

# Neighbourhood Planning Guidance Note 4

# A guide to procedures

April 2013 - Revised June 2015



The goal for all involved in producing a Neighbourhood Development Plan is for your plan to become adopted planning policy.

As such, the stages of producing the plan are set out within the Neighbourhood Planning Regulations and these will need to be met in order for your plan to progress and be successful at the examination.

This guidance note outlines those regulatory stages, the various decision making processes along the way.

The revision to this guidance note will take into account changes in the Regulations as at February 2015, as well as experience gained so far in Herefordshire to give an indication of the timescales involved.

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This guidance note has been produced to assist all those involved in writing a Neighbourhood Development Plan meet the legislative requirements. In order to progress to examination and ultimately adoption, Herefordshire Council and the examiner will need to be assured that all the Regulations have been met. Some are the responsibility of yourselves as the parish council and some of the later stages will be the responsibility of Herefordshire Council.

The information below has been compiled with reference to the Neighbourhood Planning (General) (Amendment) Regulations 2015, The Neighbourhood Planning (Referendums) (Amendment) Regulations 2013 and the Localism Act 2011.

This guidance is only concerned with the regulations and procedures a Neighbourhood Development Plan is required to meet in order to reach adoption. Additional guidance notes are available to support and guide you through the various stages of producing a Neighbourhood Development Plan.

## Stage 1 - Defining the 'Neighbourhood Area'. (Regulation 5)

A Neighbourhood Area essentially defines the total area to be covered by the proposed Neighbourhood Development Plan. Encouragement is given to defining your Neighbourhood Area in line with your parish administrative boundary. However, consideration can be given to designating part of the parish if this can be justified as reasonable. Alternatively, you may wish to combine with your adjoining parishes to prepare a joint plan. This should be considered if you have particular cross boundary issues or settlements which fall within two parishes.

It should be noted that Neighbourhood Areas and/or Plans cannot overlap and there can only be one plan per Neighbourhood Area.

A map is available on the neighbourhood planning webpages to indicate current applications and designated Neighbourhood Areas.

Within Herefordshire, only parish councils can apply to produce Neighbourhood Development Plans.

Proposals for a Neighbourhood Area will need to be accepted by Herefordshire Council before the plan can move to the next stage. In order to have your Neighbourhood Area accepted the following process needs to be followed:

- Parishes make an application to Herefordshire Council to designate a 'Neighbourhood Area'. An [application form](#) is available on the Neighbourhood Planning web pages to make this process simple. Applications should include an Ordnance Survey plan of the area to be included and a statement explaining why this area is considered appropriate
- Herefordshire Council will publicise the application online and across the Neighbourhood Area by site notices in prominent places for a period of 4 weeks if the whole parish administrative boundary is included and 6 weeks in all other cases (Reg 6)
- Herefordshire Council will then consider the following;
  - 1) how desirable it is to designate the whole parish area (if not proposed within the application);
  - 2) to designating the area as a business area;
  - 3) any representations received during the consultation period, including the Ward member.

The decision to designate a Neighbourhood area will be made at officer level by the Assistant Director.

The Service Level Agreement indicates the aim to make this decision within 2 weeks of the closure of the neighbourhood area consultation period.

- Following the decision, Herefordshire Council will inform the parish council(s) and publicise Neighbourhood Areas on their website and within the Neighbourhood Area. This report will form the 'decision document' (Reg 7)
- If the Neighbourhood Area is refused, Herefordshire Council will publish 'the decision document' outlining its reasons, along with how to re-submit.

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- If the proposed Neighbourhood Area includes parishes in an adjoining local authority area (Worcestershire, Gloucestershire or Shropshire) Herefordshire Council will work closely with them regarding this stage.

## Stage 2 - Preparing the Neighbourhood Development Plan

Neighbourhood Development Plans can range from simple and concise to detailed planning documents. It will be up to the parish concerned to choose the most appropriate level of detail for their particular circumstances. The Localism Act defines a Neighbourhood Development Plan as 'a plan which sets out policies in relation to the development use and of land in the whole or part of a particular Neighbourhood Area specified in the plan'. Below outlines some simple steps in order for the Neighbourhood Development Plan to meet the required regulations.

The parish council should:

- Publicise in the local community the intention to prepare a Neighbourhood Development Plan.
- Understand who the key local organisations, groups and individuals are within the community who can help you prepare the plan.
- Consult upon initial draft policies and proposals with the local community/interest groups/stakeholders and demonstrate views have been taken into account. A consultation statement detailing this will form part of the final submission. (Reg 15(2) - see guidance note 14: writing a consultation statement).
- Ensure alternative options have been considered when drafting policies. This not only gives the community informed choices but also is important for environmentally assessing your draft plan.
- Involve the Ward Member. Your local member will be able to provide an understanding of Herefordshire Council policy and resources and have a knowledge of existing issues within the community
- Liaise with the Neighbourhood Planning team for guidance and advice. This will ensure your plan is in line with the regulations and legislative requirements and conformity with planning policies.

- Use evidence and information to prepare plans. This could be either from existing documents which form part of the evidence base for the Herefordshire Local Plan - Core Strategy or other documents which are available from Herefordshire Council. Alternatively parishes will need to prepare/provide any new evidence which is specific to their parish.

## Stage 3 - Pre-submission consultation and publicity of draft plan (Reg 14)

Although by the time you have reached the draft plan stage, your policies and proposals should have been subject to a wide range of consultation and community engagement in order to formulate your plan, there are now formal stages of consultation which are required.

The Regulations require a 6 week consultation to be undertaken prior to your plan being formally submitted to Herefordshire Council for examination. These requirements are outlined below:

- The draft plan should be available locally for representations for 6 weeks. You will need to 'bring it to the attention of people who live, work or run a business in the neighbourhood area'. A checklist (NDP1) is provided on the web pages to assist compliance with the specific requirements of this regulation. The accompanying draft Strategic Environmental Assessment and/or draft Habitat Regulation Assessment should be consulted upon at the same time to ensure that the environmental regulations are also being met.
- Consultation should take place with consultation bodies as listed in schedule 1 of the regulation. This list can also be found in guidance note 13 - Statutory consultees;
- It is also advised that consultation is undertaken with any bordering parish councils and/or local authorities, local businesses, local landowners and local interest groups.
- It is suggested that a copy is sent to the Neighbourhood Planning team at this point. The team will check the plan is compliant with any legislative requirements and provide some general comments with regards to general conformity with national planning policy and

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the Herefordshire Local Plan - Core Strategy and/or any other relevant Development Plan Documents.

- All comments received during this 6 week period should be considered and where necessary make the required amendments. The Consultation Statement should detail the consultation undertaken and the summarise the comments received. See Guidance Note 14 - Writing a consultation statement for further advice.

## Stage 4 - Submission of final plan

The final plan should be submitted to Herefordshire Council - Neighbourhood Planning team. This is the version of the plan which will be tested during the independent examination, therefore it will be important to ensure that you are confident that your plan meets the 'basic conditions'. Further details regarding the basic conditions can be found in Guidance Note 35. It is therefore highly recommended that you discuss this with the Neighbourhood Planning team prior to the submission of your plan to give you plan the best possible chance of success at the examination stage.

The submission should consist of (Reg 15)

- A map showing the area in which the Neighbourhood Development Plan covers;
- The proposed Neighbourhood Development Plan;
- A consultation statement. See guidance note 14 for further information on writing a consultation statement;
- A written statement explaining how the Neighbourhood Development Plan has met the 'basic conditions'. These are: having regard to national policy, be in general conformity with the Herefordshire Local Plan - Core Strategy, contribute to sustainable development, and compatible with any European obligations.
- The accompanying Strategic Environmental Assessment (SEA) and/or Habitat Regulation Assessment (HRA) where appropriate.

Checklist NDP2 is available to assist parishes provide all the relevant documentation.

Upon receiving a submitted plan, the Neighbourhood Planning team are then responsible for checking that all the required regulations have been met including consultation and publicity.

A plan can be declined if it does not meet the require regulations. This is not a judgement about the content of the plan but the process which has been undertaken.

If the plan meets all the requirements, it will then be published for 6 weeks for representations and the consultation bodies will be informed that the plan has been submitted (Reg 16). This will be undertaken by the Neighbourhood Planning team.

Following the conclusion of the 6 week consultation period, the team will make a recommendation regarding the plans progress to the examination stage, with the final approval being given by the Director of Economy, Communities and Corporate or the Assistant Director.

## Stage 5 – Independent Examination

Herefordshire Council will arrange and pay for an independent examination of the Neighbourhood Development Plan and supply the relevant documents to the examiner (Reg 17). It is anticipated that many examinations will be dealt with by written representation but some may be via hearing or public examination depending on the circumstances.

Documentation will be supplied by the Neighbourhood Planning team to the independent examiner. This will include a map showing the neighbourhood area, the proposed plan, all the documents included within the submission, the SEA/HRA and a copy of all the representations received during the publicity period.

Some additional information, documentation or studies which form part of the plan's evidence base may be requested by the examiner directly from the parish council.

The examiner will only be considering your neighbourhood plan against the 'basic conditions', that the plan complies with the definition of a Neighbourhood Development Plan,

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the area to be included within the referendum and the compatibility with the Convention rights.

The examiner will produce a report with recommendations, the reasons and summary of findings. They will also recommend either;

- The plan should move to a referendum, or
- The plan should proceed to referendum following some minor amendments, or
- The plan should be refused

The examiner cannot recommend a plan proceed to referendum if it does not meet the basic conditions.

Herefordshire Council will be sent the report and are responsible for its publication. Consideration will be given to each of the recommendations and a formal view as to whether the plan meets the basic conditions.

Modifications will be discussed with your parish council to ensure consensus is reached.

A decision document will be produced by Herefordshire Council (Director Economy, Communities and Corporate or the Assistant Director) outlining any modifications to be made in order to correct factual errors or make the plan meet the basic conditions.

The extent of the referendum area will also notified within the decision document.

The report and Herefordshire Council's decision statement will be published on the website and within the Neighbourhood Area.

Further guidance on the examination process can be obtained from guidance note 32.

## Stage 6 - Referendum

Once the plan is finalised and any suggested amendments have been made, Herefordshire Council will arrange and pay for a referendum of all those on the electoral roll within the area covered by the Neighbourhood Development Plan. These could also include those within neighbouring parishes if it is deemed appropriate where proposals will directly affect them, this

recommendation will be made to the council by the examiner within their report.

An information statement will be produced by the council which outlines the details of the referendum and any expenses limit.

The referendum will be asking; *'Do you want Herefordshire Council to use the Neighbourhood Development Plan for (Neighbourhood Area name) to help it decide planning applications in the Neighbourhood Area?'*

If more than 50% of those voting in the referendum vote 'yes' then your plan can move forward to the next stage.

Further guidance on the referendum process can be obtained from Guidance note 33.

## Stage 7 – Adoption of the Neighbourhood Development Plan

Recommendation to Herefordshire Council's Cabinet will be made to adopt/make the final agreed Neighbourhood Development Plan. Following adoption, your Plan will form part of the Local Development Framework (the Statutory Development Plan) and be used to determine planning applications.

Adopted plans will be published on the Herefordshire Council website and made available in Info Centres.

Copies of the decision to adopt will be sent to the parish(es) and any person who asked to be notified (Reg 19/20).

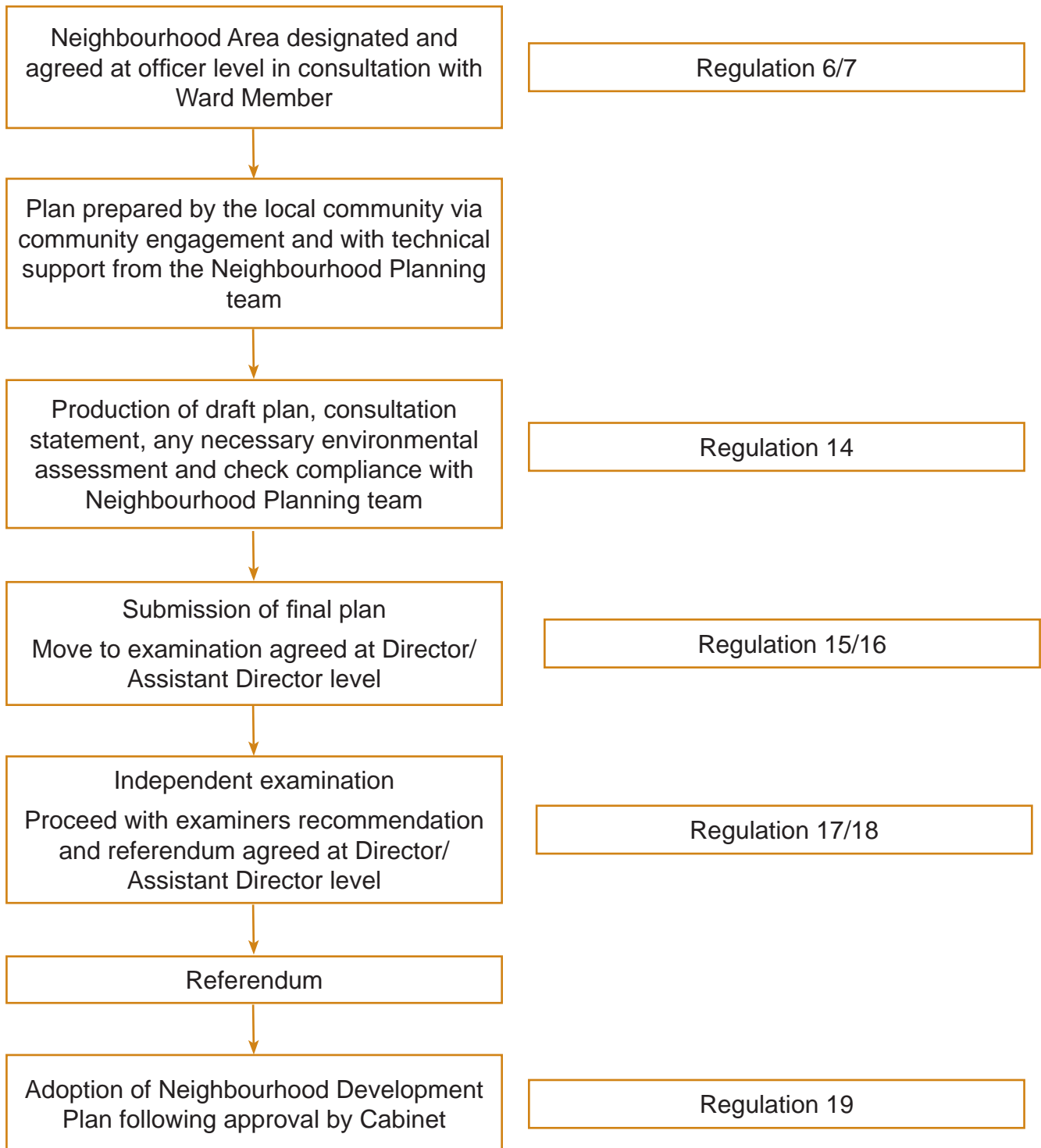
## Likely timescale for passage of your neighbourhood development plan through the regulatory process.

Project planning and having realistic timetables is important when producing your Neighbourhood Development Plan. Ensuring that all the above stages are undertaken in line with the regulations and requirements will assist the passage of your plan to a successful examination and eventually a 'made'/adopted plan.

With this in mind an anticipated programme has been included within appendix 1 of this guidance note. This has been based on the timeframes outlined within the Neighbourhood Planning Service Level Agreements and are for indicative processes only.

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## Summary of procedure



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## Appendix 1:

### Indicative timescale for the passage of a neighbourhood plan through the regulatory process Reg14 to made/adoption.

This table is just to give an indication of the potential timescale for the stages of your neighbourhood plan, some sections will vary depending on the circumstances at the time.

Stage	Timescale	Running total	Responsibility
Regulation 14  Confirm meeting regulation  Comments from HC services	6 weeks consultation  (In 4 weeks in line with the SLA)  (In 6 weeks in line with the Reg)	6 weeks	PC  HC - Planning
Comments review by parish	2/4 weeks	8/10 weeks	PC
Parish review documentation based on comments /amendments and prepare submission documents <ul style="list-style-type: none"> <li>• Neighbourhood plan</li> <li>• HRA</li> <li>• SEA</li> <li>• Consultation Statement</li> <li>• Map</li> <li>• Basic conditions statement</li> </ul>	2/4 weeks concurrent with above	8/10 weeks	
Approval by Parish Council of final submission document (important if the document has been produced by steering group or third party on behalf of the parish council)	Depends on PC meeting schedule plus steering group working arrangements  2/4 weeks	12/14 weeks	
Submission of plan and accompanying documentation			



by parish under Reg15			
Consideration of submission and publication (Reg16)  Notification period for consultation bodies	Within 2 weeks from receiving max in line with SLA  6 weeks consultation	14/16 weeks  20/22 weeks	HC - Planning
Approval to move forward to examination (DofECC)	2 weeks max	22/24 weeks	HC - Planning
Representations for examiner	1 week collation	23/25 weeks	HC - Planning
Arrange examination date	6 weeks from consultation close in line with SLA (dependent on examiner availability)	26/28 weeks	Examiner
Examination held	4 weeks from arrangement date (dependent on examiner availability)	30/32 weeks	
Examination report	2 weeks	32/34 weeks	
Consideration of examiners report and issuing of 'decision document'	4 weeks max in line with SLA	36/38 weeks	HC - Planning
Referendum date arranged and Information statement published	1 week	37/39 weeks	HC- Electoral Registration
Referendum	60 days in line with SLA	44/45 weeks	
Cabinet report approval	2 weeks	46/47 weeks	HC - Planning
Made/ Adoption	Next available Cabinet meeting		

## **Neighbourhood Planning guidance notes available:**

### **Deciding to produce a Neighbourhood Development Plan**

1. Which is the right tool for your parish
2. What is a Neighbourhood Development Plan
3. Getting started
4. A guide to procedures
5. Funding

### **Plan Production**

6. Developing a Vision and Objectives
7. Generating options
8. Writing planning policies
9. Environmental Assessment
10. Evidence base and information requirements
11. Implementation and Monitoring
12. Best practice community engagement techniques
13. Statutory consultees
14. Writing a consultation statement
15. Planning and other legislation
16. Web enabling your plan
17. Using OS based mapping
18. Glossary of planning terms

### **Topics**

19. Sustainable Water Management in Herefordshire
20. Guide to settlement boundaries
21. Guide to site assessment and choosing allocation sites
22. Meeting your housing requirements
23. Conservation issues
24. Recreational areas
25. Renewable energy
26. Transport issues
27. Community Infrastructure Levy

### **Additional Guidance**

28. Setting up a steering group
29. Creating a questionnaire
30. Community facilities
31. Conformity with the Local Plan (Core Strategy)
32. Examinations of Neighbourhood Development Plans
33. Guide to Neighbourhood Development Plan Referendums
34. Tourism
35. Basic Conditions
36. Your plan - Contributing to sustainable development