood boundaries don't always conveniently follow local authority ward boundaries. People often identify their neighbourhood boundaries based on their own experiences and perceptions of the place they live in. These neighbourhood boundaries are often dynamic, changing over time. Councillors need to be particularly sensitive to calls for

alternative boundaries to the ward boundary. Setting an area boundary can become a highly politicised process. It is also important to realise that a local authority can consult on a boundary separately and before it consults on the forum that proposes to lead the process.

The Government has provided guidance on the National Planning Practice Guidance website to assist members for this sensitive area of neighbourhood planning<sup>4</sup>.

<sup>4</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/what-is-the-neighbourhood-planning-process/what-is-the-process-for-designating-a-neighbourhood-area>

Issues to consider	
<b>Where to begin</b>	Perceived boundaries might depend on the logic of the character of the area, street patterns, landscape, catchment areas of services, natural features (rivers, canals, and/or green areas) and prevalent social networks.
<b>Negotiation and Agreement</b>	Negotiating and agreeing the perceived boundaries with the local authority and local interests, is required to build consensus early on. If conducted openly, it has the potential to strengthen relationships between all those involved.
<b>Justification</b>	The group will need to justify and explain clearly how and why the boundaries have been defined. This might be supported by a local neighbourhood identity survey or a web based questionnaire.
<b>Data / Evidence base</b>	Perceived boundaries rarely match ward boundaries. Finding appropriate statistics will require desk research, local surveys and statistical techniques to extrapolate data. The practicality of data collection should be considered.
<b>Engagement and consultation</b>	Finding out how different people understand, identify with and use their neighbourhood can not only promote the initiative, but avoid charges that the neighbourhood has been carved up wrongly by failing to take account of the views of social groups who may not be represented on the forum.

**Figure 2 Factors to consider when setting a boundary**

**White City Community in West London.** In 2011 residents initiated a Neighbourhood Forum that could act as a sounding board for local development proposals and planning frameworks. The Forum is one of 12 Cabinet Office 'Neighbourhood Community Budgeting' pilots and also has 'Big Local' lottery funding. In 2013, the Forum started to explore a more proactive approach to planning through neighbourhood planning. After gathering evidence for a proposed boundary, a half-day 'scoping' workshop was held. This brought together the local authority, 4 national developers, local land owners, businesses, local politicians and forum members to understand the neighbourhood planning process, identify roles and responsibilities, share opinions on neighbourhood plan area options and to share views. In particular they considered how the neighbourhood plan might fit with Local Area Framework for strategic sites. The four developers have expressed support for the initiative and the local authority has welcomed an application for designation. In short a potentially difficult clash between a developing neighbourhood plan and masterplans for specific strategic sites has been avoided and all parties now have a much better idea of how they might work together.

### Questions to ask

If you are helping your parish, ward or neighbourhood to weigh up the pros and cons of doing a neighbourhood plan or order or discussing appropriate neighbourhood areas there are a number of questions to consider:

- Who needs to be round the table?
- What commitment can people offer?
- What skills are needed that might be available locally (e.g. architects, urban designers, meeting organisers, local developers, website developers, planners, printers)?
- What help is available from the local authority, the national DCLG funded programme, voluntary sector and national and local consultancy firms specialising in planning?
- Will an initial 'scoping phase' or community meeting be useful to save time upfront?
- What role will you play for the group?
- Are specific neighbourhood level policies required over and above the Local Plan to tackle historical planning issues?



# 3. If your parish, town or neighbourhood forum is gathering evidence, writing the plan and conducting engagement

You will need to be able to:

- help to promote the plan proposals and working groups within the wider community and urge people to comment on draft plan proposals as they materialise
- feed in surgery issues & broader policy discussions from a district level
- connect communities, local business, residents, schools, service providers
- mediate conflicts between stakeholders on draft policy proposals
- liaise with local authority officers over evidence/information requirements
- manage community expectations of what a neighbourhood plan can and can't do
- help to identify resources and 'settle in' those providing technical, policy and process support from outside.

## Role of the local authority

This phase will mostly see the local authority perform their "advice and assist" role. The local authority must also publicise formal consultations.

The degree of day to day support a local authority feels it is able to offer varies widely and councillors can play a valuable role by helping both parties agree what would be a reasonable level of support based on local resources. Councillors can make use of network contacts to help ensure that colleagues on district and county councils

are engaged and able to provide advice and discussion of issues such as housing and education. If the neighbourhood group first draws up a list of what evidence and information they can provide themselves, discussions with the local authority can help find the gaps and identify where the LPA can help out. This may include:

- existing data and maps for the neighbourhood area
- identification of key local strategic policies from the Local Plan
- advice on relevant national policies/guidance
- key contacts and stakeholders (including contacts for the county and statutory consultees e.g. Environment Agency, English Heritage or Health and Safety Executive)
- venue availability and help with administration and community engagement activities
- technical support (e.g. communications, desktop publishing and policy drafting input) and officer availability for neighbourhood forums or more informal working groups.

## Helping groups move from visioning to a draft plan

You will be able to help groups as they progress from setting out a high-level vision and objectives in the beginning through to evidence collection and then on to developing policies/proposals for the draft neighbourhood plan.

Neighbourhood groups have to make sure that the emerging plan or order is capable of meeting the basic conditions and other legal tests. These are the key considerations that the examiner will be testing before the plan can go forward to referendum. The basic conditions are that the proposed plan or order:

1. has regard to national policies and advice contained in guidance
2. has special regard to the desirability of preserving any heritage assets
3. has special regard to the desirability of preserving or enhancing the character or appearance of any conservation area
4. contributes to the achievement of sustainable development
5. general conformity with the strategic policies contained in the development plan
6. does not breach, and is otherwise compatible with, EU obligations (e.g. Strategic Environmental Assessment<sup>5</sup>)
7. prescribed conditions are met and prescribed matters have been complied (legal and regulatory).

The Independent Examiners of the most advanced neighbourhood plans have emphasised the importance of the local information collected and how that has influenced the vision, themes and policies. Evidence needs to be robust and to demonstrate the needs of the community in an objective way. Local information counts as evidence in the same way that Census material does. However, it needs to be collected in a transparent and fair way, making sure of the widest practical coverage of the community and that a project website or surveys are not loaded. Evidence needs to be analysed carefully and should inform the key themes and priorities. All the decisions relating to that analysis should be carefully recorded in minutes. Councillors can help to ensure that a group develops a diligent process that cannot be criticised later.

5 <http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/does-a-neighbourhood-plan-require-a-sustainability-appraisal/>

Councillors can also help groups to consider the range of development options for their area. If the LPA have advised you that Strategic Environmental Assessment (SEA) is necessary, this process can itself be very helpful since 'optioneering' is integrated into the assessment. However, even if one isn't needed, debating formal options with a wide variety of stakeholders can really help to ensure the proposals eventually put forward in the plan are deliverable and capable of meeting the basic conditions at examination.

Neighbourhood policies will need to be practical and useable for development management officers making decisions on planning applications. Councillors with experience of planning committee will have a good appreciation of how policy wording is used to make planning decisions and scrutinised at appeal hearings.

## Resolving differences between neighbourhood and local plan policies

As a local councillor you can help to ensure the group thinks about the interface between the emerging neighbourhood plan and any adopted or emerging Local Plan. If there is no up to date adopted local plan already in place, then this is an opportunity for constructive dialogue, sharing evidence and information and for the community to influence the thinking behind the draft local plan.

If the local plan is in place then it might be a question of resolving policy tensions between more strategic and neighbourhood policies. These dedicated working meetings are best chaired by a local councillor or independent facilitator. DCLG draft practice guidance 2013 provides more detail about how to approach the question of whether neighbourhood plan policies are in general conformity with the local plan's strategic policies. This could include thinking about whether the proposed local plans are based on greater detail of the local character.

## Importance of the formal engagement stages

Neighbourhood Planning groups need to adopt a high standard of engagement and take many different parties along with them. Without this, there is a risk they will lose at referendum. Councillors can play a role in encouraging engagement locally by:

- encouraging networking to initiate conversations between the different interest groups
- identifying the people/groups and their issues and finding ways of engaging with them
- introducing delivery agents (e.g. developers, infrastructure providers) to groups
- advising groups on who they could do business with in order to further their objectives.

Engaging developers and landowners early on in a constructive way will help to mitigate the risk of opposition in the later stages and make sure that the plan is deliverable. Gaining feedback on draft plans is an important part of this task and a key piece of the evidence base alongside technical studies/appraisals. Examiners will be keen to see if the plan has evolved in response to feedback received from stakeholders. It cannot be overstated how important effective engagement is to the process. You will have many local contacts and relationships and can encourage people to be constructively involved in the discussions right from the start.

**Denmead Parish Council** in Hampshire has been developing a neighbourhood plan since 2011. After conducting a series of 'marmite' questions on likes and dislikes and holding a community workshop on sustainability, the group commissioned consultants to undertake a broad evidence gathering exercise focusing on the parish's natural, social and economic character and strengths. From this a series of challenges and opportunities were identified which fed into a series of 10 'Core Principles' and key themes such as 'Preserving Village Identity'; 'Moving Around Sustainably'; 'Strengthening the Shopping and Retail Offer'. The intent of each potential policy within a given theme was then drafted which was related to the local plan strategic policies, some of which were found not to go far enough and which also had very little local detail or application. For the final stage a planning consultant was commissioned to help them draft the detailed policies and the draft plan in discussion with the LPA planners.

## Questions to ask

- Is the emerging plan written in a clear accessible way?  
e.g. Strategic Environmental Assessment, Habitats Regulation Assessment
- Are there any tensions with the Local Plan?
- How is engagement and more formal consultation work being conducted and recorded (e.g. is the group preparing a 'Consultation Statement')?
- Are objector's comments being taken seriously and dealt with in a transparent/ logical way?
- Has the group undertaken the correct processes for any supporting evidence
- Has the group taken an evidence led approach to its emerging proposals?
- Is the group ready to proceed to publication?

# 4. If your ward, parish or town is preparing for publication, submission, examination or referendum

You will need to be able to:

- promote the plan within the wider community and local areas, drawing in businesses and initiating discussions with developers to ensure community ambitions are understood
- facilitate between differing views around table (i.e. diversity of interests, competing communities, cynicism), going beyond the 'usual people', identifying and showing community benefits and reasons to get involved, addressing apathy and 'no change' attitudes
- talk to active landowners and developers as they come forward and help to resolve any disputes
- getting out the vote and encouraging continued joined up approaches to communication assist the neighbourhood group in making the transition from plan-making to implementation and delivery (Parish Councils cannot lobby directly for a yes vote. Parishes can set up an ad-hoc yes campaign which councillors can join<sup>6</sup>).

## Role of the local authority

Once a draft neighbourhood plan or order is written, the group must publicise and consult on the plan or order for a minimum of six weeks, and invite stakeholders and the community to make representations.

Following this stage the plan and all supporting documentation is submitted to the local authority.

The local authority needs to:

- satisfy itself that the draft plan or order complies with all the relevant statutory requirements
- pay for and arrange for the plan or order to be checked by an independent examiner
- take a formal view on whether the "basic conditions" are satisfied after the examiners report is received
- pay for and arrange the referendum (if the plan passes examination)
- publicise the neighbourhood plan and bring it into force (if ratified at the referendum).

## Publication

How a group responds to formal representations is important and Councillors will have a role here in helping groups to deal with representations in a fair, transparent and recorded manner.

"Locality" and others provide a 'health check' for groups who feel their draft plans are ready for the final formal consultation (the publication stage prior to submission) to see if all the documents are in order and the plan meets the basic conditions. Their findings may reflect concerns of the local authority and councillors can play an important role in helping groups to interpret the advice and decide whether they are really ready for the final push. At this stage you will also need to help publicise the draft plan amongst colleagues, residents and other local stakeholders. This may be the last formal consultation on the emerging plan and so it's important all views are heard.

<sup>6</sup> <http://www.legislation.gov.uk/ukxi/2012/2031/contents/made>

Once a plan/order reaches the publication stage it gains material weight in planning terms<sup>7</sup>. Prior to the publicity period a neighbourhood plan/order will carry very little weight.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a neighbourhood plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

## Submission

Checking a submitted plan can be quite an involved process. During this period before submission, there should have been a constructive dialogue with the officers in the LPA in order to resolve any concerns about the deliverability of proposed policies and other matters. Once the plan has been submitted the LPA has a role in checking that the legislative tests have been met.

Groups must prepare a statement explaining how the proposed neighbourhood plan or order meets the basic conditions and also a consultation statement setting out all their engagement activities undertaken. You will be able to help prepare these statements to help the groups prepare for examination and subsequent hearing.

## Examination

The examiner will assess if the plan/order complies with the basic conditions e.g. European obligations, conformity with

local plan/national policies etc. To help them assess the plan or order against these conditions the examiner will be looking at the content of the plan/order, the submitted evidence base, the basic conditions statement and consultation statement. It's important to recognise that this process is not like a

Local Plan's examination in public or an inquiry or appeal hearing for a planning application. The independent examination is a less formal format in so far as that the examiner may decide that he does not need a hearing, but can consider the issues through written submissions. The examiner can also decide that he will only want to hear submissions in regard to one or more issues – the others being considered on written representations.. However, the neighbourhood groups will still require your help to prepare for the examination and you can pass on your knowledge and experience of formal hearing procedures.

## Referendum

Leading up to the referendum councillors can play an important role in encouraging people to participate in the referendum and making constituents aware of the key policies within the submitted plan and what they mean for the neighbourhood. Local authority members need to be wary of rules regarding campaigning in the run up to the referendum<sup>8</sup>. Councils need to maintain an even handed approach in both statements and publications. The neighbourhood referendum regulations stipulate restrictions on campaign material and expenses to reduce any undue influence in the referendum.

Members themselves will also take care as to how their actions could be perceived in the sensitive period running up to a referendum. This will include both campaigning within an action group and also potentially in commenting

<sup>7</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/determining-a-planning-application/how-must-decisions-on-applications-for-planning-permission-be-made/>

<sup>8</sup> Code of Recommended Practice on Local Authority Publicity [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5670/1878324.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5670/1878324.pdf)



on a planning application where this may be perceived as the local authority or Town and parish council supporting a campaign for or against the neighbourhood plan.

Usually the referendum will ask for support from those living in the designated neighbourhood area. But, the examiner can recommend that the referendum can go beyond the plan area if its impacts will be felt more widely.

If the plan is supported by over 50 per cent of those who vote, the plan or order is then 'made' (brought into force) by the local authority. In Business Areas where two separate referenda will be held in parallel. The first will be for residents and a second referendum will be held for businesses (or more specifically non-domestic rate payers). Each business will have one vote. In this instance the outcome of the business and residents' referenda will be considered separately. If both are in favour of the Neighbourhood Plan it will be adopted. If both reject the Neighbourhood Plan it won't be adopted. Where the two outcomes conflict with each other the decision about whether or not to adopt the Neighbourhood Plan will rest with the local planning authority. Local planning authorities should 'make' the plan promptly following the announcement of the referendum result<sup>9</sup>.

## Delivery and implementation

The process of making (bringing into force) a neighbourhood plan is only the beginning. It will require support and continued care to deliver its goals. For neighbourhood planning to really take off, the energy and enthusiasm of the town/parish council or neighbourhood/business forum and wider community needs to be directed into implementation projects working with developers, landowners, service providers, utility companies and local businesses. Some qualifying bodies have already decided they want to carry on and work with their local planning authority to actively implement their plan. For Councillors there may be a continued role of oversight and, particularly as priorities and needs change over time.

A big opportunity will be utilising the 25 per cent neighbourhood element of the Community Infrastructure Levy funds made available to groups where their plan that is 'made'. Moving forward, the group could transition from plan-making focus to infrastructure delivery focus. Councillors can help groups to understand the local authority approach to capital spending, asset management and CIL spending. By doing so the group may be able to utilise your insight to get the best value from neighbourhood CIL spending in order to deliver the neighbourhood vision and objectives.

<sup>9</sup> <http://www.legislation.gov.uk/ukdsi/2012/9780111525050/regulation/5>

Following a successful referendum, the **Upper Eden Neighbourhood Plan** was made. The key lessons learned, according to the Council leader, were as follows:

- Making a good start in the process creating an accurate profile of the area using robust data and including assisting the steering group with interpretation
- Instilling realism is an important role for Councillors communicating what can and can't be done with land and the physical environment, to influence but not control change in the neighbourhood
- Avoiding 'motherhood and apple pie' – Councillors should encourage ambitious plans to be worthwhile whilst avoiding repetition of national or district policy
- Ensuring the steering group has firm roots within the community and a broad agenda with regular consultation to ascertain what sites are available and acceptable to the community

The success of Upper Eden and interest from Parish Councils for the next tranche of plans has prompted the Council to hire a neighbourhood planning officer to support the production of neighbourhood plans.

## Questions to ask

- Has engagement been proportionate to the scale and complexity of the plan?
- Has the plan been the subject of appropriate pre-submission consultation and publicity?
- Are draft policies appropriately justified with a clear rationale?
- Are there any obvious conflicts with national/local policy?
- Are there any issues around compatibility with human rights or EU obligations is there a clear explanation of the ways the plan contributes to sustainable development?
- Are the draft policies clear/unambiguous and do they reflect the community's aspirations?
- Are discussions taking place with the electoral services team on holding the referendum?
- Is there a plan for bringing the plan/order into force taking account of committee cycles?
- What role does the community want to play in future implementation of plans?

# Useful links and resources

## Planning Advisory Service

Further support for councillors is available from the Planning Advisory Service website. This includes a number of downloadable briefings to help councillors understand and respond to neighbourhood planning. The Planning Advisory Service provides sector led advice, and peer support, learning events and online resources to help local authorities understand and respond to planning reform. PAS are part of the Local Government Association.

[www.pas.gov.uk](http://www.pas.gov.uk)

## Locality

Locality and their partners, including the Royal Town Planning Institute, are delivering the Supporting Communities and Neighbourhoods in Planning Programme. The new £9.5m programme of expert support and funding to help communities across England to create neighbourhood plans was launched in May 2013. Locality has also produced 'The Neighbourhood Planning Roadmap Guide' to help groups navigate the world of neighbourhood planning. In addition, they have a Neighbourhood planning knowledge hub, an online space for people to exchange advice and ask questions about neighbourhood planning. Visit the online neighbourhood planning hub.

<http://locality.org.uk>

## Royal Town Planning Institute

The RTPI has compiled a number of tools for neighbourhood planning, with examples provided by members, as part of their work around the Localism Act. Planning Aid England is extensively involved in Neighbourhood

Planning and is advising a number of communities on the concept. It is part of the consortium led by Locality.

<http://www.ourneighbourhoodplanning.org.uk>

<http://www.rtpi.org.uk>

## Department for Communities and Local Government

Below are links to the relevant legislation, regulations and guidance in relation to neighbourhood planning. At the time of publication, the National Planning Practice Guidance is in a test/consultation form on the NPPG website. The draft NPPG website includes both the National Planning Policy Framework and the most up to date guidance for neighbourhood planning including advice on prematurity.

<https://www.gov.uk/government/topics/planning-and-building>

<http://planningguidance.planningportal.gov.uk/>

<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

<http://www.legislation.gov.uk/uksi/2012/637/made>

<https://www.gov.uk/government/policies/giving-communities-more-power-in-planning-local-development/supporting-pages/community-infrastructure-levy>

<http://www.legislation.gov.uk/uksi/2012/2031/contents/made>

DCLG have a quick guide 'You've got the Power', which discusses the full suite of community rights <https://www.gov.uk/government/publications/youve-got-the-power-a-quick-and-simple-guide-to-community-rights>



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