

Extracts from Roadmap guide to Neighbourhood Plans published online by LOCALITY - a partner Planning Aid

A Neighbourhood Plan must comply with European and national legislation and must have appropriate regard to national policy and be in general conformity with existing strategic local planning policy. It should not promote less development than that identified in the development plan for the local area (such as new housing allocations). It can allow greater growth levels. Also, it can specify policies and guidance on how new development should be designed, orientated and located.

Neighbourhood Plans can be a powerful tool in shaping the development of a neighbourhood. The timeframe for the Neighbourhood Plan will be for communities to decide, for example whether it is a 5, 10, 15 or 20-year plan.

A robust programme of community engagement and proportionate evidence base should help to make sure that a neighbourhood plan is based on a proper understanding of the local area and of the views, aspirations, wants and needs of local people.

Once a Neighbourhood Plan has been completed, it will have to be submitted to the local authority and then be subjected to an independent examination. This will make sure that the proper legal process has been followed and that the plan meets **the basic conditions**, including general conformity with strategic local policy.

Basic Conditions

Neighbourhood Plans...must meet certain 'basic conditions' before they can come into force. These will be tested through the independent examination and be checked by the local planning authority prior to proceeding to referendum.

Basic conditions for Neighbourhood Plans and orders are:

- **they must have appropriate regard to national policy**
- **they must contribute to the achievement of sustainable development**
- **they must be in general conformity with the strategic policies in the development plan for the local area**
- **must be compatible with EU obligations, including human rights requirements**

The inclusion of site allocations in a Neighbourhood Plan may trigger the need for environmental assessment under EU directives. The local planning authority will need to establish a screening process to check emerging Neighbourhood Plans against EU directives.

If site allocations are to be included in the Neighbourhood Plan, they will need to be evidence-based. There will need to be a transparent process based on clear planning- focused selection criteria. Decisions should be informed by the local authority's strategic housing market assessment and strategic housing land availability assessment and open discussions with local landowners on site availability and expectations.

Environmental Assessments and Habitats Regulations Assessments

Neighbourhood Plans must not breach and must be compatible with EU and human rights obligations. The National Planning Policy Framework makes clear that a sustainability appraisal should be an integral part of the plan preparation process, but the particular assessment requirements need to respond to the scale, status and scope of the plan being developed...the local planning authority should be able to advise. If an environmental assessment is found to be required, the gathering of evidence for its preparation can be integrated into the process of producing the Neighbourhood Plan.

Even where there is no need to undertake formal environmental assessment under EU directives, it is good practice to prepare a statement setting out how environmental issues have been taken into account and considered during the preparation of the Neighbourhood Plan.

This could be submitted to the local planning authority with the proposed Neighbourhood Plan.

Pre-Submission Consultation

The Neighbourhood Planning regulations require the proposed plan to be the subject of a 6-week consultation before it is submitted to the local authority for independent examination.

Submission of the Plan to the Local Planning Authority

Following any amendments resulting from the pre-submission consultation stage, the proposed Neighbourhood Plan is submitted to the local planning authority. Prior to the submission of a plan to a local planning authority, it makes sense for the town or **parish council ... to discuss with the local planning authority any concerns they have about whether the current version of the plan meets the basic conditions. This is a sensible precaution to ensure the plan has the best possible chance of a successful examination.**

On receiving the submitted plan proposal and supporting documents, the local authority is responsible for checking that the submitted Neighbourhood Plan has followed the proper legal process, such as the neighbourhood area being designated and that the plan has met the legal requirements for consultation and publicity. The local authority is also responsible for publicising the proposed plan and arranging for the independent examination and referendum to take place, for example in appointing the independent examiner.

Upon receiving the proposed plan and supporting information, the local planning authority will publicise it, make it available for inspection and invite anyone interested

to comment on it by a specified date (not less than 6 weeks from it being publicised). The local planning authority will also notify anyone referred to in the consultation statement that the plan has been received.

The Independent Examination

The local authority will appoint a person to carry out the independent examination of the Neighbourhood Plan who is known as the 'independent examiner'.

This appointment will be agreed with the parish or town council ... that submitted the Neighbourhood Plan to the local authority. They must appoint an appropriately qualified and experienced person.

The local authority will send to the independent examiner the plan and supporting information and also a copy of any comments received during the consultation period following submission of the plan. The independent examiner will take these comments into account.

Normally, the independent examination will be conducted by written representations. However, if it is considered necessary, the examiner may invite interested parties to a public hearing to present their comments. This might be necessary to examine an issue in more depth or to ensure fairness.

The independent examiner will only consider whether the proposed Neighbourhood Plan meets the basic conditions set out by law (they are not permitted to explore other considerations).

The examiner will be considering whether the plan:

- has appropriate regard to national policy**
- contributes to the achievement of sustainable development**
- is in general conformity with the strategic policies in the development plan for the local area**
- is compatible with human rights requirements**

It is the responsibility of the local authority to cover the costs of the independent examination and referendum.

If the independent examiner recommends that the plan does not proceed to a referendum, it will be necessary to consider the reasons behind the recommendation and whether the plan can be changed to address those reasons. This should be discussed with the local planning authority. It may also be necessary to consult local partners or stakeholders. The options will then be to either abandon the plan or to change it and then go through the process again, from the pre-submission 6-week consultation.

Modifications

If the local planning authority can make modifications to a Neighbourhood Plan that will ensure it meets the basic conditions and can proceed to referendum then they are required to make those modifications. They will take account of the independent examiner's report, but its recommendations are not binding.

Modifications should be explained to and discussed with the parish or town council ... to ensure consensus. If this consensus is not possible the town or parish council ... has the option of withdrawing the plan if it is unhappy with the changes being made.

As soon as possible after modifying the plan, the local planning authority must publicise details of the modification(s) and where it can be inspected on their website.

Referendum

If the Neighbourhood Plan is found to be satisfactory, with modifications if necessary, then the local authority will arrange for the referendum to take place. This will be organised by the elections unit and 28 working days before the date of the referendum, the local authority is required to publish information about the Neighbourhood Plan. Then 25 working days before the date of the referendum, they are required to give notice that a referendum is taking place and the date of the poll.

The parish council ... may encourage voting in the referendum, within certain expense limits. ...can only produce factual material about the neighbourhood plan, not promote a yes vote. However, members of the parish council and others may act independently, using independent funds, to campaign for a 'yes' vote.

The question that will be asked is as follows:

Do you want Mid Sussex District Council to use the neighbourhood plan for West Hoathly to help it decide planning applications in the neighbourhood area?

People on the electoral register will be entitled to vote in the referendum. If more than 50% of those voting in the referendum vote 'yes', then the local planning authority will bring the plan into force.

Delivery

Once a Neighbourhood Plan is brought into legal force, it forms part of the statutory Development Plan for that area.

Consequently, decisions on whether or not to grant planning permission in the neighbourhood area will need to be made in accordance with the Neighbourhood Development Plan, unless material considerations indicate otherwise.

Having a plan in place is just part of the story – just as important is seeing those ambitions materialise as real changes on the ground.