

Neighbourhood planning procedures

1. Introduction

- 1.1. This guidance note has been produced to assist all those involved in writing a neighbourhood plan meet the legislative requirements. In order to progress to examination and ultimately adoption, West Berkshire Council and the examiner will need to be assured that all the Regulations have been met. Some are the responsibility of yourselves as the parish/town council and some of the later stages will be the responsibility of West Berkshire Council.
- 1.2. The relevant legislation to neighbourhood planning is as follows:
- The Neighbourhood Planning Act 2017 (Commencement no.6) Regulations 2018
 - The Neighbourhood Planning Act 2017 (Commencement No. 5) Regulations 2018
 - The Neighbourhood Planning Act 2017 (Commencement No. 4 and Transitional Provisions) Regulations 2018
 - The Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018
 - The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017
 - The Neighbourhood Planning Act 2017 (Commencement No. 2) Regulations 2017
 - The Neighbourhood Planning Act 2017 (Commencement No. 1) Regulations 2017
 - The Neighbourhood Planning (Referendums) (Amendment) Regulations 2016
 - The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016
 - The Neighbourhood Planning (General) (Amendment) Regulations 2015
 - The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014
 - The Neighbourhood Planning (Referendums) (Amendment) Regulations 2013
 - The Neighbourhood Planning (Referendums) Regulations 2012
 - The Neighbourhood Planning (Prescribed Dates) Regulations 2012
 - The Neighbourhood Planning (General) Regulations 2012
 - Localism Act 2011
- 1.3. This guidance is only concerned with the regulations and procedures a neighbourhood plan is required to meet in order to reach adoption.

2. Defining the 'Neighbourhood Area' (Regulation 5)

- 2.1. A Neighbourhood Area essentially defines the total area to be covered by the proposed neighbourhood plan. Encouragement is given to defining your Neighbourhood Area in line with your parish administrative boundary. However, consideration can be given to designating part of the parish if this can be justified as reasonable. Alternatively, you may wish to combine with your adjoining parishes to prepare a joint plan. This should be considered if you have particular cross boundary issues or settlements which fall within two parishes.
- 2.2. It should be noted that Neighbourhood Areas and/or Plans cannot overlap and there can only be one plan per Neighbourhood Area.

- 2.3. A map is available on the neighbourhood planning webpages to indicate current applications and designated Neighbourhood Areas.
- 2.4. Within West Berkshire district, only parish/town councils can apply to produce neighbourhood plans.
- 2.5. Proposals for a Neighbourhood Area will need to be accepted by West Berkshire Council before the plan can move to the next stage. In order to have your Neighbourhood Area accepted the following process needs to be followed:
 - Parishes make an application to West Berkshire Council to designate a 'Neighbourhood Area'. An application form is appended to the advice note on designating neighbourhood areas. Applications should include an Ordnance Survey plan of the area to be included and a statement explaining why this area is considered appropriate.
 - If the whole area of the parish is proposed to be designated as a neighbourhood area, in many cases West Berkshire Council will be able to designate the whole area applied for without wider consultation, as long as the parish/town council has submitted the necessary information.
 - If the proposed Neighbourhood Area covers part of a Parish or more than one Parish, then West Berkshire Council will consult on this.
- 2.6. The decision to designate a Neighbourhood area will be made at officer level by the Head of Development and Planning.
 - Following the decision, West Berkshire Council will inform the parish council(s) and publicise Neighbourhood Areas on their website. This report will form the 'decision document' (Regulation 7)
 - If the Neighbourhood Area is refused, West Berkshire Council will publish 'the decision document' outlining its reasons, along with how to re-submit.
- 2.7. If the proposed Neighbourhood Area includes parishes in an adjoining local authority area (ie. South Oxfordshire, Vale of White Horse, Basingstoke and Deane, Reading, Wokingham, Wiltshire) West Berkshire Council will work closely with them regarding this stage.

3. Preparing the Neighbourhood Development Plan

- 3.1. Neighbourhood plans can range from simple and concise to detailed planning documents. It will be up to the parish concerned to choose the most appropriate level of detail for their particular circumstances. The 2011 Localism Act defines a neighbourhood plan as '*a plan which sets out policies in relation to the development use and of land in the whole or part of a particular Neighbourhood Area specified in the plan*'. Below outlines some simple steps in order for the neighbourhood plan to meet the required regulations.
- 3.2. The parish/town council should:
 - Publicise in the local community the intention to prepare a neighbourhood plan.
 - Understand who the key local organisations, groups and individuals are within the community who can help you prepare the plan.
 - Consult upon initial draft policies and proposals with the local community/interest groups/ stakeholders and demonstrate views have been

taken into account. A consultation statement detailing this will form part of the final submission. (Regulation 15(2) – see separate advice note on producing a consultation statement).

- Ensure alternative options have been considered when drafting policies. This not only gives the community informed choices but also is important for environmentally assessing your draft plan.
- Involve the Ward Member. Your local member will be able to provide an understanding of West Berkshire Council policy and resources and have a knowledge of existing issues within the community
- Liaise with Planning Policy Team for guidance and advice. This will ensure your plan is in line with the regulations and legislative requirements and conformity with planning policies.
- Use evidence and information to prepare plans. This could be either from existing documents which form part of the evidence base for the West Berkshire Local Plan Review. Alternatively parishes will need to prepare/provide any new evidence which is specific to their parish.

4. Pre-submission consultation and publicity of draft plan (Regulation 14)

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

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

- The draft plan should be available locally for representations for 6 weeks. You will need to 'bring it to the attention of people who live, work or run a business in the neighbourhood area'. The accompanying draft Strategic Environmental Assessment and/or draft Habitat Regulation Assessment should be consulted upon at the same time to ensure that the environmental regulations are also being met.
- Consultation should take place with consultation bodies as listed in schedule 1 of the regulation. This list can also be found in the Neighbourhood Planning Advice Note 16;
- It is also advised that consultation is undertaken with any bordering parish councils and/or local authorities, local businesses, local landowners and local interest groups.
- It is suggested that a copy is sent to West Berkshire's Planning Policy Team at this point. The team will check the plan is compliant with any legislative requirements and provide some general comments with regards to general conformity with national planning policy and the Local Plan / West Berkshire Local Plan Review to 2036.
- All comments received during this 6 week period should be considered and where necessary make the required amendments. The Consultation Statement should detail the consultation undertaken and summarise the comments received. See Neighbourhood Planning Advice Note 16 on preparing a consultation statement for further advice.

5. Submission of final plan

- 5.1. The final plan should be submitted to West Berkshire Council's Planning Policy Team. This is the version of the plan which will be tested during the independent examination, therefore it will be important to ensure that you are confident that your plan meets the 'basic conditions'. Further details regarding the basic conditions can be found in Neighbourhood Planning Advice Note 17. It is therefore highly recommended that you discuss this with the Planning Policy Team prior to the submission of your plan to give you plan the best possible chance of success at the examination stage.
- 5.2. The submission should consist of (Regulation 15)
- A map showing the area in which the neighbourhood plan covers;
 - The proposed neighbourhood plan;
 - A consultation statement. See separate advice note for further information on writing a consultation statement;
 - A written statement explaining how the neighbourhood plan has met the 'basic conditions'. These are: having regard to national policy, be in general conformity with the West Berkshire Local Plan, contribute to sustainable development, and compatible with any European obligations.
 - The accompanying Strategic Environmental Assessment (SEA) and/or Habitat Regulation Assessment (HRA) where appropriate. There is a separate advice note which includes a checklist to assist parishes provide all the relevant documentation.
- 5.3. Upon receiving a submitted plan, the Planning Policy Team are then responsible for checking that all the required regulations have been met including consultation and publicity.
- 5.4. A plan can be declined if it does not meet the require regulations. This is not a judgement about the content of the plan but the process which has been undertaken.
- 5.5. If the plan meets all the requirements, it will then be published for 6 weeks for representations and the consultation bodies will be informed that the plan has been submitted (Regulation 16). This will be undertaken by the Planning Policy Team.
- 5.6. Following the conclusion of the 6 week consultation period, the team will make a recommendation regarding the plans progress to the examination stage, with the final approval being given by Council.

6. Independent Examination

- 6.1. West Berkshire Council will arrange and pay for an independent examination of the neighbourhood plan and supply the relevant documents to the examiner (Regulation 17, however the neighbourhood planning group will need to have printed the documentation to be supplied). It is anticipated that many examinations will be dealt with by written representation but some may be via hearing or public examination depending on the circumstances.
- 6.2. Documentation will be supplied by the Neighbourhood Planning team to the independent examiner. This will include a map showing the neighbourhood area,

the proposed plan, all the documents included within the submission, the SEA/HRA and a copy of all the representations received during the publicity period.

- 6.3. Some additional information, documentation or studies which form part of the plan's evidence base may be requested by the examiner directly from the parish/town council.
- 6.4. The examiner will only be considering your neighbourhood plan against the 'basic conditions', that the plan complies with the definition of a neighbourhood plan, the area to be included within the referendum and the compatibility with the Convention rights.
- 6.5. The examiner will produce a report with recommendations, the reasons and summary of findings. They will also recommend either;
 - The plan should move to a referendum, or
 - The plan should proceed to referendum following some minor amendments, or
 - The plan should be refused. The examiner cannot recommend a plan proceed to referendum if it does not meet the basic conditions.
- 6.6. West Berkshire Council will be sent the report and are responsible for its publication. Consideration will be given to each of the recommendations and a formal view as to whether the plan meets the basic conditions.
- 6.7. Modifications will be discussed with your parish/town council to ensure consensus is reached.
- 6.8. A decision document will be produced by West Berkshire Council outlining any modifications to be made in order to correct factual errors or make the plan meet the basic conditions.
- 6.9. The extent of the referendum area will also notified within the decision document.
- 6.10. The report and West Berkshire Council's decision statement will be published on the website.

7. Referendum

- 7.1. Once the plan is finalised and any suggested amendments have been made, West Berkshire Council will arrange and pay for a referendum of all those on the electoral roll within the area covered by the neighbourhood plan. These could also include those within neighbouring parishes if it is deemed appropriate where proposals will directly affect them, this recommendation will be made to the council by the examiner within their report.
- 7.2. An information statement will be produced by the council which outlines the details of the referendum and any expenses limit.
- 7.3. The referendum will be asking; *'Do you want West Berkshire Council to use the Neighbourhood Plan for <name of Neighbourhood Area> to help it decide*

planning applications in the Neighbourhood Area?'

- 7.4. If more than 50% of those voting in the referendum vote 'yes' then the plan is 'made' (adopted).

8. Adoption of the neighbourhood plan

- 8.1. Made plans will be published on the West Berkshire Council website. Copies of the decision to adopt will be sent to the parish(es) and any person who asked to be notified (Regulations 19/20).

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

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