

Neighbourhood Plan Protocol

February 2018



Basingstoke
and Deane

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Introduction

This Neighbourhood Planning Protocol has been prepared by Basingstoke and Deane Borough Council (BDBC) as a guide for preparing neighbourhood plans/orders in the borough. There are currently 15 areas that have been designated for the purposes of producing a neighbourhood plan in the borough. Four plans have already been made in the borough, as set out below, and other plans are at an advanced stage in their production:

- Oakley and Deane Neighbourhood Development Plan (2011-2029) – May 2016
- Overton Neighbourhood Development Plan (2016-2029) – July 2016
- Bramley Neighbourhood Development Plan (2011-2029) – March 2017.
- Sherborne St John Neighbourhood Development Plan (2011-2029) – May 2017
- Whitchurch Neighbourhood Development Plan (2014-2029) – October 2017

This document has been prepared to provide advice and clear guidance for those involved in the neighbourhood planning process.

1. Aims

- 1.1 The aim of this protocol is to specifically set out the stages required in working towards a neighbourhood plan, neighbourhood development order or community right to build order and identifies the responsibilities of those involved.
- 1.2 This protocol also aims to help local communities decide whether neighbourhood planning is the right tool for what they are trying to achieve. As a statutory document, neighbourhood plans hold more weight than non-statutory documents such as community plans. They are, however, restricted to planning matters and must follow a statutory process which can take some time (approximately two years).
- 1.3 It must also be remembered that neighbourhood planning is not a ‘no growth’ agenda and is intended to guide and promote development rather than block it. If local people are seeking to create a vision for their area that does not solely deal with planning matters, such as litter or community events, a community plan may be more appropriate for them.
- 1.4 BDBC actively supports and promotes neighbourhood planning and is committed to providing ongoing advice and support to groups who wish to

prepare neighbourhood plans and orders. The council's policy for supporting qualifying bodies and facilitating the process is through the provision of the following:

- Initial advice regarding the suitability of completing a plan or order and its potential scope including attendance at suitable meetings or providing briefings.
- On-going advice and support throughout the process including detailed technical input into each key stage. This support will be provided both on an informal basis through continued support and guidance, but also on a formal written basis when responding to specific consultations. The focus will be on the conformity of the Neighbourhood Plan/Order with the existing national and local planning framework but guidance will also be provided to ensure that allocations and policies are fit for purpose and deliverable.
- Provision of guidance on key issues including project management and timetabling, the role of the qualifying body, community engagement and undertaking consultation events, site selection and relevant legislation including SEA.
- Practical assistance such as mapping, IT advice and printing where appropriate.
- Provide examples of best practice from plans or case-law.
- Relevant contact information for consultation including statutory consultees and local interest groups and bodies. Advice on undertaking consultation, publicity and engagement.
- Guidance and interpretation of the relevant legislative requirements.
- Ensuring the suitable involvement of local councillors and other interested parties to enable timely decision making at key stages.
- Following submission of the Plan/order the council will undertake the relevant consultation and organise and fund the examination and referendum in the timescales prescribed in legislation, wherever possible.
- Will provide guidance relevant to the referendum including campaigning.
- Advice relating to the monitoring and review of adopted plans/orders.

1.5 Additional funding for certain aspects may be available from BDBC upon request, subject to conditions. The council will also undertake the consultation on the Submission Plan and organise and fund the examination and referendum.

1.6 The council's Planning Policy Team can be contacted in respect of any queries in relation to Neighbourhood Planning either by telephone on 01258 844844 or by email at local.plan@basingstoke.gov.uk.

2. What is neighbourhood planning?

2.1 Neighbourhood planning is a way for communities to decide the future shape of the places where they live and work. It was introduced through the Localism Act, the regulations for which came into force in April 2012. Additional legislation covering the referendum stage of neighbourhood planning originally

came into force in August 2012. The Housing and Planning Act came into force in October 2016 which makes changes to parts of the Town and Country Planning Act 1990 (as amended) in relation to neighbourhood planning. In addition the Neighbourhood Planning Act (2017) came into force in April 2017. Legislative requirements are continuing to evolve with national government continuing to strengthen and streamline the process.

- 2.2 Communities can choose to create either a neighbourhood plan or a neighbourhood development order (which also encompasses another type of development order, namely community right to build orders), or both.
- 2.3 **A neighbourhood plan** can allocate land for development and establish general planning policies for the development and use of land in a neighbourhood area. As a neighbourhood plan must be in general conformity with the strategic framework set by the Local Plan, it cannot be used to prevent new development allocated by the borough council.
- 2.4 **A neighbourhood development order** will grant planning permission for a specific type of development in a particular area. This could be either a particular development or a particular class of development such as housing or retail. Neighbourhood development orders can be linked to a neighbourhood plan, for example, the plan could identify a need for development and a broad location and the order could then apply a planning permission to a particular site where the development could take place.
- 2.5 **Community right to build orders** are a special type of neighbourhood development order but, unlike for neighbourhood development orders and neighbourhood plans, any local community organisation, not just a parish/town council or forum, will be able to use the approach to bring forward small scale development. If a proposed development is likely to have significant environmental effects and an Environmental Impact Assessment is required, then the community right to build order approach cannot be used.
- 2.6 Where there is a parish/town council, they are the 'qualifying body' and are responsible for taking the lead in the preparation of a neighbourhood plan. In areas without a parish/ town council, a group of at least 21 people must be formed who either live or work in the area or are elected members, and apply to the borough council to be designated as a 'neighbourhood forum'.
- 2.7 The Neighbourhood Planning (General) Regulations 2012 (as amended) set out the legal requirements. Appendix 1 summarises the key stages of the neighbourhood plan process and indicates who is responsible for each stage and the costs associated with the stage.

3. What are the benefits of neighbourhood planning?

- 3.1 Neighbourhood planning offers the opportunity for communities to guide development within their area. If adopted, a neighbourhood plan will be part of the statutory development plan for the area, meaning that the borough council and planning inspectors will need to take the plan into consideration when making planning decisions.
- 3.2 The process can bring the local community together to agree on joint aspirations for the area in terms of the use and development of land, and allows local people to play a more significant role in the planning of their area.
- 3.3 At the time of writing, some funding to help with the preparation of neighbourhood plans is available from My Community¹ subject to the outcomes of an application process. Some additional funding may also be available upon request from the Borough Council, subject to conditions. The level of work required and the relevant costs involved in producing a neighbourhood plan will depend on the scope and detail of the proposed plan. It is nonetheless still likely that some of the costs will need to be met by the Parish/ Town Council/ Forum. The 'My Community' website provides information on a series of case studies that investigate neighbourhood plans and how much was spent, please go to <https://mycommunity.org.uk/?s=total+spend> for further information.
- 3.4 Parish/town councils that have a 'made' neighbourhood plan receive a greater portion of revenue from the Community Infrastructure Levy (CIL). CIL is a levy that the borough council can choose to charge on new developments in the borough. The money collected through CIL can be used to support development by funding infrastructure that the council, local communities and neighbourhoods want. Once the borough council have adopted CIL, a parish/ town council with a 'made' neighbourhood plan can receive 25% of CIL revenue arising from developments in their area. Those areas that do not have a neighbourhood plan will receive 15% of CIL revenue.
- 3.5 A neighbourhood plan can identify local infrastructure priorities for CIL revenue to be spent on in the area. Any local infrastructure priorities identified by the 'qualifying body' should be consulted on throughout the preparation of the plan. The borough council can assist with identifying relevant local infrastructure priorities.

¹ <http://mycommunity.org.uk/>

4. The relationship between the Adopted Local Plan and a neighbourhood plan or order

- 4.1 The neighbourhood plan or order needs to be in general conformity with the borough council's strategic planning policies. These currently comprise all the policies of the Adopted Local Plan 2011 – 2029² (ALP). The ALP sets the context for development in the borough and sets a framework for neighbourhood planning in the borough.
- 4.2 The ALP also includes Policy SS5 (Neighbourhood Planning), which requires sites/opportunities to be identified for housing through mechanisms such as neighbourhood planning. The Policy lists five settlements (Bramley, Kingsclere, Oakley, Overton and Whitchurch) in the borough where it is necessary for a specific level of provision to be made over the plan period generally in and around the Settlement Policy Boundaries.
- 4.3 Furthermore, an additional 150 homes are required to be identified in areas outside of those 5 settlements listed above (and Basingstoke and Tadley) through neighbourhood planning within and adjacent to each of the settlements with defined Settlement Policy Boundaries. A neighbourhood plan will provide the opportunity for the local community to decide exactly where new development to satisfy the policy SS5 requirements will be located.
- 4.4 Paragraphs 4.66 and 4.67 of the ALP provide further explanation for the criteria for development which qualifies towards the requirements of policy SS5. As noted in paragraph 4.67 of the ALP, small residential developments of less than ten dwellings (net gain of nine dwellings or less) within the defined Settlement Policy Boundary (SPB) will not qualify towards the policy SS5 dwelling requirements. Outside of the SPB developments of less than five dwellings (net gain of four or less) will not qualify. Developments of five or more dwellings outside of the SPB will only qualify if they are adjacent to the SPB. Please contact the Planning Policy Team if you require further information on the policy SS5 requirements.
- 4.5 Close collaboration between the borough council and the parish/town council (the 'qualifying body') will be critical to ensure that neighbourhood plans or orders are generally in conformity with the ALP policy requirements.

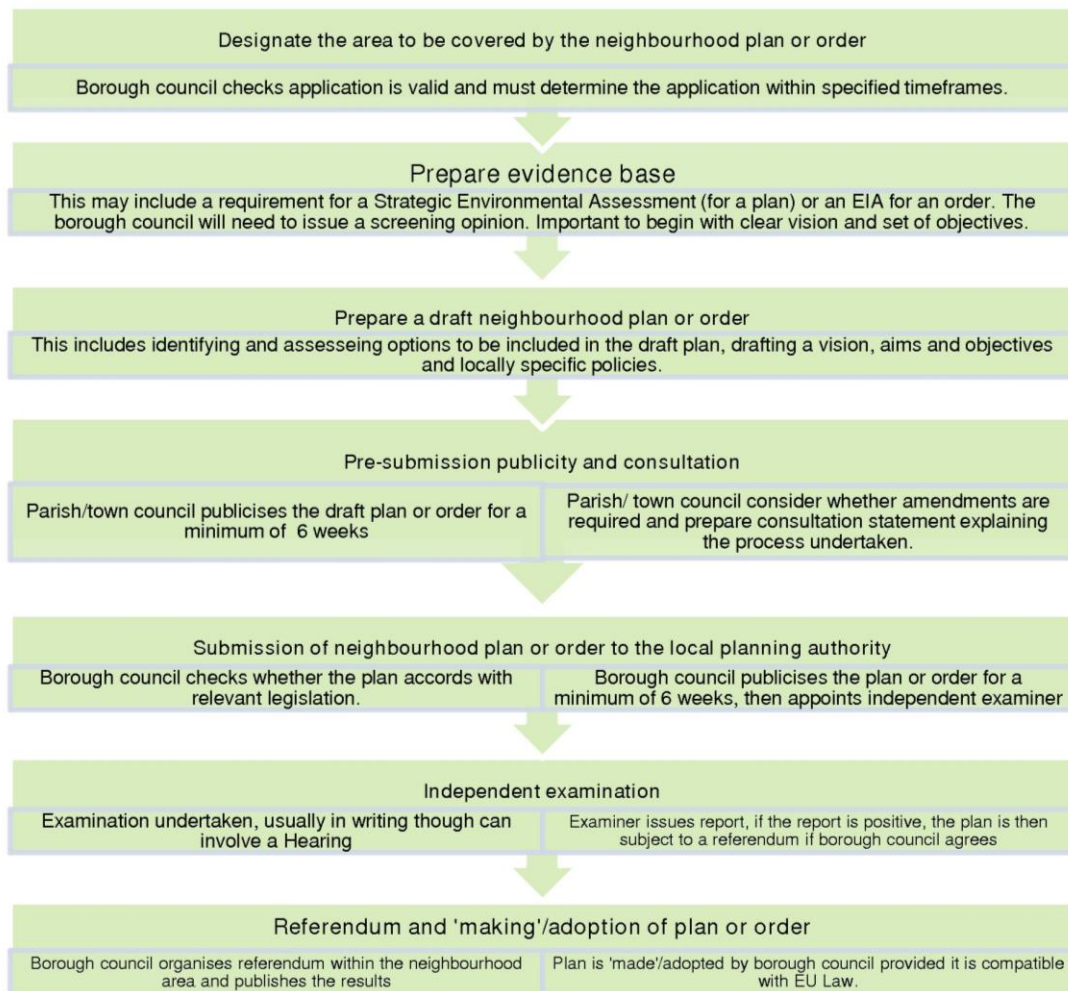
² <https://www.basingstoke.gov.uk/adopted-local-plan>

5. What is involved in developing a neighbourhood plan or order?

5.1 There are a number of compulsory steps in developing a neighbourhood plan or order which are set out in the relevant regulations. The following sections set out the key steps, in line with the national level planning guidance, and also suggest other procedures and practices which it may be helpful to follow. This is summarised in detail in section 6 and 7 below.

6. Brief summary of key stages in the process

6.1 The flow chart below illustrates the basic structure of the neighbourhood planning process (for a neighbourhood plan or order). More detail on each stage is provided in section 7.



7. Key stages in neighbourhood planning

- 7.1 This guidance follows the key stages for neighbourhood planning as set out in the National Planning Practice Guidance (PPG)³. This section seeks to explain in more detail the steps set out in that guidance and provide useful advice in terms of how to meet the various requirements.
- 7.2 The stages set out below clearly indicate where the responsibility lies for the progression of each part of the process. **The responsibilities of the parish/town council are indicated by the light green boxes, whilst the responsibility of the borough council is indicated by the dark green boxes.**

Step 1: Designating your neighbourhood area and (if appropriate) a neighbourhood forum

The parish/town council⁴ submits an application to the borough council to designate a neighbourhood area

- 7.3 The first stage of neighbourhood planning is to agree which area the plan or order will relate to. In terms of what constitutes an appropriate neighbourhood area, often this will be the whole parish. Where a parish council applies for the whole of the area of the parish to be designated as a neighbourhood area, the local planning authority (LPA) must designate the whole of the area applied for. Exceptions to this are where the area applied for:
- has already been designated as a neighbourhood area which extends beyond the parish boundary; or
 - forms part of another application that has not yet been determined.
- 7.4 There are some instances where a smaller or larger area may be more appropriate. Alternatively, an area within the non-parished areas of the borough may be suitable. The criteria set out below are contained within the PPG and outline the issues which could be considered when deciding what area to designate. These criteria should inform the required statement within the neighbourhood area designation application form concerning why the area applied for is considered appropriate for designation.

³ <https://www.gov.uk/guidance/neighbourhood-planning--2>

⁴ The term 'relevant body' is used in the legislation, however, parish/town council has been used in this document. This would include a neighbourhood forum in non-parished areas, or a community organisation where a community right to build order is being considered.

The following criteria could be considered when deciding the boundaries of a neighbourhood area⁵:

- is the whole of the parish appropriate
- village or settlement boundaries, which could reflect areas of planned expansion
- the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities
- the area where formal or informal networks of community based groups operate
- the physical appearance or characteristics of the neighbourhood, for example where buildings may be of a consistent scale or style
- whether the area forms all or part of a coherent estate either for businesses or residents
- whether the area is wholly or predominantly a business area
- whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway
- the natural setting or features in an area
- size of the population (living and working) in the area.

Electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents.⁶

7.5 The parish/town council must submit an application to the borough council and the relevant form is available from the borough council's website. The application needs to be accompanied by a map which identifies the area to which the neighbourhood area application relates.

7.6 Application forms must include a statement explaining why the proposed neighbourhood area is appropriate. The parish/town council should consult with the borough council before making an area application.

7.7 Generally it will be the parish/town council who will apply for a neighbourhood area to be designated, and if an area has a parish/town council then only they can produce a neighbourhood plan or order. A single parish council can apply for a multi-parished neighbourhood planning area to be designated as long as that multi-parished area includes all or part of that parish council's administrative area. When the parish council begins to develop a

⁵ Exceptions to the list below are where part of the area has already been designated as a neighbourhood area or forms part of an application not yet determined (PPG Paragraph: 032 Reference ID: 41-032-20161116).

⁶ The list above is taken from the PPG as set out at the time of writing.

neighbourhood plan it needs to secure the consents of the other parish councils to undertake neighbourhood planning activities. Gaining this consent is important if the neighbourhood plan is to be valid.

- 7.8 In an area where there is no parish/town council, it is possible to create a neighbourhood forum in order to pursue neighbourhood planning (the requisite application form can be found on the borough council's website⁷). It is also possible for a community organisation to pursue a community right to build order⁸.
- 7.9 Membership of a designated neighbourhood forum must be open to those working in a neighbourhood area as they will have an interest in the future of an area and the direction that its growth should take. Individuals in businesses can take the lead in neighbourhood planning. They may wish to consider doing so particularly in areas that are wholly or predominantly business in nature. They should work closely with residents and others. They can ask the LPA to consider designating a neighbourhood area as a business area (see section 61H of the Town and Country Planning Act 1990).

Borough council designates a neighbourhood area

- 7.10 The borough council will consider whether the application is complete and valid and if satisfied, designate the neighbourhood area within the required timeframes. Where a parish council applies for the whole of the area of the parish to be designated as a neighbourhood area, the LPA must designate the whole of the area applied. For neighbourhood plan applications which don't relate to the whole of a parish, a decision must be made within 13 weeks, or 20 weeks if the application relates to more than one LPA area, from the date the application is first publicised.
- 7.11 The borough council must take a decision on an application to designate a neighbourhood forum within 13 weeks (or 20 weeks, where the application must be submitted to more than one LPA), provided there is no other neighbourhood forum application already under consideration for all or part of the area.
- 7.12 As soon as possible after designating a neighbourhood area, the borough council will publish on their website (and elsewhere as appropriate) the name of the neighbourhood area, a map identifying the area and the name of the qualifying body that applied for the designation. Notification of the decision will

⁷ <https://www.basingstoke.gov.uk/neighbourhoodplan>

⁸ Further information can be found at <https://www.gov.uk/guidance/neighbourhood-planning--2>

also be sent to the parish/town council. The borough council will also confirm in writing who is the qualifying body.

Step 2: Preparing a Draft Neighbourhood Plan or Order

Parish/town council establishes a steering/ working group

- 7.13 The first stage is to set up a steering/ working group (the neighbourhood planning group) to co-ordinate the neighbourhood plan. It is important for the parish/town council to consider the full range of skills and knowledge that will be required in a group. Once the group is in place, a chairman should be appointed to manage the project and it will be important to establish the formal links between the team and the parish/town council. In this respect, terms of reference must be set for the steering/ working group which should be available on the parish/ town council website, along with minutes of steering/working group meetings so that matters are fully transparent.
- 7.14 The terms of reference should provide information on the relationship between the group and the parish/ town council, how formal stages of the neighbourhood plan are reported to the parish/town council, how information will be publicised on the neighbourhood plan and any conflicts of interest in order to ensure agreement on working practices. The information should be transparent to the wider public. The borough council will be able to provide examples of terms of reference for steering/ working groups in the borough.

Parish/town council develops proposals

- 7.15 It is paramount to establish a clear vision and set of objectives. These will form part of the neighbourhood plan or order itself (Appendix 2 provides an example of a vision and objectives section from a recently adopted neighbourhood plan in the borough).
- 7.16 The vision and objectives should underpin the scope of the plan in terms of what policy areas will be covered, and what development would be allocated (e.g. at least x number of houses). In order to guide the vision and objectives, the neighbourhood planning group will need to decide the lifespan of the neighbourhood plan. Most neighbourhood plans cover a similar period to the ALP i.e. 2011 - 2029. In the case of an order, the vision and objectives will need to clearly lead on to the form of development proposed. It will be necessary to clearly set out how the vision and objectives have been arrived at and how they then lead on to the relevant policies and allocations.

- 7.17 Once the vision and objectives have been established, a project plan should be developed, setting out the programme of work which needs to be undertaken. This will help to establish the extent of the work involved, enabling better management of the project and should include details of activities that need to be carried out at each stage, the resource implications and when the input of the borough council is required. The borough council can assist in estimating time frames and ensure that the project plan incorporates all of the key stages of the plan-making process. It would also be advisable to prepare an estimated budget for the neighbourhood plan process as there will be financial costs associated with producing a plan. Some of the costs, such as the submission consultation and the independent examination are the responsibility of the borough council (see Appendix 1 for further details).
- 7.18 A communications strategy could also be developed at this time setting out when and how you will engage the local community and statutory consultees through the process (a full list of the statutory consultees is set out in step 3).
- 7.19 Consultation with the local community may be undertaken at this early stage to shape the vision and objectives, and to ensure that the plan reflects the issues facing the area and the needs of the local community. The aim of consultation at this stage is to obtain community engagement at the earliest opportunity.

Parish/town council begins to gather baseline information and evidence

- 7.20 This is an important stage in the process and it is vital not to jump too far ahead into the plan writing stage until a suitable evidence base has been prepared.
- 7.21 The PPG states that while there are prescribed documents that must be submitted with a neighbourhood plan or order, there is no 'tick box' list of evidence required. However, proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies (and allocations if any are proposed) in the draft neighbourhood plan or the proposals in an order.
- 7.22 The borough council will share relevant evidence, including that gathered to support its own plan-making, with the 'qualifying body' and steering group. However, some more locally specific information may be required and this is likely to depend upon the policies being included in the plan, and also whether

sites are being allocated. It may also be helpful to draw upon issues that have been previously identified in existing documents produced by parish/town councils such as village design statements.

- 7.23 It is important to highlight that policies in the neighbourhood plan should be locally specific and not re-iterate policies that are covered in the ALP.
- 7.24 If sites are being allocated then site specific analysis will be required. A consistent and coherent approach to assessing sites will be needed in order to show that the site(s) selected are the most sustainable and suitable when considered against the reasonable alternatives. In some instances the borough council may have assessed the sites being considered by the parish/town council, in which case the parish/town council can make use of the borough council's analysis when carrying out its own site assessment process. It is suggested that the parish/town council use the borough council's site assessments as a template for its own consideration of the relevant sites.
- 7.25 The county council is also able to provide assistance to parish/ town councils to help inform their evidence base on issues such as education, minerals and strategic highways. The county council has prepared a 'Guide to Neighbourhood Planning'⁹ which provides helpful guidance as to where useful information on county specific planning issues can be located.
- 7.26 The box below sets out the type of evidence base which is likely to be required to underpin a neighbourhood plan or order. However, this will be dependent on the complexity and scope of the plan.

Relevant Evidence Base for Neighbourhood Planning

- population size
- household size
- incomes
- family composition
- place of work and commuting patterns
- current and emerging proposals that will affect the area
- values and concerns of the local community
- information on the area from, and collected in connection with the Local Plan. For example information on parish/town profiles¹⁰.
- Information in an established parish or community plan for the area.

⁹ <http://documents.hants.gov.uk/planning-strategic/NeighbourhoodPlanninginHampshire.pdf>

¹⁰ <https://www.basingstoke.gov.uk/ward-and-borough-profiles>

- Physical attributes such as: the provision of community buildings, playing fields/Sports facilities, footpaths, health facilities, open space, local shops and schools.

The evidence base should also assess the area's strength and weaknesses, i.e:

- What is done well in the area/well provided for?
- What could be improved or changed?
- What is missing from the area?
- What resources are available (e.g. people, services, land)?
- What opportunities are there in the area?
- What are the physical, financial and/or environmental barriers?

Opinions could be gathered by surveys, community events, focus groups etc.

7.27 The borough council prepared an extensive evidence base¹¹ in support of the ALP and this may be useful in part to underpin the evidence base required in connection with the neighbourhood plan or order. However, please note that some of these studies have been/ will be updated since the adoption of the ALP in May 2016. The borough council can also provide useful information regarding examples of site specific constraints which will inform the neighbourhood planning process, such as locations of flood zones and important landscape designations such the Area of Outstanding Natural Beauty (AONB) in the borough.

7.28 The parish/town council should seek to involve stakeholders (see appendix 4) in the preparation of the neighbourhood plan at an early stage where relevant. They will be able to provide advice and guidance on a particular issue. For example, Natural England may be able to provide advice on biodiversity and landscape in the local area and how this could be incorporated in the neighbourhood plan.

Compliance with European Union Law (EU obligations)

Borough council screens the emerging neighbourhood plan or order in relation to EU obligations

7.29 A neighbourhood plan or order must comply with EU law (this is a legal requirement set out by the government). It is important to establish as early as

¹¹ <http://www.basingstoke.gov.uk/evidence-base>

possible what EU obligations need to be complied with, principally whether a Strategic Environmental Assessment (SEA) is required in the case of a neighbourhood plan, or an Environmental Impact Assessment (EIA) in the case of a neighbourhood development order/community right to build order.

- 7.30 Turning firstly to neighbourhood plans, the SEA process seeks to ensure that the environmental implications of plans are taken into account during the process of their preparation and adoption. An SEA is required if the neighbourhood plan is likely to have significant environmental effects. Furthermore, plans need to be screened to determine whether a Habitats Regulations Assessment (HRA) will be required. This will be the case if the designated neighbourhood area is in relatively close proximity to a European nature conservation site (such as the Thames Basin Heaths Special Protection Area).
- 7.31 If a plan is one which has been determined to require an appropriate assessment under the Habitats directive then it will normally also require a SEA. These assessments will need to be carried out in accordance with the relevant legislation and national level guidance. The assessments will need to be factored into the public consultation process associated with the neighbourhood plan and must be submitted with the final version of the neighbourhood plan.
- 7.32 The first stage in completing a SEA is the screening process carried out by the borough council, in order to establish whether significant environmental effects are likely. Guidance on SEA requirements for neighbourhood plans can be found in the PPG¹². The borough council will consult the statutory consultees (Natural England, the Environment Agency and Historic England) as part of this process¹³ with the screening process lasting at least 5 weeks. If the plan is deemed likely to have significant environmental effects then a full Environmental Assessment will be required. If the conclusion is that the plan is likely to have a significant effect on a European site then an appropriate assessment of the implications of the plan for the site, in view of the site's conservation objectives, must also be undertaken. The borough council will formally write to the qualifying body confirming its decision on whether a SEA (and HRA) is required.
- 7.33 If it has been determined that an SEA is required it is optional to prepare a scoping report, although it is recommended that this is undertaken. Although the scoping stage is a requirement of the process, a formal scoping report is not required by law but is a useful way of presenting information at the

¹² <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal#strategic-environmental-assessment-requirements-for-neighbourhood-plans>

¹³ As per Regulation 9 The Environmental Assessment of Plans and Programmes Regulations 2004

scoping stage. A key aim of the scoping procedure is to help ensure the SEA is proportionate and relevant to the neighbourhood plan being assessed. If a Scoping Report is produced then it must be subject to a minimum 5-week consultation period with the consultation bodies.

- 7.34 The SEA Environmental Report (i.e. the assessment of the environmental issues) should be consulted on alongside the draft neighbourhood plan for the full 6-week process, which must include consultation with the three statutory consultees (Natural England, the Environment Agency and Historic England).
- 7.35 Moving on to neighbourhood development orders (and community right to build orders), these will be subject to EIA as they relate to a specific form of development. The EIA process is similar to that of SEA, as the trigger for this requirement is whether there will be significant effects on the environment. If there will be such effects then an Environmental Statement will be required assessing the significant effects on the environment and setting out appropriate mitigation measures where necessary. Detailed guidance on the EIA process is available via the PPG¹⁴.
- 7.36 If a proposed development is likely to have significant environmental effects and an EIA is required, then the community right to build order approach cannot be used.
- 7.37 The borough council will need to carry out the screening assessment outlined above as early as possible in relation to a neighbourhood plan (to establish whether EU obligations apply). The best time to conduct this is once the vision and objectives have been firmly established and the scope and future content of the plan is apparent i.e. whether sites are being allocated and what policy areas will be included. The borough council will ask the parish/town council to complete a SEA screening questionnaire. This questionnaire includes several questions which have been designed to ensure the borough council is satisfied that it has enough information to undertake the SEA Screening of the neighbourhood plan.
- 7.38 In the case of a neighbourhood development order, if an EIA is required then it is also possible for the parish/town council to apply to the borough council for a scoping opinion in order to establish the scope of the Environment Statement (i.e. to ascertain what environmental effects need to be addressed in the report). The borough council will need to consult with the 'consultation bodies' as part of the scoping process and has 5 weeks in which to issue their

¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/environmental-impact-assessment/>

scoping opinion¹⁵. It will be necessary to have regard to the scoping process on the timescales set out in the project plan.

Achieving sustainable development

- 7.39 Another important requirement for neighbourhood plans is the need to accord with the NPPF objective of achieving sustainable development. Whilst it is not a legal requirement to produce a Sustainability Appraisal (SA) (which is a formal and wide-ranging assessment of the sustainability implications of a proposed plan) for a neighbourhood plan or order, it is necessary to demonstrate that the plan or order will achieve sustainable development.
- 7.40 This can be done via a specific report on sustainability issues (if a specific report is submitted, this should be referenced in the basic conditions statement in relation to the condition regarding sustainability), or by including a detailed section on this issue within the basic conditions statement itself (the basic conditions statement is considered in more detail in paragraph 7.50 of this document). An effective way of explaining the sustainability credentials of the plan or order will be to base the assessment on the issues set out in the borough council's Sustainability Appraisal (SA) for the ALP (i.e. covering the themes and issues set out in that document), though in a simplified manner, proportionate to the complexity and content of the neighbourhood plan or order.

Parish/town council needs to engage with and consult those living and working in the neighbourhood area and those with an interest in or affected by the proposals (e.g. service providers)

- 7.41 Good communication, will help to ensure that the neighbourhood plan meets the legislative requirements; yields a suitable evidence base; results in policies which are realistic and deliverable; ensures that the plan gains public confidence and support moving towards the referendum stage; and avoids conflict and delays.
- 7.42 In terms of the government guidance on this issue, the PPG states that:

“A qualifying body¹⁶ should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:

¹⁵ [As per Regulation 13 of the The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011](#)

¹⁶ i.e. the parish/town council, neighbourhood forum or community organisation

- *is kept fully informed of what is being proposed*
- *is able to make their views known throughout the process*
- *has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order*
- *is made aware of how their views have informed the draft neighbourhood plan or Order.”*

The manner in which the requirements set out above have been addressed during the process should be covered in the Consultation Statement (considered in more detail in paragraph 7.72 of this document), which will accompany the Submission version of the Neighbourhood Plan. In addition, the PPG goes on to state that:

“A qualifying body must consult any of the consultation bodies¹⁷ whose interest it considers may be affected by the draft neighbourhood plan or Order proposal.”

7.43 In light of the above, it will be important to ensure that the engagement process is as extensive as possible and includes relevant statutory consultees. The council’s Statement of Community Involvement (SCI), which is available on the borough council’s website, sets out how the council intends to involve the local community in planning issues, setting out who will be consulted, when involvement should take place, and which methods will be used. The borough council’s ‘Engaging the community in neighbourhood planning’ guidance document¹⁸ has been designed to support neighbourhood planning groups in the engagement and consultation process. Various mechanisms can be considered to ensure effective public engagement, for example:

- holding events/drop in sessions
- adverts/posters
- send letters/flyers and information to everyone in the neighbourhood area
- questionnaires and comment forms
- use of websites, social media and e-mail
- notice in parish newsletters and/or local magazines
- visiting already established groups.

7.44 Furthermore, it is important to keep records of what public engagement takes place, as this will need to be included in the Consultation Statement which will be assessed by the independent examiner.

¹⁷ A full list of the consultation bodies is set out in Step 3

¹⁸ <https://www.basingstoke.gov.uk/neighbourhoodplan>

Parish/town council need to talk to land owners and the development industry

- 7.45 The government guidance explicitly requires that the parish/town council engage with landowners and the development industry. The guidance states that by doing this the parish/town council will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development.
- 7.46 The borough council produces and updates annually, a Strategic Housing Land Availability Assessment (SHLAA¹⁹) which provides details of sites currently available for development in the area. The SHLAA provides an assessment of all sites promoted to the borough council and can be used as a useful tool for neighbourhood planning groups when considering the allocation of sites within a neighbourhood plan. The SHLAA also provides some of the details of site promoters and more information in this regard may be available from the borough council. The parish/town council can also engage with landowners who have not currently put forward sites through the SHLAA process.
- 7.47 Local communities can use neighbourhood plans to identify, for special protection, green areas of particular importance to them. By designating land as a Local Green Space communities can protect such areas from development except for in very special circumstances. If the neighborhood plan is considering designating Local Green Spaces, the PPG recommends that the qualifying body should contact landowners at an early stage about the proposals to designate any part of their land as Local Green Space.

Parish/town council identify and assess options

- 7.48 In the early stages it is necessary to look at various options and the resultant assessment of the options will feed into the draft neighbourhood plan. The plan or order proposed should be the most sustainable option. For example, if sites are being allocated for development, a site assessment process would be required, which will need to involve identifying various options and ranking those against a clearly defined list of sustainability objectives. Once this assessment has been carried out it will then be possible to identify the most sustainable option.

¹⁹ <https://www.basingstoke.gov.uk/SHELAA>

7.49 The government guidance states that it is not appropriate to carry out public consultation on individual policies which are intended to be included in the neighbourhood plan. However, a range of options could be presented during the course of early engagement. Building on initial engagement will allow options to be refined. The government guidance states that the document that is consulted on at the pre-submission (draft) stage should contain only the preferred approach.

Parish/town council start to prepare proposals documents e.g. basic conditions statement

7.50 Demonstrating compliance with the 'basic conditions' is a legal requirement of neighbourhood planning. The basic conditions statement (setting out how the basic conditions have been complied with) will be assessed in detail by the 'independent examiner'.

7.51 The government guidance states that the parish/town council is advised to discuss and share early drafts of its basic conditions statement with the borough council. The basic conditions are set out in full in text box below.

The basic conditions which must be complied with:

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

g. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

7.52 The neighbourhood plan can also be supported by an Equalities Impact Assessment (EqIA) which provides an analysis of the equality implications of the potential implementation of policies and what impact this may have on different equality groups. The aim of this process is to determine whether there are any adverse impacts of policies and whether alternative policies may need to be considered. The EqIA can be incorporated into the basic conditions statement.

The draft plan

7.53 There is no specific format which is required for a neighbourhood plan. However, it is important to ensure that priorities within the plan are achievable and have a realistic chance of being delivered. The guidance below is designed to provide a basic framework for the production of a draft plan. This has been included to provide a helpful outline as to how the document could be organised.

The draft plan

Introduction

- this should clearly set out the background to the plan
- provide details of the body submitting the plan
- set out the neighbourhood area
- clearly state the 'plan period'
- it may also be helpful to summarise the key findings from the evidence base collected to date.

Context

This section will generally outline in more detail the nature of the neighbourhood area and provide a thorough explanation of the findings from the evidence base and the public consultation which has taken place. The information is likely to involve detailed assessment of the built and natural environment (including the historic environment, landscape factors and biodiversity considerations), demographics, and provide details of the key issues affecting the neighbourhood area. This section should effectively form the basis for the policies and allocations section by outlining what issues need to be addressed by the policies and allocations in that next section. The section needs to be set out in an objective manner, and can be supported with relevant visual aids such as photographs, maps and graphs.

Vision and objectives

The vision and objectives of the plan need to be clearly set out, with an accompanying supporting or concluding commentary setting out how the vision and objectives feed into the policies and allocations (where relevant) in the rest of the plan. The vision and objectives should be realistic and related to neighbourhood planning. A table could be included to demonstrate which policies meet the plan's objective.

Policies and allocations

The section will include the draft policies in relation to the themes identified in the vision and objectives section. This could include policies in relation to:

- housing supply (which would then feed into the site allocations)
- housing mix
- affordable housing
- design
- historic environment
- landscape
- community facilities

The plan also may include allocations for development (these policies can be criterion based) e.g:

- housing sites (setting out the approximate number of units to be provided on the site)
- community facilities (if a need has been identified and such a facility is deliverable)
- infrastructure requirements (e.g. a car park)

The site allocations will need to clearly set out site specific policy requirements and be accompanied by an OS map to define the allocated site(s). The maps should be produced as early as possible in the plan preparation stage.

It is also important to remember that the plan can only cover planning matters.

A section/appendix for projects could be added towards the end of the plan to identify local priorities for spending CIL revenues.

Policy writing

7.54 An important part of the plan will be the wording of the policies. The PPG²⁰ provides the following stipulations in terms of how policies in the neighbourhood plan should be drafted:

‘A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.’

7.55 In the light of the NPPF, it is also necessary to ensure that policies are positively worded. More specifically, rather than seeking simply to restrict a certain form of development, policies should set out a positive goal/statement, subject to meeting certain criteria. For example:

“Development proposals for the commercial generation of energy from renewable and low carbon resources (excluding wind turbines) will be permitted unless there are adverse environmental, economic or social impacts, including any long-term and cumulative adverse impacts which are not outweighed by the benefits.”²¹

7.56 If policies do not comply with the basic conditions then the independent examiner will potentially recommend modifications, or possibly the removal of some policies (if they are negatively worded or do not have sufficient clarity for example).

7.57 Policies within the neighbourhood plan must also be achievable and justifiable. The policies included within the plan should be based on evidence and seek to achieve the plan’s vision and objectives. Policies that relate to site allocations should be drawn up in consultation with the relevant landowners/site promoters. The borough council can provide advice on policy writing and the policies contained within the ALP or other recently ‘made’ neighbourhood plans in the borough should provide examples of the types of policy wording which is likely to be acceptable.

Maps

7.58 The borough council can provide parish/town councils with maps for their neighbourhood plan. The maps should be used to define local designations such as important views and any site allocations. Designations within the

²⁰ Paragraph: 041 Reference ID: 41-041-20140306 <https://www.gov.uk/guidance/neighbourhood-planning--2>

²¹ This is an extract of a positively worded policy (policy EM8) taken from the ALP.

neighbourhood plan will be added to the borough council's online Development Plan Policies map²² once the neighbourhood plan is made. It is important that the qualifying body makes clear in the neighbourhood plan what is/ is not a designation.

- 7.59 Maps should be considered early on in the preparation of a neighbourhood plan to allow the borough council as much notice as possible to produce the required maps. All maps shown in a neighbourhood plan should use an OS base map and designations related to policies in the plan should be clearly defined.

Monitoring

- 7.60 The parish/town council may consider the inclusion of indicators to monitor the objectives and policies within the neighbourhood plan. This is not a requirement of the legislation, however, an option could be to include similar indicators within the neighbourhood plan to those in the borough council's Authority Monitoring Report.

A draft order

- 7.61 The box below sets out a possible structure for neighbourhood development order/community right to build orders.

A draft neighbourhood/community right to build order

Introduction

This would set out the background, briefly explain the goals and purpose of the order and state who has drawn up the order (i.e. the parish/town council or community group). It should also explain briefly whether the order relates to an associated neighbourhood plan and state what neighbourhood area the site is located within. A short introduction to the evidence base underpinning the order would also be helpful. Details of public consultation should also be summarised (full details of the public consultation and consultation with statutory consultees, will need to be set out in the consultation statement which will be provided in a separate document).

Evidence base and context

This would need to set out the evidence base underpinning the order, for example, in the case of affordable housing, set out the need for affordable housing in the area and why the mix in question has been proposed. In addition, explain why the form of development is appropriate, for example, in relation to the design and scale based on a consideration of local character and the landscape context.

²² <https://www.basingstoke.gov.uk/adopted-policies-map>

Remember that a basic conditions statement will also be required, which will need to explain how all of the basic conditions have been complied with.

If there are ecological issues associated with the site then an ecological survey (and potentially a set of accompanying planning conditions to be included in the order) will need to be provided with the order, as all the relevant legislation will need to be complied with.

Details of the order

This should set out precisely what development the order covers and all of the components being applied for. The wording needs to be clear, precise and objective.

A map must be provided showing the location of the area covered by the order. The government guidance states that an order can be made subject to conditions (as is the case with planning applications) or limitations as set out in the order²³. If conditions are being imposed (for example requiring certain detailed elements to be approved by the borough council such as a new vehicular access or specifying a limitation on opening hours) then a list of the conditions attached to the development should also be set out within the order. The conditions need to meet the 6 condition tests set out in the PPG²⁴. The relevant legislation underpinning the order and time limit for the development should also be clearly set out.

The order can provide detailed plans of the development in question (i.e. including full details of the elevations and floor plans etc), or alternatively the order can be more in the form of an outline consent²⁵, stating the form of development proposed, and provide sufficient details of what will constitute the final development, but defer the detailed plans to a 'reserved matters' stage to be determined by the borough council. If the more 'outline' approach is proposed then the reserved matters conditions would need to be clearly set out in the order, and sufficient detail would still need to be provided in order to be clear what was covered by the order, for example an indicative layout, sketched design and scale parameters. It would be best practice to provide as much detail as possible in the order so as to minimise the number of conditions.

In the case of a community right to build order, the document will need to clearly set out whether any restrictions have been placed on enfranchisement rights (i.e. right to buy in the case of affordable units).

Clear statement as to why the order should be made

²³ Section 61C Town and Country Planning Act 1990

²⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/use-of-planning-conditions/>

²⁵ Which is a type of planning application whereby the principle of development is established, but certain issues can be deferred to what is called a reserved matters phase, such as access or design. These reserved matters are then determined via a separate planning application to the borough council within a specified time-frame.

This would effectively be a conclusion section, but in order to comply with the legislative requirements it will be necessary for this element to comprise a clear statement as to why the order should be made.

Need to ensure that screening has taken place in relation to Environmental Impact Assessment (EIA) and if an EIA is required then this needs to be submitted with the order. It is also necessary to ascertain whether an archaeology statement²⁶ is required, this can be done in liaison with the borough council and Historic England.

Borough council can provide helpful comments on the emerging neighbourhood plan or order and supporting documents prior to submission

- 7.62 The borough council is willing to attend meetings to discuss progress and particular issues. The council will also provide on-going informal advice throughout the process.
- 7.63 The borough council can provide written feedback on emerging plans or orders and supporting documents at key stages prior to submission and this critical friend review should be factored into relevant work programmes. The borough council requires sufficient notification that the neighbourhood planning group is submitting a complete draft of a plan for review. Drafts will be reviewed within a 2-3 week time scale. This review may not benefit from the full range of internal consultation which will be carried out at the formal Pre-Submission consultation stage. Please note that the borough council is unlikely to comment on multiple draft versions of a neighbourhood plan. If the borough council considers that a draft neighbourhood plan or order may fall short of meeting one or more of the basic conditions, they will discuss their concerns with the parish/town council in order that these can be considered before the draft neighbourhood plan or order is formally submitted.

Step 3: Pre-submission publicity and consultation (Regulation 14)

Parish/town council need to publicise the draft neighbourhood plan or order and invite representations

Parish/town council needs to consult the consultation bodies as appropriate

- 7.64 This formal publicity process will need to take place for a minimum of 6 weeks. The arrangements for the consultation are organised and funded by

²⁶ As set out in section 22 of the Neighbourhood Planning (General) Regulations 2012 <http://www.legislation.gov.uk/ukxi/2012/637/part/6/made>

the parish/town council. Government guidance states that a parish/town council must consult with the community living and working in the neighbourhood area, key stakeholders (such as landowners) and any of the consultation bodies whose interest it considers may be affected by the draft neighbourhood plan or order (please see box below).

Consultation Bodies²⁷

1. For the purposes of regulations 14 and 16, a “consultation body” means—
 - (a) where the local planning authority is a London borough council, the Mayor of London
 - (b) a local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority
 - (d) the Homes and Communities Agency
 - (e) Natural England
 - (f) the Environment Agency
 - (g) the Historic Buildings and Monuments Commission for England (known as English Heritage)
 - (h) Network Rail Infrastructure Limited (company number 2904587)
 - (i) the Highways Agency
 - (k) any person—
 - (i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003; and
 - (ii) who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority;
 - (l) where it exercises functions in any part of the neighbourhood area—
 - (i) a Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section;
 - (ii) a person to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989;
 - (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986;
 - (iv) a sewerage undertaker; and
 - (v) a water undertaker.
 - (m) voluntary bodies some or all of whose activities benefit all or any part of the neighbourhood area
 - (n) bodies which represent the interests of different racial, ethnic or national groups in the neighbourhood area

²⁷ List provided from the Neighbourhood Planning (General) Regulations 2012 (as amended)

- (o) bodies which represent the interests of different religious groups in the neighbourhood area
- (p) bodies which represent the interests of persons carrying on business in the neighbourhood area
- (q) bodies which represent the interests of disabled persons in the neighbourhood area.

7.65 The consultation bodies will need to be consulted formally at this stage although it is recommended that relevant bodies should also be engaged with as early as possible. The input from the consultation bodies will be especially important in relation to site allocations, where there are relevant factors (e.g. the Environment Agency would need to be consulted on flooding) and policy areas relevant to their interests (for example a policy related to sewage infrastructure will need to be heavily informed by consultation with the relevant water authority). Contact details relating to the consultation bodies listed above is set out in Appendix 4.

The parish/town council sends a copy of the draft neighbourhood plan or order to the borough council

Where EU obligations apply, the parish/town council needs to ensure that the relevant publicity and consultation requirements have been met

- 7.66 The borough council can provide further advice on this requirement. The exact requirements will depend to a large extent on whether an Environmental Assessment in accordance with the SEA Directive is required.
- 7.67 Where an SEA is required and a Scoping Report is produced, this should be subject to a 5 week consultation, and the final Environment Report for 6 weeks (this should be done alongside the consultation on the draft plan). Both of these processes will need to involve consultation with the public and 'consultation bodies'.
- 7.68 In the case of a neighbourhood development order which requires an EIA, the submission of the order must be carried out in accordance with the stipulations set out in Schedule 3 of the Neighbourhood Planning Regulations (General) 2012²⁸. This applies to neighbourhood orders in the same way that it applies to planning applications (which require EIA).

²⁸ <http://www.legislation.gov.uk/ukxi/2012/637/schedule/3/made>

7.69 There is no requirement to carry out any formal public consultation on the Environmental Statement whilst it is being prepared. However, it is recommended that the Environmental Statement should ideally be in place by the time the draft neighbourhood order is formally consulted upon and should be made available as part of the consultation on the draft order. The presence of the EIA should be referred to in the draft order, and details provided as to how it can be viewed by the public. When the neighbourhood order is formally submitted to the borough council, any EIA required should be submitted with the rest of the information, and a copy forwarded on to the relevant consultation bodies (namely Natural England, the Environment Agency and the Marine Management Organisation²⁹). It is possible to submit the EIA after the order has been formally submitted, but that would entail an additional consultation period of 21 days.

Parish/town council considers consultation responses received and amends neighbourhood plan or order if appropriate

7.70 It is highly recommended that the consultations responses are summarised in a 'Schedule of Representations', including an assessment of the responses received. In addition, any changes proposed should be recorded and the reasons for the changes explained. This will then form useful evidence to be included within the Consultation Statement which will be considered by the examiner.

7.71 If significant amendments are made to the plan during this process then it may be beneficial to carry out a further round of public consultation on the amended draft before it is formally submitted to the borough council.

Parish/town council prepares consultation statement

7.72 The consultation statement forms a necessary part of the submission, and will be considered by the independent examiner when determining whether the legislative requirements and government guidance have been satisfied. The box below provides a basic framework for the production of the consultation statement. The framework is based on a Consultation Statement pertaining to the Oakley and Deane Neighbourhood Plan (2011-2029)³⁰. The information set out is not intended to form a prescriptive list, rather the goal is to provide a helpful framework for how the required document could be structured.

²⁹ The PPG also states that in this context 'consultation bodies' can also include other bodies designated by statutory provision as having specific environmental responsibilities and which the borough council or the Secretary of State considers are likely to have an interest in the application.

³⁰ <http://www.basingstoke.gov.uk/content/doclib/1391.pdf>

Consultation Statement

Introduction

- Provide the background information in relation to the statement and a summary of the consultation undertaken to date.

Details of the consultation which has been undertaken

- Set out full details of who has been consulted, including with statutory consultees such as the Environment Agency.
- Give details of what sort of consultation events were held.
- Explain the arrangements which were put in place for accessing the draft plan, such as availability on the parish/town council's website and at local libraries, key locations, etc.

Summary of the responses received

- Set out the number of responses received.
- Calculate the level of support for the plan (e.g. 60% of respondents stated that they approved of the draft plan).
- Recommend to break the summaries down into the key policy areas (e.g. housing, design etc).
- Identify the key issues and provide an explanation of the concerns have been addressed.

Details of changes proposed to the plan in response to the consultation

- Make reference to the specific policies, how they are being changed, and explain why the change is proposed, making reference to the responses received.

Appendices providing examples of letters sent out or consultation adverts used in the process. This should also include a brief summary, which could be set out in a table, of all the representations received.

The borough council should provide constructive comments on an emerging neighbourhood plan or order before it is submitted

- 7.73 The parish/town council is encouraged to submit their draft material to the borough council prior to formal submission so that the borough council can undertake a critical friend review. The borough council requires as much

notice as possible to provide this review on the plan. The goal of the process would be to ensure that as many potential problems as possible, which could be encountered further down the line, are avoided.

7.74 There is also the option to apply to the Neighbourhood Planning Independent Examiners Referral Service (NPIERS) for an independent 'health check' of the neighbourhood plan or order. Please note there is a fee for this service. MyCommunity.org.uk³¹ also provide a number of guides and templates on their website in relation to neighbourhood planning. See Appendix 5 for other useful sources of information.

7.75 A 'health-check' and/or the review provided by the borough council will typically cover the following issues, namely whether:

- The necessary statutory requirements have been met in terms of the designation of the neighbourhood area.
- The plan or order has been subject to appropriate pre-submission consultation and publicity.
- There has been a programme of community engagement proportionate to the scale and complexity of the plan or order as well as consideration of the consultation statement prepared.
- Screening has been carried out in relation to EU obligations.
- The policies are clear, unambiguous and appropriately justified.
- Whether there are any obvious conflicts with the NPPF guidance or the borough council's strategic planning policies.
- There is a clear explanation of the ways in which the plan or order contributes to the achievement of sustainable development.
- Whether there are any issues concerning compatibility with human rights legislation.
- In the case of a neighbourhood development order, does it avoid dealing with excluded development (as defined in the relevant legislation)?
- Whether there are any obvious errors or other matters that require further consideration?

7.76 The Neighbourhood Planning Group will require confirmation from the parish/town council (via a meeting of the parish/ town council if necessary) that the draft neighbourhood plan can be submitted for examination.

³¹ <https://mycommunity.org.uk/take-action/neighbourhood-planning/>

Step 4: Submission of a neighbourhood plan or order proposal to the borough council (Regulation 15 and 16)

Parish/town council submits the plan or order proposal to the borough council

- 7.77 The following documents are required to be submitted to the borough council asset out in the Neighbourhood Planning (General) Regulations 2012 (as amended) section 15(1):
- the draft plan or order including a plan or statement setting out the area the plan relates to;
 - basic conditions statement;
 - consultation statement;
 - report required in relation to SEA (if a plan) or EIA (if an order), as relevant.
- 7.78 A neighbourhood development order must also be submitted with a map showing the land covered by the order and a statement which contains a summary of the proposals and sets out the reasons why an order should be made in the proposed terms. In addition, an archaeology statement can also be required for a neighbourhood development order. The full list of requirements is set out in The Neighbourhood Planning (General) Regulations 2012 (as amended) section 22 (1).
- 7.79 The basic conditions statement will be a crucial piece of evidence when the independent examiner is deciding whether to recommend that the plan can be put forward for the referendum. The criteria for the basic conditions is set out on pages 19-20, and the basic conditions statement will need to explain how each element has been complied with, unless any of the elements are addressed by means of a separate document such as a report on sustainability issues (covering how the plan achieves sustainable development) or an Environmental Report (in accordance with the SEA Directive).

Borough council checks that the submitted proposal complies with all relevant legislation ('Compliance Check')

If the borough council finds that the plan or order meets the legal requirements it:

- **publicises the proposal for minimum of 6 weeks and invites representations**
- **notifies the consultation bodies referred to in the consultation statement**
- **appoints an independent examiner (with the agreement of the parish/town council)**

7.80 The borough council will complete a compliance check which will check whether the submitted neighbourhood plan complies with the relevant legislation. Following completion of the compliance check the parish/town council will be issued with a copy of the check and a written statement clarifying the compliance of the plan, which will also be published on the borough councils' website. The questions asked in the compliance check can be found in appendix 3.

7.81 In assessing whether the legal requirements have been met, the borough council needs to be satisfied that the required documents have been submitted but is not required to consider whether the draft plan or order meets the basic conditions. The government guidance emphasises that it is only after the independent examination has taken place and after the examiner's report has been received that the borough council comes to its formal view on whether the draft neighbourhood plan or order meets the basic conditions.

7.82 Members of the public, affected landowners or consultation bodies wishing to make their views known to the independent examiner, or who wish to submit evidence for the examiner to consider, will need to do this by submitting written representations to the borough council during the statutory 6-week publicity period on the submitted draft neighbourhood plan or order.

7.83 Representations should address whether or not the draft neighbourhood plan or order proposal meets the basic conditions and other matters that the independent examiner is required to consider under paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). Representations may also address whether the referendum area should be extended beyond the neighbourhood area. Anyone wishing to make a case for an oral hearing should do so as part of their written representation.

7.84 The borough council appoints the independent examiner in agreement with the parish/town council. It is a requirement that the parish/town council either provide written confirmation or a copy of the minutes of a formal parish/town council meeting to confirm their choice of independent examiner. The borough council use the Neighbourhood Planning Independent Examiners Referral Service (NPIERS) to recommend an independent examiner. The examiner is independent of both the parish/town council and the borough council. The borough council is responsible for drawing up the contract for the examiner and paying for the examiner.

Step 5: Independent Examination

Borough council sends neighbourhood plan or order proposal, relevant documentation and representations to the independent examiner

Independent examiner undertakes examination

7.85 When considering the content of a neighbourhood plan or order, an independent examiner's role is to test whether or not a draft neighbourhood plan or order meets the basic conditions.

7.86 Usually, the examination of a neighbourhood plan or order does not include a public hearing. Rather the examiner should reach a view by considering written representations. If the examination is by written representations then the examiner may request further information from the borough council and/or the parish/town council.

7.87 If a hearing is required the independent examiner will decide on the format and scope of the hearing, the questions to be asked and who will be invited to speak at the hearing (in addition to the borough council and parish/town council).

7.88 The basic conditions statement and other documents submitted are likely to be the main way that a parish/town council can seek to demonstrate to the independent examiner that its draft neighbourhood plan or order meets the basic conditions.

Independent examiner issues a report to the borough council and the parish/town council

- 7.89 The independent examiner will issue their report recommending either that the neighbourhood plan can proceed to referendum, subject to modifications, or the plan cannot proceed as it does not meet the basic conditions. The examiner's report may recommend changes are made to the plan or order, such as the wording of a policy, to ensure the plan meets the basic conditions. If modifications are required following examination, the qualifying body should make the required modifications to the neighbourhood plan in liaison with the borough council. A tracked change version of the neighbourhood plan should be provided by the qualifying body to the borough council.
- 7.90 The independent examiner can also recommend that the referendum area is extended beyond the neighbourhood area.

The borough council publishes examiner's report

The borough council considers the report and reaches its own view (except in respect of community right to build orders where the report is binding)

The borough council makes a decision (within 5 weeks) on whether to send the neighbourhood plan or order to referendum

- 7.91 Having considered the independent examiners report, the borough council must consider whether the plan or order meets the basic conditions within 5 weeks of receipt of the examiner's report. The borough council will then formally decide to send the plan for referendum. However, if the borough council is not satisfied that the proposal complies with the basic conditions then it cannot send the plan for referendum.
- 7.92 Whatever decision is taken by the borough council, it must clearly set out the reasons for that decision in a decision statement, send a copy to the parish/town council³² and publish the statement on the borough council's website. Where the decision of the borough council departs from the recommendation of the independent examiner, then the borough council must notify and invite representations from the neighbourhood planning group, statutory consultees and consultees that made representations on the neighbourhood plan on that decision.

³² The Neighbourhood Planning (General) Regulations 2012 (as amended) section 18 (2)

7.93 Once the borough council has committed to proceed to a referendum the neighbourhood plan cannot be withdrawn. The borough council must have regard to a post-examination neighbourhood plan when determining a planning application, so far as that plan is material to the application.

Steps 6 and 7: Referendum and Making the neighbourhood plan or order (bringing it into force)

The borough council must pay for and make the arrangements for the referendum to take place

7.94 The borough council must make arrangements for the referendum to take place and this must normally be held within 56 working days of the decision that a referendum should be held. Legislation outlines the circumstances where the different timeframes can apply, and these include where the plan covers an area falling within more than one authority area. The legislation does enable the council and Neighbourhood Planning Groups to agree an alternative timeframe if this is considered suitable. In addition legislation does allow a referendum to be combined with another poll that is due to be held within three months of the end of the 56 working day period³³. The area in which the referendum is to take place must, as a minimum, be the neighbourhood area to which the proposed plan or order relates. If the borough council considers it appropriate to do so, they may extend the area of the referendum to include other areas. If the borough council decides to extend the area of the referendum, they must publish a map of that area³⁴.

7.95 The parish/town council and borough council should establish an early dialogue in respect of the information required and procedures that are followed as part of the referendum process. The borough council will keep the parish/town council informed on the referendum date and arrangements.

7.96 The rules covering all aspects of organising and conducting the polls can be found in the Neighbourhood Planning (Referendum) Regulations 2012 (as amended by the Neighbourhood Planning (Referendum) (Amendment) Regulations 2013, 2014 and 2016) and the Neighbourhood Planning (General) Regulations 2012 (as amended). These set out the requirements of the referendum process in more detail.

³³ Further information can be found in The Neighbourhood Planning (Referendums) (Amendment) Regulations 2016

http://www.legislation.gov.uk/ukdsi/2016/9780111147757/pdfs/ukdsi_9780111147757_en.pdf

³⁴ Section 12 (8) of Schedule 4b of the Town and Country Planning Act 1990

<http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted>

Borough council publishes information statement

- 7.97 This must be published not fewer than 28 days before the referendum. This provides voters with all relevant information they need in relation to the referendum. Appendix 1 provides further information on the referendum.
- 7.98 The Neighbourhood Plan (which incorporates any modifications required by the examiner) and supporting documents should be ready and provided to the borough council in a sufficient timescale prior to the 28 days deadline.

Borough council publishes notice of referendum/s

- 7.99 This states the date of the referendum, and outlines the processes involved in registering for postal votes etc³⁵.
- 7.100 The parish/town council can only produce material that is neutrally worded in relation to the referendum. The borough council have produced a guidance note³⁶ (for ward councillors, parish councillors and campaigners) which provides information on the key issues in relation to publicity and limits on expenses leading up to the referendum. The borough council can also provide advice on what information/ activities (such as campaigns) are acceptable during the publicity period prior to and during the referendum.

Who is eligible to vote in the referendum?

- 7.101 A person is entitled to vote in the referendum if:
- he or she is entitled to vote in a local government election in the referendum area; and

³⁵ The full requirements are set out in Schedule 3 Part 4 of The Neighbourhood Planning (Referendums) Regulations 2012:

PART 4

Action to be Taken Before the Poll

Notice of poll

13.—(1) The counting officer must publish notice of the poll stating—

(a) the day and hours fixed for the poll; and

(b) the question to be asked in the referendum.

(2) The notice of the poll must be published no later than the sixth day before the date of the referendum.

(3) The counting officer must, not later than the time of the publication of the notice of the poll, also give public notice of—

(a) the situation of each polling station; and

(b) the description of persons entitled to vote there.

³⁶ <http://www.basingstoke.gov.uk/content/doclib/1514.pdf>

- his or her qualifying address for the election is in the referendum area. A persons qualifying address is, in relation to a person registered in the register of electors, the address in respect of which he or she is entitled to be registered.

7.102 The referendum will be conducted based in accordance with procedures similar to those used at local government elections. The independent examiner may take the decision that the referendum should be extended, for example, if certain policies have wider implications for surrounding communities.

Polling takes place

Results declared by the borough council

Subject to results the borough council considers plan/order in relation to EU obligations and Convention rights

Where more than 50% of those who vote in the referendum say yes, and if the plan/order is compatible with EU obligations and does not breach Convention rights, the borough council makes the plan or order.

Once it has been approved at a referendum, the neighborhood plan forms part of the council's statutory Development Plan. It attains the same legal status as the Local Plan.

7.103 If the simple majority (i.e. more than 50%) of those who vote in a referendum are in favour of the draft neighbourhood plan or order then the neighbourhood plan or order must be 'made'/adopted by the borough council. A neighbourhood plan should be 'made' within 8 weeks from the date of the referendum.

7.104 However, in some circumstances the borough council is not required to make the neighbourhood plan or order. This applies when the borough council considers that the making of the neighbourhood plan or order would breach, or otherwise be incompatible with, any EU or human rights obligations. Once it has been approved at a referendum, the neighborhood plan forms part of the council's statutory Development Plan. It attains the same legal status as the Local Plan. Applications for planning permission must be determined in

accordance with the development plan, unless material considerations indicate otherwise. An Order must be made by the local authority before it has effect.

7.105 As soon as is practicable once the decision has been made to make the neighbourhood plan or order the borough council must publicise on their website a document setting out their decision and their reasons for making that decision (“the decision statement”), and set out where that document can be inspected³⁷. Where a SEA was produced for the neighbourhood plan, the borough council will also produce and publicise a SEA adoption statement, which amongst other things, provides information on how environmental considerations have been integrated into the neighbourhood plan and how the SEA has been taken into account. The borough council must send a copy of the decision statement, and where produced the SEA Adoption Statement, to the parish/town council and any other person who asked to be notified of the decision.

8. Review and Monitoring of the neighbourhood plan

8.1 The parish/town council may find it valuable to monitor the progress of the neighbourhood plan in terms of meeting the objectives set out in the plan. The borough council will also monitor the impacts of all made neighbourhood plans via future Authority Monitoring Reports³⁸.

Five year housing land supply

8.2 The borough council will monitor the number of homes being delivered by neighbourhood plans in line with the requirements of Policy SS5 of the ALP. This information will be recorded on an annual basis in the Authority Monitoring Report to ensure that the borough council is continually demonstrating a 5 year supply of deliverable sites.

8.3 In December 2016 a Written Ministerial Statement was issued designed to support the role of neighbourhood plans, providing further evidence of the significance the Government are placing on neighbourhood plans in the planning decision making process.

8.4 The statement provides a new layer in the application of national planning policy and the critical issue of whether a LPA can demonstrate a five year housing supply. National planning policy states that all LPA’s must be able to demonstrate that there is enough specific available and deliverable land to

³⁷ The Neighbourhood Planning (General) Regulations 2012 Section 19 (plan) or 26 (order)

³⁸ <https://www.basingstoke.gov.uk/BD02>

meet the housing needs of the area for the next five years. If a LPA does not have a five year housing land supply, policies for the supply of housing in the ALP and also within neighbourhood plans should be considered out of date for the purposes of determining a planning application.

8.5 However, the Written Ministerial Statement (the PPG³⁹ was updated in 2017 as a result of this Written Ministerial Statement) confirms that relevant policies for the supply of housing in a neighbourhood plan, should not be deemed to be 'out-of-date', where all of the following circumstances arise at the time a decision on a planning application is made:

- The Written Ministerial Statement is less than two years old, or the neighbourhood plan has been part of the development plan for two years or less;
- The neighbourhood plan allocates sites for housing; and
- The LPA can demonstrate a three-year supply of deliverable housing sites.

8.6 Any housing that is either allocated in the neighbourhood plan or meets the qualifying criteria of ALP policy SS5 will be considered in the council's annual housing monitoring (which is reported in the Authority Monitoring Report). As noted in paragraph 4.68 of the ALP, where a settlement (as listed in policy SS5) has not met the requirements of ALP policy SS5 the council reserves the right to identify opportunities to address any shortfall through appropriate means such as the allocation of housing sites in a future Development Plan Document produced by the borough council. The borough council will continue to work with parish/ town council's to ensure that the policy SS5 requirements are met in a timely manner.

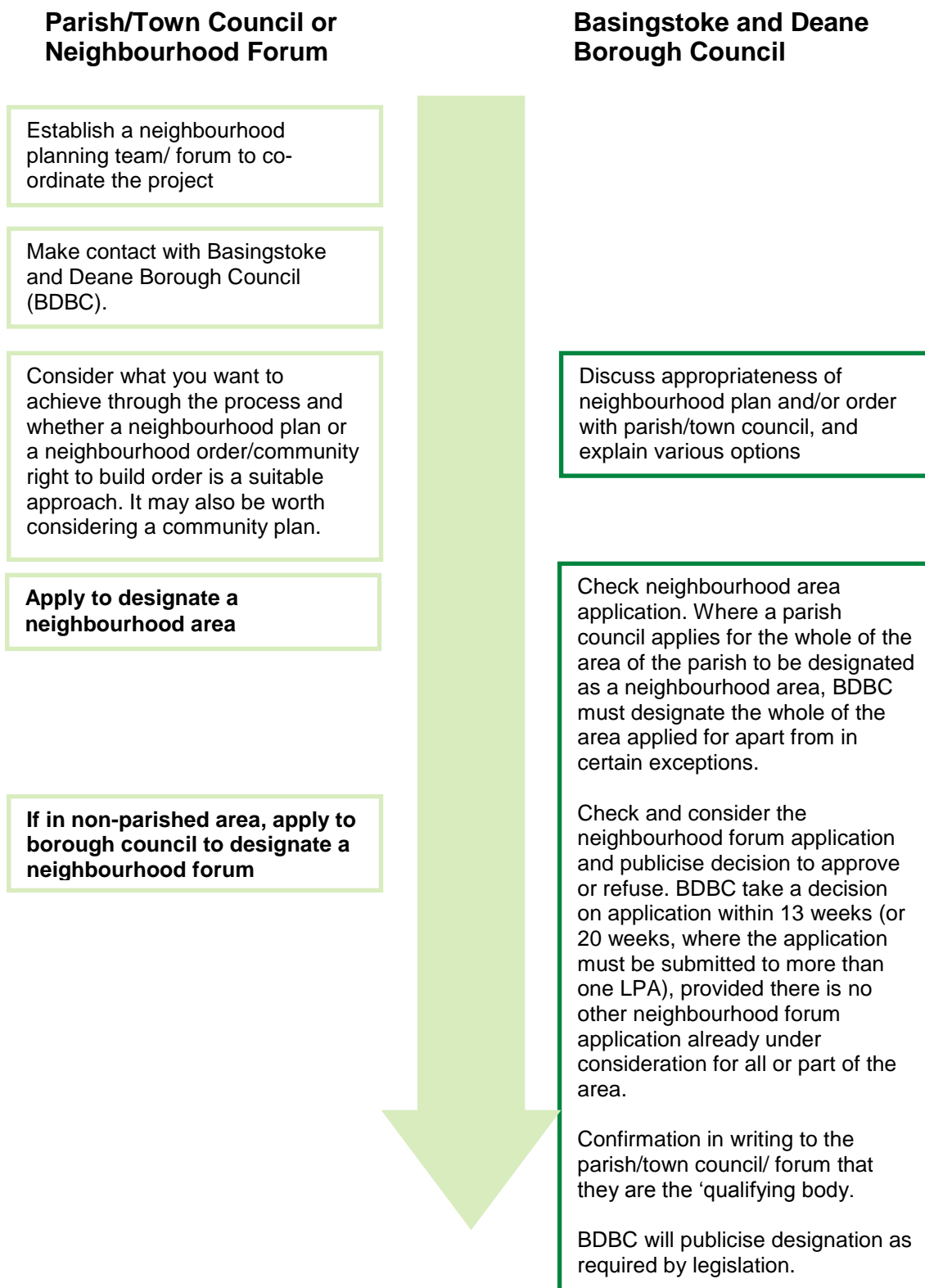
8.7 The parish/town council may also wish to review and update their plan or part of it if planning circumstances change to bring the plan up to date. Guidance on how a neighbourhood plan can be reviewed and updated can be found in the PPG. There is no requirement to review or update a neighbourhood plan. However, policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a Local Plan that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence. In addition, where a policy has been in force for a period of time, other material considerations may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust.

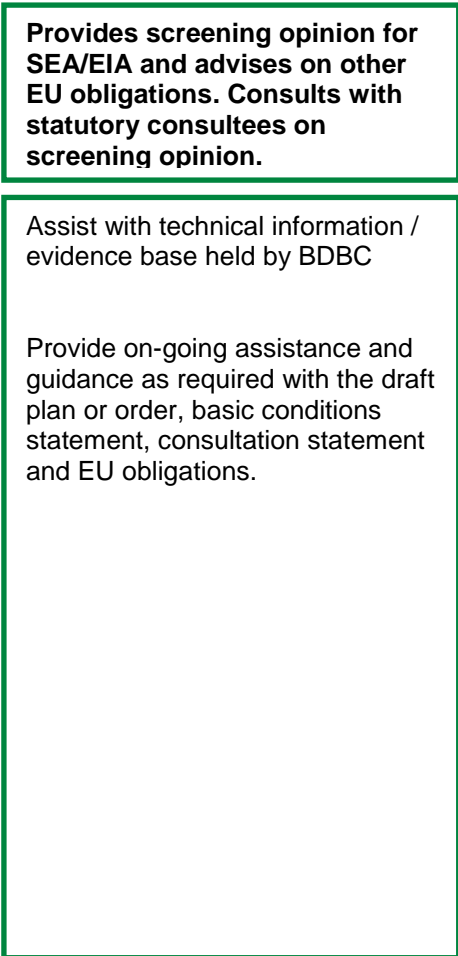
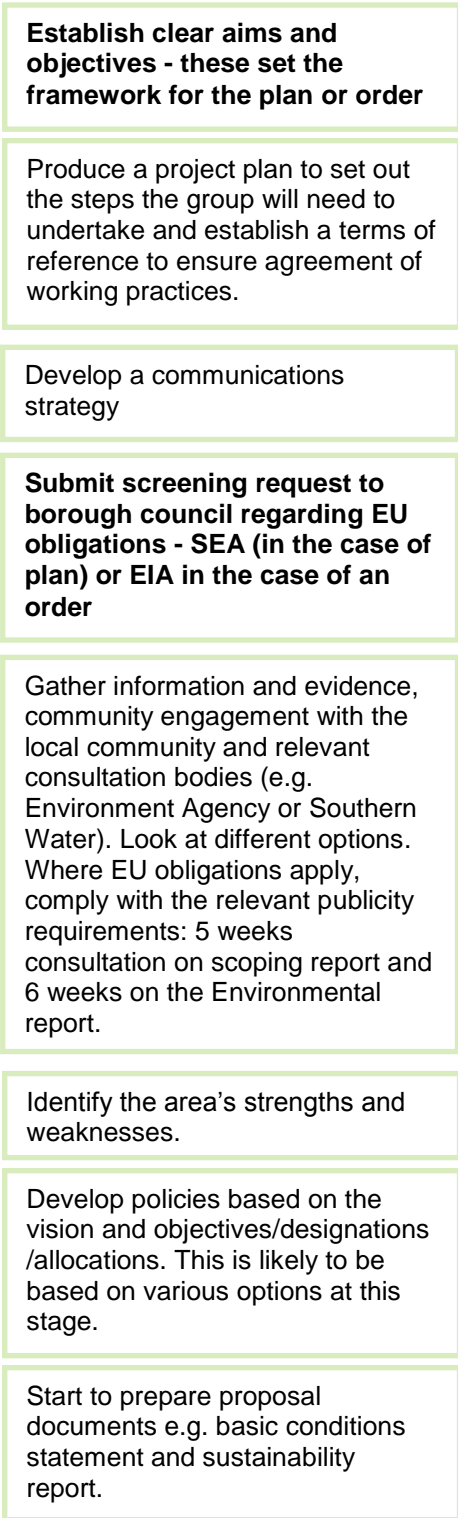
³⁹ Reference Paragraph: 083 Reference ID: 41-083-20170810
<https://www.gov.uk/guidance/neighbourhood-planning--2>

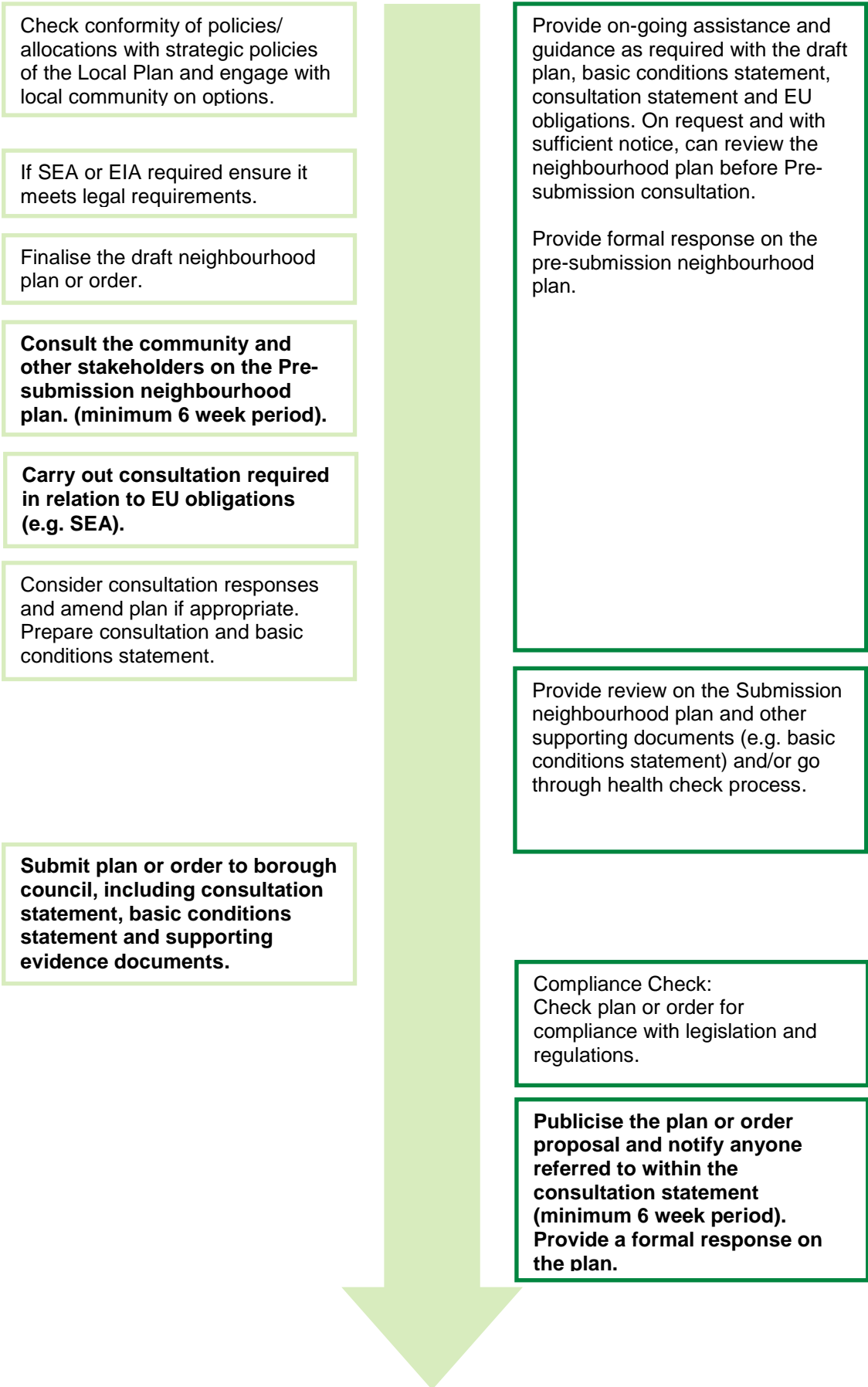
9. Decision making process of Basingstoke and Deane Borough Council

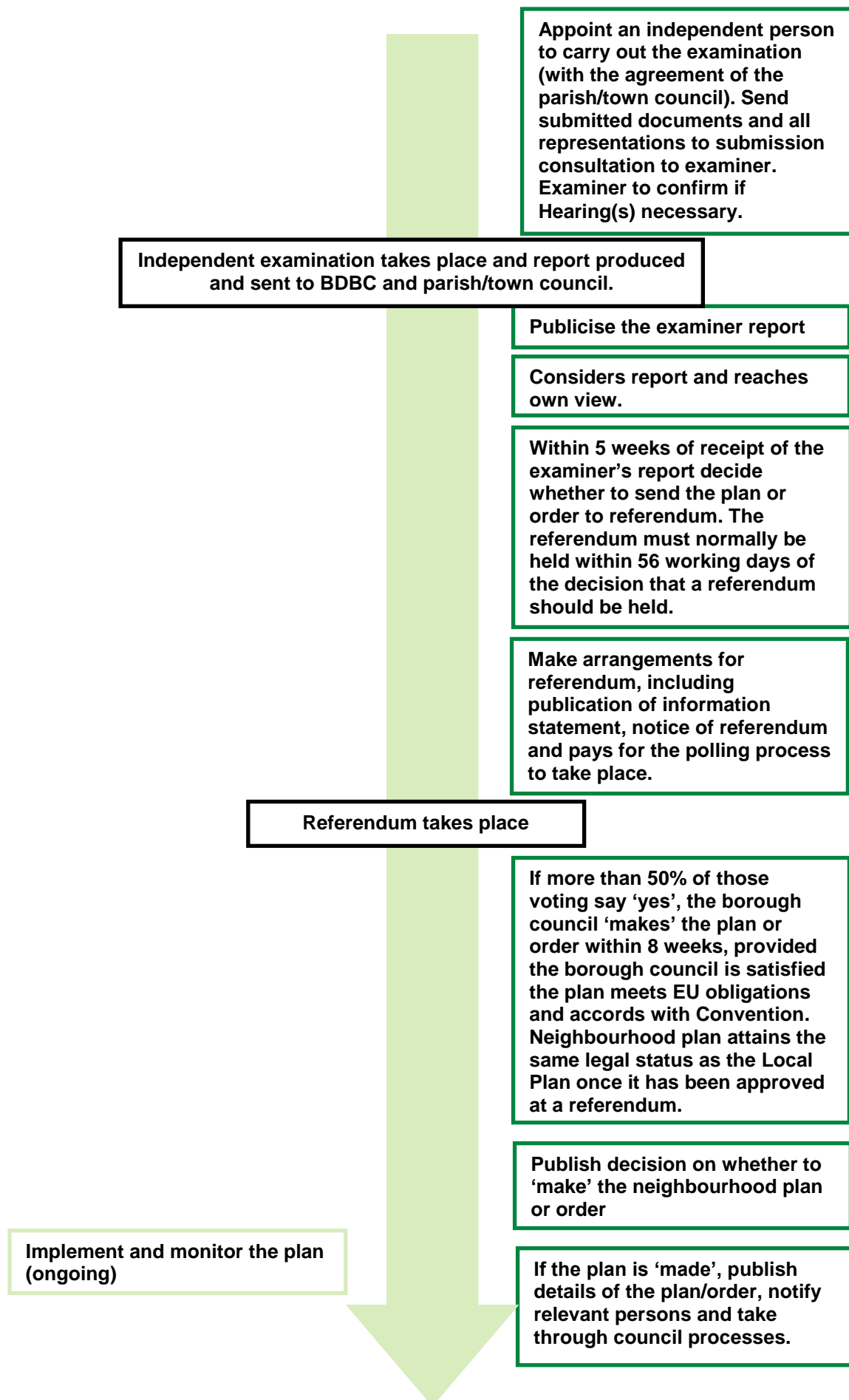
- 9.1 In terms of the borough council's own processes for supporting the development of a neighbourhood plan or order, the decisions will be delegated to the Portfolio Holder for Planning, in consultation with the relevant ward councillors. A Portfolio Holder report will summarise the outcomes of the relevant consultations and examination and decide what actions to take in response, including whether the plan/order goes to referendum or not.
- 9.2 In order to 'make' the neighbourhood plan following a successful referendum, there will need to be a council resolution following which the neighbourhood plan will bear the seal and authorised signatory of the borough council. At that point the neighbourhood plan will be deemed to be 'made'. A neighbourhood order does not become part of the development plan, but the 'making' of the order has the effect of granting planning permission for the development covered by the order.

10. Summary flow chart showing the steps involved with preparing a neighbourhood plan or order and those responsible for each step









Appendix 1 – Summary of requirements, responsibilities and costs for key stages in preparing a neighbourhood plan/ order

Key Stage/Requirements	Key Tasks	Who is responsible?	Costs
<i>Designating a Neighbourhood Area</i>			
Identification and Submission of a Neighbourhood Area	<p>Need to consider what geographic area will be covered by the neighbourhood plan/order. It may be part of the whole parish area, or a wider area incorporating two parishes.</p> <p>The parish/town council will need to apply to designate a neighbourhood area and should submit the following to the borough council:</p> <ul style="list-style-type: none"> • A map identifying the proposed area. • A statement explaining why it is considered to be an appropriate neighbourhood area • A statement that then organisation making the application in an appropriate body 	<p>Parish/Town Council is responsible for submitting an application.</p> <p>The borough council can assist with providing a map for the neighbourhood area application in agreement with the parish/town council.</p>	
Determining the application for the neighbourhood area and publicising the decision	<p>The borough council will check whether the application covers all or part of the parish. For neighbourhood forums applications the borough council will check that it does not cover a parished area.</p> <p>The borough council will check the application and is required to determine the application within specified timeframes (where a parish council applies for the whole of the area of the parish to be designated as a</p>	<p>Borough Council</p> <p>The borough council will write to the parish/town council confirming they are the 'qualifying body'.</p>	

	<p>neighbourhood area, the borough council must designate the whole of the area applied). Once a decision has been made on whether to designate a neighbourhood area the borough council will publish the decision and reasons for making the decision on the website, along with providing confirmation in writing to the parish/town council that they are the 'qualifying body'.</p>		
<p>Designating a Neighbourhood Forum</p>			
<p>Submission of a Neighbourhood Forum application.</p> <p>Information on who qualifies as a relevant body.</p>	<p>In an area where no parish council exists a 'relevant body' will need to apply to become a neighbourhood forum. The application should include the following details:</p> <ul style="list-style-type: none"> • The name of the neighbourhood forum • Copy of the constitution for the forum • Name of the neighbourhood area and a map identifying the area. • Contact details of at least one member of the forum (to be made public) • Statement which explains how the neighbourhood forum meets relevant legislation as follows: <ul style="list-style-type: none"> 1. Is established to promote or improve the social, economic and environmental well being of an area that consists of or includes the neighbourhood area concerned. 2. Has 21 individual members who either: 	<p>Neighbourhood Forum</p> <p>The borough council can assist with providing a map for the neighbourhood area application in agreement with the neighbourhood forum.</p>	

	<p>live or work in the neighbourhood area, work in the county, district or London borough council or are a councillor for the area.</p> <p>3. Has a written constitution.</p>		
<p>Receipt and Designation of a Neighbourhood Forum</p>	<p>The borough council will check the application and is required to determine the application within specified timeframes. When a decision has been made on the application the borough council will publicise the following information on its website:</p> <ul style="list-style-type: none"> • The name of the forum • A copy of the written constitution. • The name of the area to which the designation relates. • Contact details for at least one member of the forum. 	<p>Borough Council</p> <p>The borough council will write to the forum confirming they are the 'qualifying body'.</p>	

Pre-submission publicity and consultation

<p>Publish the draft plan/order for Pre-Submission consultation for a minimum of 6 weeks.</p>	<p>The relevant body should publicise the draft plan in a manner that is likely to bring the plan to the attention of those who live and work in the area. This includes:</p> <ul style="list-style-type: none"> • Publicising the draft plan and supporting documents (such as the draft SEA Environmental Report/ HRA Report if required) • Where and when the neighbourhood plan can be inspected. • How to make representations and the deadline for making representations. • Consult consultation bodies listed in the Neighbourhood Planning (General) Regulations 2012 (as amended). • Send a copy of the neighbourhood plan to the borough council. <p>Following the Pre-submission consultation the parish/town council also have the option to apply to NPIERS to carry out a 'health check' on the neighbourhood plan.</p>	<p>Parish/Town Council, Forum</p>	<p>The parish/town council are responsible for the costs of the Pre-submission consultation, which can include:</p> <ul style="list-style-type: none"> • Printing of materials, which can include copies of the draft plan and supporting documents. • Publicising the consultation in the parish newsletter/magazine. <p>The funding of the 'health check' and SEA may be discussed with the council as it may be able to assist with/ cover relevant costs.</p>
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<p>Consultation on the submission plan/order</p>	<p>The borough council undertakes formal consultation on the draft plan/order for a minimum of 6 weeks. The borough council will work with the qualifying body to bring the consultation to the attention of people who live, work or carry on business in the designated neighbourhood area.</p> <p>All information in relation to the submission of the plan and the consultation is published on the borough council's website, including the draft neighbourhood plan and supporting documents as set out above.</p> <p>Information on the consultation should set out:</p> <ul style="list-style-type: none"> • Where and when the plan can be inspected. • How to make representations and the deadline for responding. 	<p>Borough Council</p>	<p>The borough council is responsible for the costs of the Submission consultation, which can include:</p> <ul style="list-style-type: none"> • Printing hard copies of documents • A statutory notice in the Basingstoke Gazette.
<p><i>Examination of the Neighbourhood Plan</i></p>			
<p>The independent examiner undertakes examination of the neighbourhood plan or order</p>	<p>The independent examiner undertakes examination of the neighbourhood plan. order and issues his/her report to the borough council and parish/ town council/ forum.</p> <p>The report will either recommend that:</p> <ul style="list-style-type: none"> • The plan/ order can proceed to referendum • The plan/ order proceeds to referendum but with modifications as recommended in the examiners report. • The plan/order proposal is refused. 	<p>Borough Council, Parish/Town Council, Forum</p>	<p>The borough council will pay for the cost of the examination, including the independent examiners fees.</p>

	The borough council will publicise the examiners report on their website, and notify all relevant consultees. The borough council will also publish a decision statement on their website which states whether the plan should proceed to referendum.	Borough Council	
Referendum			
The borough council organises and undertakes a referendum on the neighbourhood plan/order	<p>Not fewer than 28 working days before the date on which the referendum will be held information on the referendum is published which includes:</p> <ul style="list-style-type: none"> • The date and question to be asked at referendum • Map of the referendum area • Description of those entitled to vote • The referendum expenses limit applicable and the number of people identified as entitled to vote • That the referendum will be conducted in accordance with procedures similar to those for local government elections. • The address and times of where documents can be inspected. <p>Relevant documents⁴⁰ and information on the referendum is published on the borough council's website.</p>	Borough Council	The borough council is responsible for the costs of the referendum.

⁴⁰ Information Statement, the draft Neighbourhood Plan, the independent examiners report, summary of representations, decision statement and a general information statement on Town and Country Planning, Neighbourhood Planning and the referendum.

	<p>Not fewer than 25 working days before the date on which the referendum will be held a notice of the referendum will be published.</p> <p>The borough council publishes the referendum result on their website, along with a decision statement indicating the borough council's decision on whether the plan should be 'made'.</p> <p>If more than 50% of individuals vote 'yes' in the referendum, then Basingstoke and Deane Borough Council will 'make' the plan. Subject to a positive vote at referendum, the plan will form part of the statutory development plan for the borough and therefore the implementation of the policies contained within it will impact on planning decisions made in the borough, specifically in relation to the designated area.</p>		
<i>Making of the Plan</i>			
<p>The borough council 'makes' the plan and publicises the plan.</p>	<p>The borough council 'makes' the neighbourhood plan at a meeting of Full Council.</p> <p>Once the plan is 'made' the borough council publishes the plan on its website and provides details of where the plan can be inspected. The borough council also notifies all consultees that made representation on the plan that has been 'made'.</p> <p>Once 'made' a plan is subject to a 6 week period where applications can be made to the High Court on the grounds that the plan is not within the appropriate powers and/or a procedural requirement has been complied with</p>	<p>Borough Council</p>	<p>The borough council will provide hard copies of the 'made' plan to the parish/town council.</p>

Appendix 2 – Example of Vision and Objectives Section in neighbourhood plan

The vision and objectives set out below are taken from the Oakley and Deane Neighbourhood Plan 2011 – 2029, which was ‘made’ in May 2016.

Section 3: VISION, GOALS AND OBJECTIVES

At the first meeting in September 2013, a vision was agreed for the Group:

To create a plan to meet the allocated development, which will maintain the character of Oakley as a village and respect the views and needs of the community which has been subsequently supported through community Consultations.

3.1 Goals

- 3.1.1 The Group's goals were established using the combination of the results from the first and second Consultations conducted in January 2014 and April 2014 respectively. The first Consultation identified the Key Issues that needed addressing, while the second Consultation helped the Group to understand how the community would like these issues to be addressed as well as their relative priority.
- 3.1.2 The goals of the Group fell into two categories. The first category was addressed by creating planning Policies to specify criteria that should be followed when assessing developments. The second category was created by establishing a set of wishes from the community. The Parish Council maintains an ongoing list of Projects which it plans to implement in the Parish over time as funds become available either through qualifying grants or from the annual precept (A Parish Council gets its funding by receiving a small amount of the local Council Tax. This is referred to as the parish precept). As a result of the Consultation exercises that formed part of the Neighbourhood Plan process, further Project ideas which are not currently included on the Parish Council list were brought forward and these will now be added to the Parish Council Projects list. The Parish Council will seek to prioritise the combined Project list, with the aim of funding Projects through the Community Infrastructure Levy and Section 106 Agreement funds. The list of further Projects forms part of the supporting material in the Evidence Base - document M4.



3.2 Objectives

The set of objectives in this section have been derived primarily from the second Consultation conducted in April 2014. This table refers to the Policy and/or reference to Projects (as described earlier in this section) that is relevant. Where there is a reference to evidence, C1, C2 and C3 refer to the first, second and third community Consultations in January, April and September of 2014 respectively.

Goal	Objective	Policy	Evidence
G1 - To create a Plan that will achieve the allocated number of dwellings over the Plan period.	Ob1 - The total number of dwellings built during the Plan period should be approximately 150. Ob2 - The dwellings built during the Plan period should maintain the character of the villages and managed so that transport, community and other infrastructure meet the changes in demand	Policy 1 Policy 3, 7, 8, 9, 13	C2 Question 1
G2 - To allocate the number of dwellings identified by B&D&C's emerging Local Plan 2011-2029, according to the wishes of the community.	Ob3 - Create a multi-site solution which is deliverable. Ob4 - To ensure that traffic growth in residential areas, as a result of development, is of an acceptable level.	Policies 1, 3,4 Policy 3, See note 1	C2 Question 17 and C3, Questions A and B, C1 Key Issues 6 and 7
G3 - To create the right mix of housing types and styles to meet the needs of the community.	Ob5 - The housing type within each development should match the demands of the local community, with particular emphasis on starter properties and dwellings suitable for the older members of the community to downsize into should they wish to.	Policy 2 Policy 4 Policy 13	C1 Key Issue 2, C2 Questions 2 and 3
G4 - To have the right mix of affordable dwellings, with some priority given to local people.	Ob6 - Priority for affordable housing should be given to local people.	See note 2	C1 Key Issue 1
G5 - To encourage the provision of new sites for allotments.	Ob7 - Any new development should make provision for allotments either within the development area or provide funding to secure allotments within a reasonable distance of the development.	Policy 5,6	C1 Key Issue 3, C2 Questions 6 and 7
G6 - To improve the healthcare services for the community.	Ob8 - Healthcare services should be available within the Parish to a high standard and without the need to travel to the Overton surgery.	Project - see Section 3.1.2	C1 Key Issue 4, C2 Question 8
G7 - To safeguard and improve the provision of accessible natural green space within the Neighbourhood Area and maintain settlement separation	Ob9 - There should be a settlement separation between Oakley and Basingstoke as provided by the Basingstoke-Oakley Strategic Gap Immediately east of the village, to maintain Oakley as an Individual and Independent rural settlement through the period of this Plan. Ob10 - The Parish must protect its existing green infrastructure. The Parish should enhance its green infrastructure by Projects such as the introduction of additional accessible natural green space, woodland and footpaths/ cycleways which should offer green corridors for wildlife.	Emerging Local Plan EM2 Policies 7, 8, 9, 10 Projects - see Section 3.1.2	C1 Site Location section, C1 Key Issue 5, C2 Question 9
G8 - To ensure that adequate play areas are made available with new developments.	Ob11 - Any new development should only take place where adequate play space provision is made available either within the new development or within a safe walking distance from the new development.	Emerging Local Plan Appendix 4	C1 Key Issue 8, C2 Questions 10 and 11
G9 - To avoid further congestion and improve traffic and safety management both inside the village and at points of entry and exit from the village.	Ob12 - Improvements to traffic and safety management within Oakley village and at points of entry and exit to the village should be strongly encouraged. Ob13 - Schemes for reducing congestion in the centre of the village, by the school entrance and near to the shops in the Vale, should be encouraged.	See note 1, Project - see Section 3.1.2 Project - see Section 3.1.2	C1 Key Issues 6 and 7, C2 Questions 12, 13 C2 Question 14
G10 - To encourage provision of local employment opportunities.	Ob14 - Sites providing local employment should be retained, and where appropriate further provision encouraged	Policy 11, 12	C2 Question 5

Notes

1. The Allocation of dwelling numbers to sites helps to achieve this by spreading the developments across multiple sites
2. Management of the allocation of affordable homes will be undertaken at borough level

Appendix 3 - Compliance checklist

Requirements and relevant legislation and/or guidance
<p>Neighbourhood Planning (General) Regulations 2012 (as amended) – Regulation 15 requirements:</p> <p><i>A qualifying body is required to submit:</i></p> <p><i>(a) A map or statement which identifies the area to which the proposed neighbourhood development plan relates</i></p>
<p><i>(b) A consultation statement;</i></p> <p>((a) the statement must contain details of those consulted, (b) how they were consulted, (c) summarises the main issues and concerns raised and (d) how these have been considered, and where relevant addressed in the proposed Neighbourhood Plan – Regulation 15 (2) Neighbourhood Planning (General) Regulations 2012).</p>
<p><i>(c) The proposed neighbourhood development plan;</i></p> <p><i>(d) A statement explaining how the proposed neighbourhood development plan meets the ‘basic conditions’, i.e. the requirements of paragraph 8 of Schedule 4B to the 1990 Act.</i></p> <p>The local planning authority has to be satisfied that a basic condition statement has been submitted but it is not required at this stage to consider whether the draft plan or order meets the basic conditions. (NPPG - Paragraph: 053 Reference ID: 41-053-20140306)</p>
<p><i>e) Environmental Assessment;</i></p> <p>The Plan needs to be submitted with one of the following a) a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects OR b) an environmental report in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 ((Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.)</p> <p>If an Environmental Report is required, then this needs to have been subject to the required level of consultation, and should comply with the government’s SEA guidance.</p> <p>In terms of consultation, the ‘consultation bodies’ (Environment Agency, Natural England and Historic England) must have been consulted at scoping stage (for 5 weeks). There is no requirement for public consultation on the scoping report. The draft Environmental Report on the</p>

pre-submission neighbourhood plan will need to be subject to public consultation for 6 weeks. The draft Environmental Report must be made available at the same time as the draft plan, as an integral part of the consultation process, and the relationship between the two documents clearly indicated. (See A Practical Guide to the SEA Directive, Office of the Deputy Prime Minister (ODPM) – 2005)

The draft neighbourhood Plan should be checked to ensure it is not a 'repeat' proposal. If so, the LPA can decline to consider the plan (1990 Act Schedule 4B Paragraph 5 and Regulation 18).

The body submitting the neighbourhood plan is authorised to act (2004 Planning & Compulsory Purchase Act as amended by Localism Act 2011 Section 38 A (2) and 1990 Act schedule 4B as it applies- 61F (2)).

The pre-submission publication requirements need to have been satisfied. Before submission to the LPA the qualifying body should:

1. publicise (but this does not have to be on a web site) in a way that is likely to bring to the attention of people who live work or carry on business in the area details of:

a. the proposals

b. when and where they can be inspected

c. how to make representations, and

d. the deadline for making representations – not less than 6 weeks from first publicised.

2. consult any consultation body whose interests they consider may be affected by the proposals for a Neighbourhood Development Plan.

3. send a copy of the Neighbourhood Development Plan to the LPA.

(Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

The Conservation of Habitats and Species Regulations 2017 Regulations 105 and 106 :

A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable them to determine whether that assessment is required.

Meets the definition of a 'neighbourhood development plan':

"A plan which sets out policies (however expressed) in relation to the development and use and of land in the whole or any part of a particular neighbourhood area specified in the plan"

(2004 P & CP Act as amended by Localism Act 2011 Section 38 A (2))

Meets the scope of neighbourhood plan provisions, i.e. specifies the period for which it covers, does not include provision about

development that is 'excluded development' (as set out in section 61K of the 1990 Act) and does not relate to more than one neighbourhood area.

(2004 Act s 38B (1, 2) (4))

Where the draft neighbourhood plan submitted to a local planning authority meets the requirements in the legislation, the local planning authority must publicise the neighbourhood plan for a minimum of six weeks, invite representations, notify any consultation body referred to in the consultation statement and send the draft neighbourhood plan to independent examination (see regulations 16, 17, 23 and 24 of the Neighbourhood Planning (General) Regulations 2012 (as amended), NPPG - Paragraph: 054 Reference ID: 41-054-20140306)

Appendix 4 - List of potential consultees for neighbourhood planning

Below is a list of potential consultees for neighbourhood planning purposes. It is recommended that the qualifying body contacts the borough council at the time the contact details are required to ensure the most up-to-date contact details are provided. Please also take into account that this list is not exhaustive. Schedule 1 of the Neighbourhood Planning (General) Regulations (2012) lists the required consultation bodies.

Statutory Consultee	Contact Details
Neighbouring borough/ district councils	<p><u>East Hampshire District Council</u> LocalPlan@easthants.gov.uk</p> <p><u>Hart District Council</u> planningpolicy@hart.gov.uk</p> <p><u>Test Valley Borough Council</u> planningpolicy@testvalley.gov.uk</p> <p><u>West Berkshire Council</u> planningpolicy@westberks.gov.uk</p> <p><u>Winchester City Council</u> ldf@winchester.gov.uk</p> <p><u>Wokingham Borough Council</u> LPU@wokingham.gov.uk</p>
Hampshire County Council	<p>Economy, Transport & the Environment Department Hampshire County Council The Castle Winchester SO23 8UJ</p> <p>01329 225393</p> <p>planning@hants.gov.uk</p>
Environment Agency	<p>Environment Agency (West Thames Area) 1st Floor Kings Meadow Road Reading Berkshire RG1 8DQ</p> <p>03708 506 506</p> <p>planning-farnham@environment-agency.gov.-uk</p>
Highways England	<p>Highways England 1A Federated House</p>

	<p>London Road Dorking RH4 1SZ</p> <p>0300 123 5000</p> <p>planningse@highwaysengland.co.uk</p>
Natural England	<p>Natural England Consultation Service Hornbeam House Electra Way Crewe Business Park Crewe Cheshire CW1 6GJ</p> <p>0300 060 3900</p> <p>consultations@naturalengland.org.uk</p>
Historic England	<p>Historic England (Hampshire Area) Eastgate Court 195-205 High Street Guildford GU1 3EH</p> <p>0870 333 1181</p> <p>e-seast@historicengland.org.uk</p>
Clinical Commissioning Group	<p>NHS North Hampshire Clinical Commissioning Group Central 40, Lime Tree Way Chineham Business Park Basingstoke Hampshire RG24 8GU</p> <p>01256 705507</p> <p>nhccg.enquiries@nhs.net</p> <p>NHS West Hampshire Clinical Commissioning Group Omega House 112 Southampton Road Eastleigh Hampshire SO50 5PB whccg.info@nhs.net</p>
Strategic Health Authority	<p>Hampshire Hospitals NHS Foundation Trust Basingstoke and North Hampshire Hospital Aldermaston Road Basingstoke</p>

	<p>Hampshire RG24 9NA</p> <p>communications@hhft.nhs.uk</p>
Newtwork Rail (Network Strategy and Planning Network Rail South East)	townplanningSE@networkrail.co.uk
Relevant telecommunications companies	<p>O2 and Vodafone EMF Enquiries Building 1330 – The Exchange Arlington Business Park Theale Berkshire RG7 4SA</p> <p>EMF.Enquiries@ctil.co.uk</p> <p>EE/ Orange</p> <p>public.affairs@ee.co.uk</p> <p>Virgin Media enquiries@virginmedia.com</p> <p>Talk Talk customerservices@talktalkbusiness.co.uk</p> <p>BT - Openreach BT Centre 81 Newgate Street London EC1A 7AJ</p> <p>newsitereceptionnorthdowns@openreach.co.uk</p>
Gas and Electricity Companies	<p>National Grid/AMEC AMEC Environment & Infrastructure UK Limited Gables House Kenilworth Rd Leamington Spa CV32 6JX</p> <p>01926 439 000</p> <p>n.grid@amecfw.com</p> <p>Scottish and Southern Energy 55 Vastern Rd Reading RG1 8BU</p>

	<p>0800 048 3516</p> <p>system.planning.south@sse.com</p> <p>Southern Gas Networks St Lawrence House Station Approach Horley RG6 9HJ</p> <p>https://www.sgn.co.uk/Contact-SGN/plantlocation@sgn.co.uk</p>
South East Water	<p>South East Water</p> <p>wre@southeastwater.co.uk</p>
Thames Water	<p>Thames Water Clearwater Court Reading RG1 8DB</p> <p>thameswaterplanningpolicy@savills.com</p>
Southern Water	<p>Southern Water Southern House Lewes Road Brighton BN1 9PY</p> <p>http://www.southernwater.co.uk/property-and-developers/</p>
Hampshire Constabulary	<p>Hampshire Constabulary c/o Southern Support and Training Headquarters Hamble Lane Hamble Southampton Hampshire SO31 4TS</p> <p>postmaster@hampshire.pnn.police.uk</p>
Homes and Communities Agency	<p>Homes & Communities Agency Davidson House Forbury Square Reading RG1 3EU</p> <p>0300 1234 500</p>

	mail@homesandcommunities.co.uk
Local Enterprise Partnership (Enterprise M3)	info@enterprisem3.org.uk
Other Consultees	Office for Nuclear Regulation Building 4 Redgrave Court Merton Road Bootle L20 7HS ONRenquiries@onr.qsi.gov.uk

Appendix 5 – Other useful sources of information

National Planning Policy Framework and Planning Practice Guide: this provides the governments guidance on neighbourhood planning. This sets out the basic principles, and some of the more detailed considerations.

<https://www.gov.uk/government/collections/planning-practice-guidance>

Planning Aid provides guidance and useful templates for neighbourhood planning:

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

MyCommunity.org.uk provides an array of neighbourhood planning resources including information on grant funding, guides and case studies:

<https://mycommunity.org.uk/take-action/neighbourhood-planning/>

The Planning Advisory Service provides extensive guidance on neighbourhood planning:

<https://www.local.gov.uk/pas/pas-topics/neighbourhood-plans>

www.basingstoke.gov.uk/neighbourhoodplan

01256 844844 | local.plan@basingstoke.gov.uk

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