



## Preparing a Neighbourhood Development Plan – a Guide for Parish Councils

### What is Neighbourhood Planning?

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead.

Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.”  
*(Extract from National Planning Policy Guidance)*

### What is a Neighbourhood Development Plan?

A Neighbourhood Development Plan (usually known simply as a Neighbourhood Plan) is prepared by the Parish Council and the local community and contains policies and proposals relating to the use of land and buildings, including the protection of land as well as proposals for new development.

Neighbourhood Plans (NPs) should reflect the policies of the Borough Council’s Local Plan and neighbourhoods should plan positively to support them. NPs should not promote less development than set out in the Local Plan or undermine its strategic policies. (The NP can, if it wishes, propose more.)

The NP goes through a formal process including examination by an independent Inspector and a referendum in the parish. This is necessary because, once “made” (adopted) by the

Borough Council it becomes part of East Staffordshire's statutory Development Plan, and will be the primary document used by the Borough Council in determining planning applications in the parish – the Parish Council, of course, will continue to be consulted on planning applications made in their parish.

## Who can prepare a NP?

In East Staffordshire, only the Parish and Town Councils can prepare one.

## Does a NP have to be prepared for the Parish?

No. It's entirely up to the Parish Council whether or not they prepare one.

## Is it right for our Parish?

It depends on what the Parish Council want to achieve. Remember that the final Plan will be used to judge whether or not planning applications for development in the Parish are approved or refused. If there are sites in the Parish the community wish to put forward for development and/or protect; if there are parish projects involving the use of land which the Parish wish to put on a formal footing; if there are special considerations that should be taken into account in determining planning applications, then a NP may be the best way of achieving these aims.

Bear in mind that there are other documents the Parish could prepare. For example, a Neighbourhood Action Plan might be more appropriate if the community is more concerned about the resolution of specific safety and security matters . Click below for more information:

<http://www.eaststaffsbc.gov.uk/Services/neighbourhoodmanagement/Pages/default.aspx>

Or, if the community think it is more important to set out detailed guidance of how new development (including street furniture etc.) should better relate to the distinctive design and layout features of a village then a Village Design Statement may be more appropriate. These links will give more detail:

<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/villagedesignstatements.htm>

<http://planninghelp.org.uk/improve-where-you-live/shape-your-local-area/village-design-statements>

and this link is to the Village Design Statements that have been prepared already in the Borough:

<http://www.eaststaffsbc.gov.uk/Planning/PlanningPolicy/LocalPlanEvidenceBase/Pages/VillageDesignGuides.aspx>

If the issues in the community range over mainly non-planning related issues, then a Parish Plan/Community-Led Plan might be more suitable:

<http://planninghelp.org.uk/improve-where-you-live/shape-your-local-area/parish-plans>

## **Our Parish Council has decided to go ahead. What are the steps in preparing an NP?**

The government regulations setting out what **must** be done are set out in The Neighbourhood Planning (General) Regulations 2012:

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

The following is a summary of these Regulations, with some notes on good practice. Formal steps from the Regulations are in *italics* and in **green** boxes in the flow chart below.

**STEP 1** *The Parish Council should write to East Staffordshire Borough Council requesting that the parish (or part of the parish, if they wish to prepare a Plan for a part only) be designated a 'neighbourhood area'. The letter should set out:*

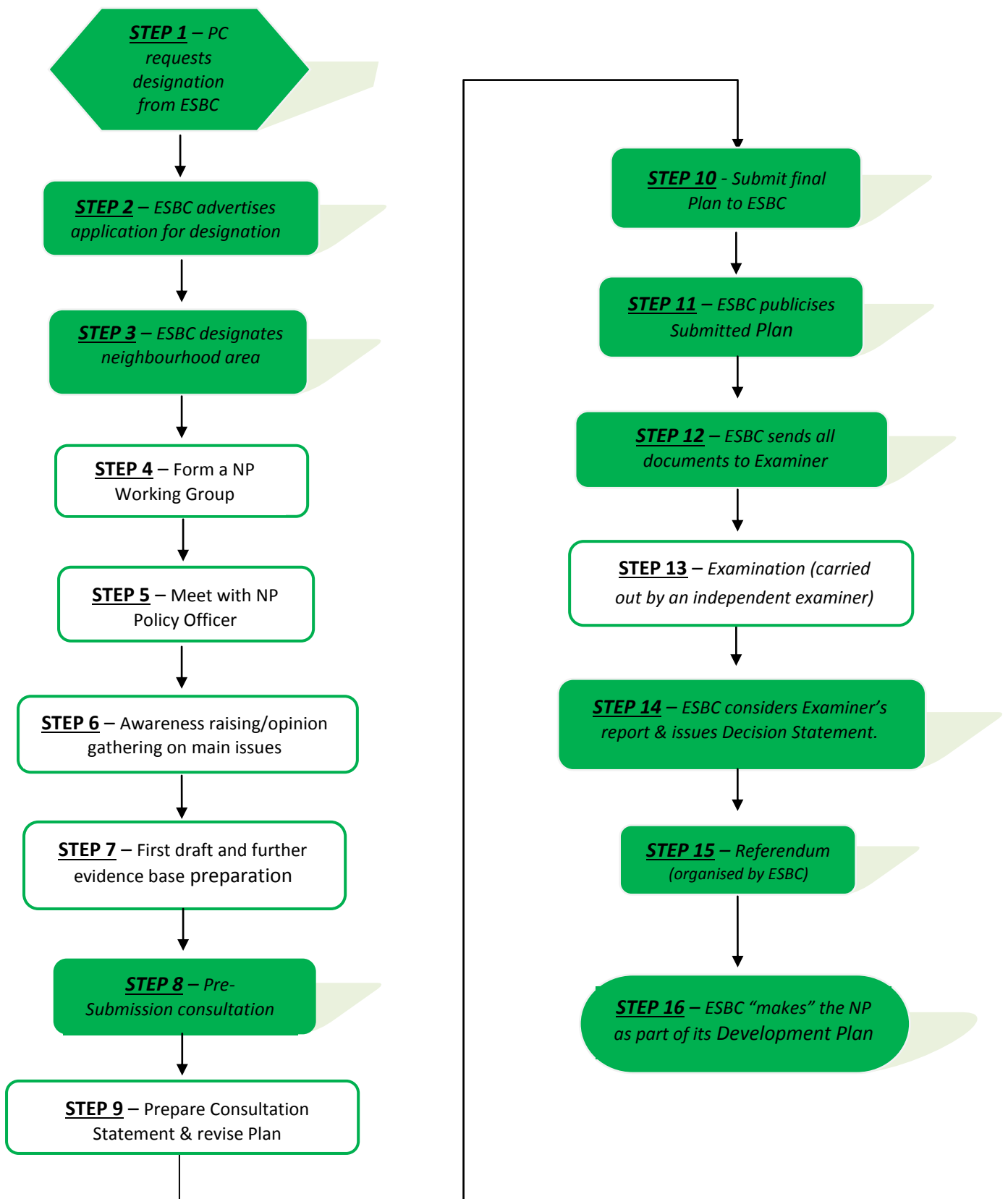
- *'why this area is considered to be appropriate to be designated as a neighbourhood area';*
- *A statement that the Parish Council is the 'relevant body' for the purposes of section 61G of the Town & Country Planning Act 1990; and*
- *A map with the parish boundary (or the part of the parish) indicated on it. (Reg 5)*

**STEP 2** *The Borough Council then advertises this formally on its website and in any other appropriate way (the Parish Council might wish to do this, as well) for 6 weeks, inviting representations by a certain date.(Reg 6)*

**STEP 3** *The Borough Council formally designates the neighbourhood area (usually this is done by an executive decision of the appropriate Deputy Leader), and advertises this decision on its website, etc. (Reg 7)*

# Preparing a Neighbourhood Plan

## – Flow Chart of Steps



**STEP 4** How the Parish Council goes about preparing their NP is not prescribed, but there are a number of sources of good practice, (listed at the end of this note).

To start with, it's a good idea to form a NP Working Group made up of volunteers from the community as well as Parish Councillors. This might include members with particular skills that might be useful in preparing the Plan – computer or publicity skills, for instance – or people who represent community groups or local businesses. The Working Group would be answerable to the Parish Council, however, because it is the Parish Council that is the body with the formal power and responsibility for the NP. It should be clear to everyone in the community as to what is discussed by the Working Group and what decisions are made, so minutes of meetings of the Working Group should be taken, formally presented to the Parish Council and made public.

Some Parish Councils have appointed consultants to help them, but with limited funding available to help Parish Councils now, (see below on funding sources) it may be prudent to appoint consultants to help at certain stages of the process only, when help is really thought to be needed.

**STEP 5** A meeting with the NP Policy Officer at ESBC, if one has not been held already, may be helpful at this stage. Looking at what other Parish Councils have done, both in and outside East Staffordshire, contacting them, and sharing their experience is a good idea, too.

**STEP 6** The first activity should be awareness raising and canvassing the opinions of local residents, businesses, organizations and landowners. How this is best done will depend on the character of the Parish and the resources available to the Parish Council. Thought will need to be given as to how these opinions are best captured to form an objective record which can be produced to the Examiner as part of the Consultation Statement (see Steps 9 and 10).

Some basic research on the demography of the Parish, its history, its development and other information helping to provide a context will also be necessary.

**STEP 7** From the contextual information and the views of those canvassed there should be a clear view as to the most important issues that need to be tackled and the aspirations of those who live and work in the Parish. Some of these may not be land use planning-related. These can still be included in the Neighbourhood Plan, but should be placed in a "Part 2" or Appendix in the NP.

The Parish Council will need to put together a first draft of their Plan. ESBC are happy to look at early drafts and discuss them. The Borough Council has a statutory duty to ensure

that the NP is in general conformity with the Local Plan, so it's always a good idea to maintain a dialogue with the NP Policy Officer, especially if a major change to an earlier draft is proposed.

The Parish Council should also contact at an early stage anyone or any organisation likely to be affected by a proposal. This may include any national or regional organisation with interests in the Parish - for example, Staffordshire County Council on any highways or education matters, or a national utility company with installations in the Parish.

The period over which the NP will have effect must be stated, and the NP cannot relate to more than one neighbourhood area or repeat an existing planning permission.

In order to underpin the policies, the Parish Council will need to consider whether or not further studies or work will be required. (See **What pieces of evidence (evidence base) will the Parish Council need to prepare?** below).

Once proposals and policies are drafted, the Parish Council should send a copy to ESBC, with a request that they seek a 'screening opinion'. The Council will consult the Environment Agency, English Heritage and Natural England and then issue a report including a determination as to whether or not the NP will require a Strategic Environmental Assessment. (See **Will our NP require a Sustainability Appraisal or Strategic Environmental Assessment?** below). The screening opinion will be posted on the Council's website.

**STEP 8** *When the Parish Council is confident it has a complete NP that it wishes to share with the community, it should undertake 'pre-submission consultation'. It must:*

- *Publicise the document (and ideally any evidence base documents such as a summary of survey findings, etc) "in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area". The Parish Council needs to include:*
  - a. *Details of the NP proposals;*
  - b. *Details of where and when the NP proposals can be inspected;*
  - c. *Details of how to make representations; and*
  - d. *The date by which any representations must be received, being not less 6 weeks from the date of publication.*
- *Consult any 'consultation body' (see below) who may be affected by the NP's proposals*
- *Send a copy to ESBC.*

(Reg 14)

*'Consultation bodies' are listed in Schedule 1, paragraph 1 of the Regulations, but the NP Policy Officer can help in identifying which ones are relevant to the Parish, and supply contact details.*

*The Parish Council should advertise the consultation on its website, and the Borough Council will also do so on its website. It is also recommended that paper copies are deposited at key locations in the Parish which are accessible at reasonable times (e.g. a local shop or office) plus the Parish Clerk or other person who may be contacted to view a paper copy. It may be advisable to produce a simple paper response form to help manage responses from this source.*

**STEP 9** Considering comments and revising the Plan before submission. The Parish Council will need to produce a 'Consultation Statement' for Submission (see below). This Statement must set out details of everyone who was consulted, how they were consulted, a summary of the main issues and concerns raised, how these issues and concerns have been considered, what changes will be made to the NP as a result, or why no change will be made. ESBC should be advised when the Parish Council is likely to be ready to "submit" the Plan (see below) so that work can begin to appoint an Examiner who is acceptable to both the Parish Council and ESBC.

**STEP 10** *When the Parish Council is happy with the NP as revised, it should 'submit' the Plan to ESBC. The Parish Council must include:*

- *a map or statement identifying the area to which the NP relates;*
- *the Consultation Statement (see above);*
- *a statement explaining how the NP meets the following requirements (known as the "Basic Conditions"):*
  1. *Has regard to national policy and guidance from Secretary of State*
  2. *Contributes to sustainable development*
  3. *General conformity with the strategic policy of the development plan [this is the term used for ESBC's Local Plan plus SCC's Plans on Minerals and Waste Management) for the area or any part of that area*
  4. *Where development in the Plan is Environmental Impact Assessment development (specific types of development set out in Regulations) , having regard to all material considerations it is appropriate that the Neighbourhood Plan include a policy on it.(Schedule 3 of The Neighbourhood Planning (General) Regulations 2012 Reg 33).*
  5. *Doesn't breach or is otherwise compatible with EU obligations (including the possible requirement to produce a Strategic Environmental Assessment under SEA Directive 2001/42/EC - see next bullet).*

- *either a Strategic Environmental Assessment report or, if ESBC have determined one is not needed, a statement of reasons for the determination. (Reg 15, as amended in 2015)*
- *Where appropriate, the information to enable the Local Planning Authority to make an assessment under the Conservation of Habitats and Species Regulations 2010 (where the plan proposal is likely to have significant effects on a European site) ( See **Will our NP require a Sustainability Appraisal or Strategic Environmental Assessment?** below) (Reg 15)*

**STEP 11** *ESBC publicises the Submission, puts it on the Consultation Portal on our website, and invites comments over at least a 6 week period, and notifies the ‘consultation bodies’ of its receipt (Reg 16). The Parish Council should also publicise the Submission in its parish. Examiner appointed. (Costs of Examination and Referendum are borne by ESBC).*

**STEP 12** *ESBC sends all NP documentation, and copies of any representations received, to Examiner (Reg17 )*

**STEP 13** Examination. Normally the Examiner reads through all the documentation and produces a draft report (“written representations”). If s/he has any questions for any party then these will be asked directly. However, the Examiner has the discretion to hold a hearing, if s/he so wishes. The Examiner might do this if, for example, s/he believes that further information is required on an objection, and a hearing would allow both sides to more clearly and fairly present their arguments. Normally the Examiner will issue a draft Report for the Parish Council and ESBC to check for factual errors, before producing the final Report.

The Examiner may make recommendations for modifications to the NP, and will make a recommendation as to whether the Plan should proceed to Referendum. S/he will also make a recommendation as to whether the referendum area should extend beyond the neighbourhood area (the parish, or part of parish if the Parish Council chose the latter option).

**STEP 14** *Receipt of Examiner’s report – ESBC publishes the Report on its website (the Parish Council can also publicise it). ESBC considers Examiner’s recommendations and issues a Decision Statement, setting out its response to each of the Examiner’s recommendations. ESBC will issue a statement on proceeding to referendum and its date. (Reg 18)*

**STEP 15** *Referendum – separate Regulations cover the conduct of the Referendum – click here :*

<http://www.legislation.gov.uk/ukdsi/2012/9780111525050/contents>



*ESBC is responsible for all matters to do with the running of the Referendum, including publicity, though, again, the Parish Council may wish to undertake its own publicity to maximise the turnout on the day of the Referendum. At the Referendum, voters will be asked just one question, as set out in the Regulations “Do you want East Staffordshire Borough Council to use the neighbourhood plan for [name of parish] to help it decide planning permissions in the neighbourhood area?”*

**STEP 16** *Assuming that 50% plus one vote in favour of the NP at the referendum, ESBC will proceed to “make” the NP, that is adopt it formally as part of the Council’s development plan, which also includes the Local Plan. After Council Members formally resolve to make the NP, this decision and the NP itself will be publicised in line with Regs.19 and 20.*

## **What pieces of evidence (evidence base) will the Parish Council need to prepare?**

This will depend on the types of issues the community feel the NP should address and the possible proposals the Plan might include. All policies should be backed by a “proportionate” evidence base. Bear in mind that the Borough and County Councils may hold some survey data that might help to underpin the proposals that the community want to put forward.

For proposals for development of any kind, some evidence of need will be required, as well as evidence of deliverability. Deliverability covers such questions as: is the landowner willing for this development to go ahead? where will funding come from? what is the timescale for achieving the proposal?

The Borough Council has already undertaken extensive work to determine the total “full objectively assessed (housing) need” for the whole Borough, and has used this to allocate strategic sites to meet this need (see Local Plan Policies SP2-4). However there is an opportunity for the Parish Council to identify at a local level any special housing needs – such as affordable housing, different types of housing for older people, people with special needs, live/work units, self-build, etc - peculiar to their parish. This can be done by undertaking a Housing Needs Survey. Further advice on this can be obtained from the Housing Strategy Manager or NP Policy Officer at ESBC.

## Will our NP require a Sustainability Appraisal or Strategic Environmental Assessment?

See the advice given in National Planning Policy Guidance (click below):

<http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/>

If your NP needs to have a Strategic Environmental Assessment, ESBC will work with you to make sure it is prepared according to the Regulations; it is, after all, ESBC's responsibility to formally check it later in the process. The SEA process involves evaluating different proposal options, and so work on doing the SEA needs to start as early as possible, so that it informs the final choice of option put in the NP submitted version.

## What support will the Parish Council get from the Borough Council?

The NP Policy Officer will act as the first point of contact at the Council:

[corinne.o'hare@eaststaffsbc.gov.uk](mailto:corinne.o'hare@eaststaffsbc.gov.uk) Phone: 01283 508611 / 07966 342196.

ESBC will:

- Deal with all statutory processes, including the examination and referendum;
- Give advice at all stages of NP preparation, including reading and commenting on all drafts, especially on general conformity with the Local Plan; and
- Assist with simple mapping requirements, and share the Council's own evidence base.
- Attend Working Group or Parish Council meetings if required, when invited.

## What funding sources are there for preparing a NP?

When the neighbourhood area of the parish has been 'designated', ESBC receives £5000 from central government. We have determined that, for all parishes that did not receive "frontrunner" funding from the government, this money is passed on to the Parish Council. There are other sources of funding that may be available to the Parish Council, provided from central government sources, but these are heavily over-subscribed, and the Parish Council should not expect any award, if granted, to be totally sufficient to fund the preparation of the NP. The NP Policy Officer will be able to tell you what the current situation is regarding eligibility and availability of these funds, and help with applying.

The main funding source is from Locality – one of the four partners the Government appointed to give advice to Parish Councils on Neighbourhood Plan preparation (see **Links to Other Helpful Sources of Information** below). Further details are available on:

<http://mycommunityrights.org.uk/neighbourhood-planning/grants/>

but the total amount of funding available for Parish Councils may be limited at certain times of the year. Another source of grants from £300 to £10 000, possibly for funding consultancy work, as well as other eligible expenditure, may be the National Lottery ‘Awards for All’ scheme:

<http://www.biglotteryfund.org.uk/global-content/programmes/england/awards-for-all-england>

If we receive information on any other sources of funding that Parish Councils might be able to try, we will pass this on.



## What are Neighbourhood Planning Orders and Community Right to Build Orders?

Neighbourhood Planning Orders and Community Right to Build Orders were other tools for local communities to use, separate from Neighbourhood Plans, introduced by the Localism Act 2011.

When a Neighbourhood Development Order has been made, planning permission can be granted for specific types of development in a specific neighbourhood area. A Neighbourhood Development Order can therefore:

- apply to a specific site, sites, or wider geographical area
- grant planning permission for a certain type or types of **development**
- grant planning permission outright or subject to **conditions**.

A Neighbourhood Development Order can be used to permit:

- building operations (e.g. structural alterations, construction, demolition or other works carried out by a builder)
- material changes of use of land and buildings; and/or
- engineering operations

A Community Right to Build Order is a form of Neighbourhood Development Order that can be used to grant planning permission for small scale development for community benefit on a specific site or sites in a neighbourhood area.

A Community Right to Build Order can be used, for example, to approve the building of homes, shops, businesses, affordable housing for rent or sale, community facilities or playgrounds. Where the community organisation wishes to develop the land itself (subject to acquiring the land if appropriate), then the resulting assets can only be disposed of,

improved or developed in a manner which the organisation considers benefits the local community or a section of it.

The legislation also provides a mechanism that enables housing developed using a Community Right to Build Order to be retained as housing that is affordable in perpetuity. This is achieved by removing certain statutory rights that tenants of long leases have to buy their freehold, and the statutory right given to qualifying tenants to acquire social housing (see [paragraphs 11 and 12 of Schedule 4C to the Town and Country Planning Act 1990 \(as amended\)](#) and [Part 7 of the NPing \(General\) Regulations 2012 \(as amended\)](#)).

A Neighbourhood Development Order or Community Right to Build Order must meet the [basic conditions](#) for Neighbourhood Planning and it cannot include development defined in [section 61K of the Town and Country Planning Act 1990 \(as amended\)](#).



This includes:

- development normally dealt with by a county planning authority, for example minerals and waste related development;
- development described in [Schedule 1 to the Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(as amended\)](#) which automatically requires an Environmental Impact Assessment (and in the case of a Community Right to Build Order any Environmental Impact Assessment development);
- development of nationally significant infrastructure projects (which are defined in [the Planning Act 2008](#)).

## Links to Other Helpful Sources of Information

- 'Locality' are one of the government's chosen partners for assisting parishes with NPs. See their website below for grant details and their "Roadmap" - a useful guide to preparing NPs.

<http://locality.org.uk/projects/building-community/>

The other partners are:

- Royal Town Planning Institute Planning Aid Service:

<http://www.rtpi.org.uk/planning-aid/neighbourhood-planning/>

- The Prince's Foundation

<http://www.princes-foundation.org/what-we-do/projects/engage/clg-planning-scheme/supporting-communities-and-neighbourhoods-planning>

- National Association of Local Councils/Campaign to Protect Rural England:

[http://www.nalc.gov.uk/Training/CPRE\\_NALC\\_Neighbourhood\\_planning\\_project.aspx](http://www.nalc.gov.uk/Training/CPRE_NALC_Neighbourhood_planning_project.aspx)

Other sources:

- Department of Communities and Local Government guide (now a little dated):

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/229749/Neighbourhood\\_planning.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/229749/Neighbourhood_planning.pdf)

- This site has links to NPs that have reached Referendum or Adoption stage - useful for getting an idea of what others have done:

<http://grcc.org.uk/neighbourhood-development-plans/examples-of-ndps-across-the-country>

- This site has a number of useful pages on various aspects of Neighbourhood Plan preparation – the section on writing policies, for example:

[http://www.cheshirewestandchester.gov.uk/your\\_council/policies\\_and\\_performance/council\\_plans\\_and\\_strategies/planning\\_policy/neighbourhood\\_planning/neighbourhood\\_planning\\_toolkit.aspx](http://www.cheshirewestandchester.gov.uk/your_council/policies_and_performance/council_plans_and_strategies/planning_policy/neighbourhood_planning/neighbourhood_planning_toolkit.aspx)