

Neighbourhood Planning

The Formal Process: Submission, Examination, Referendum and Adoption

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Waveney District Council
Serving the Community

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Overview

Waveney District Council and Suffolk Coastal District Council have been working with Suffolk ACRE (now Community Action Suffolk) and Suffolk County Council to support a number of towns and parishes in the districts to develop and deliver their community led plans. A range of different approaches have been used including parish plans, town plans and village reviews. These approaches all aim to identify a community's ambitions for their local area and an action plan to achieve them. Although these types of community led plans don't carry statutory weight, they have helped communities deliver local projects such as the provision of new community facilities.

The Localism Act 2011 introduced new rights for communities including tools that can be used to influence how their local area develops. These new tools are Neighbourhood Development Plans, Neighbourhood Development Orders and the community right to build. These are similar to parish and town plans in that they are not compulsory and they must be community led. However, the key difference is that they carry statutory weight and once the necessary processes have been successfully completed and the plan or order is adopted by the Council, they become part of the Local Plan and will be used to make decisions on planning applications. An important thing to keep in mind is that none of these plans can be used to stop development.

Part 1 is a guide to help communities understand the options available to them by explaining the different types of community plan, the benefits and/or limitations of each type of plan to be able to make an informed decision about which approach is appropriate for them.

Part 2 explains how to get started, practical advice on how to get the community involved in the process to come up with issues and options and how these can be turned into a vision and objectives.

Part 3 provides practical advice on developing a plan and describes what needs to be done and when. It includes details of the early formal stages such as designating a Neighbourhood Area and Neighbourhood Forum and how the Council will support the process.

Part 4 explains the formal processes from submission of the plan to the Council, through the examination process and formal adoption.

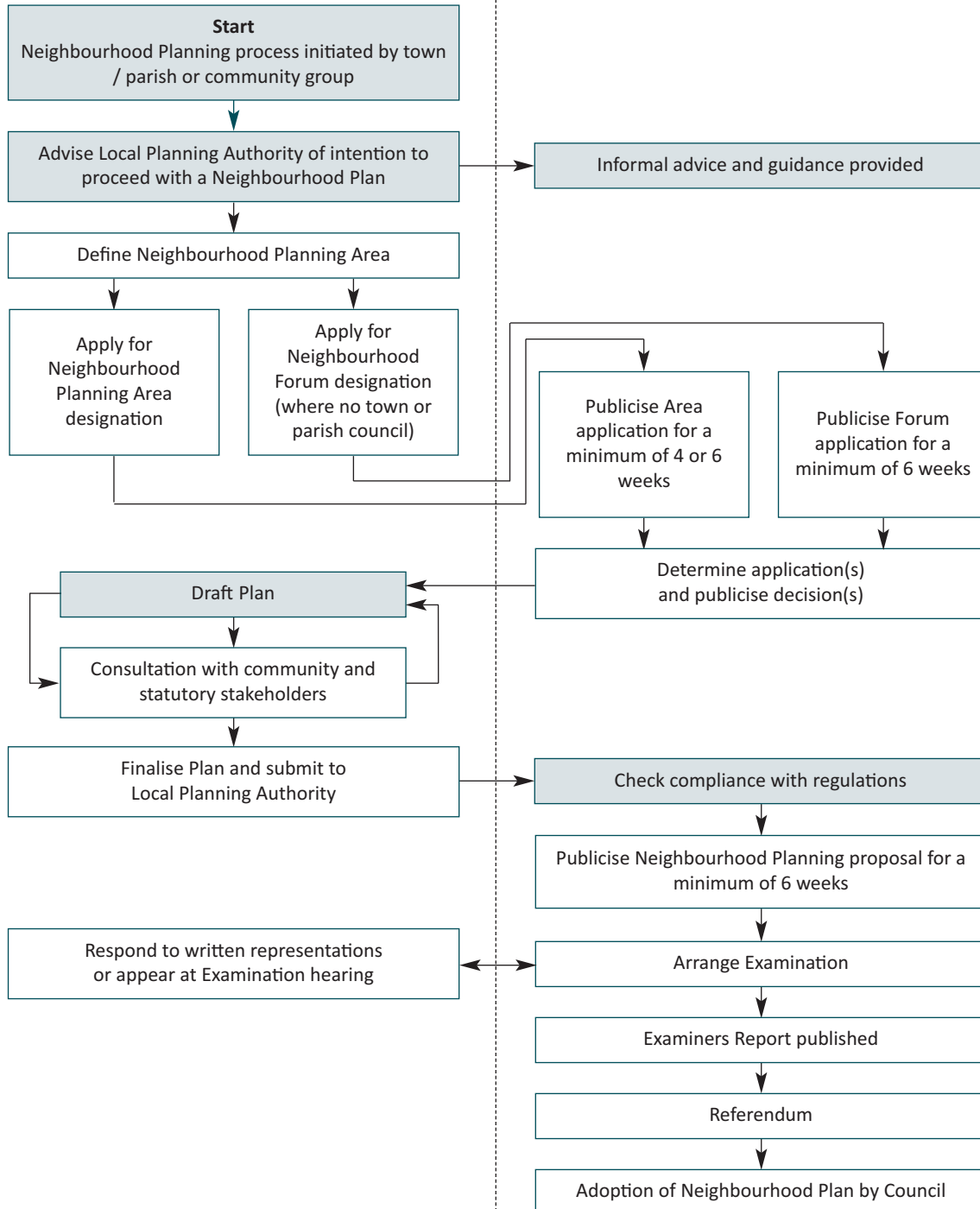
Part 5 provides further detail on where to find other help and advice and current sources of funding.



Formal Stages of the Neighbourhood Planning Process

Community / Town / Parish

Local Planning Authority



Submission

Pre-Submission Consultation

Most of the hard work should now be completed and the formal stages of getting your Neighbourhood Development Plan adopted can begin. The first step must include a pre-submission consultation with the community, countywide and national bodies, other relevant organisations and the statutory consultees that are listed in the neighbourhood planning regulations (see Appendix A). This is to ensure that they are aware of any development or policies you have proposed which could affect their interests. The Local Planning Authority should also be sent a copy of the plan.

The Council's Statement of Community Involvement indicates which bodies and organisations the Council consults during the preparation of their own Development Plan Documents (see www.waveney.gov.uk/localplan or www.suffolkcoastal.gov.uk/localplan). You may find this a useful reference document. The Planning team will also be able to recommend which statutory consultees are appropriate for your plan.

The consultation should include: -

- A copy of the proposed Neighbourhood Plan
- Details of where and when the proposed Neighbourhood Plan can be viewed
- Details of how to make comments
- The date by which comments must be received. This must be at least 6 weeks from the date on which the draft proposal is first publicised. A longer period may be appropriate where it includes holidays such as summer holidays or Christmas.
- Any Sustainability Appraisal report, Environmental Assessment or Habitats Regulation Assessment if necessary, should be consulted upon at the same time.

Any comments received should then be considered and addressed. This will be important as when the plan is examined the independent examiner will be looking at your consultation statement and the engagement you have had with these statutory consultees and how you have addressed any concerns which they have.



Consultation Statement

When your Neighbourhood Development Plan is submitted to the Local Planning Authority it must be accompanied by a consultation statement. The examiner will use the consultation statement to judge the effectiveness of the engagement process with the whole community (including consideration of equality and diversity issues), in the preparation of the Neighbourhood Development Plan.

Your consultation statement should include: -

- Details of the people or bodies who were consulted about the proposed Neighbourhood Development Plan;
- Details of when they were consulted and for how long;
- Explanation of how they were consulted;
- A summary of the main issues and concerns raised by the people consulted; and
- Description of how these issues and concerns have been considered and where relevant addressed in the proposed Neighbourhood Development Plan.

To make this easier you should keep a record as you progress, of each consultation you have undertaken, who was involved and what issues were raised.

This can be done in any format you want but must include the information listed above. If you carry out several consultations you can either choose to write a separate report for each consultation exercise or create a single statement that documents the whole process, so long as it is in clear chronological order.

Don't forget to record all minutes from your steering group, Parish Council, Town Council or Neighbourhood Forum meetings where decisions have been taken based on the outcomes of the consultation. The examiner will be looking for a clear audit trail of all decisions made and how consultation responses were taken into consideration in relation to any evidence and specific information gathered. Any changes that are made to your plan as a result of the consultation will also have to be included within your Sustainability Appraisal.

Submission of the Draft Plan to the Council

The final plan should be submitted to the Council – the Local Planning Authority (LPA). The submission should consist of: -

- A map showing the area covered by the Neighbourhood Development Plan
- The Neighbourhood Development Plan;
- Consultation Statement;
- Process Checklist (see separate guidance); and
- Where relevant a Sustainability Appraisal, Habitats Assessment, Environmental Assessment.

The Council will: -

- Publish the plan on their website for a minimum period of 6 weeks inviting comments to be made;
- Inform statutory consultation bodies that the plan has been submitted;
- Check that the plan complies with regulations; and
- Decide whether the plan proceeds to examination.

The Council will also: -

- Notify those bodies and organisations referred to in your consultation statement that are not part of the statutory consultee list.



Examination

The Council (LPA) will arrange and pay for an independent examination and supply the relevant documents to the examiner. Appointment of the examiner will be in agreement with the Town Council, Parish Council or the Neighbourhood Forum. The examination may be dealt with by written representation, or if considered necessary, through a public hearing.

The examiner will only consider whether the proposed Neighbourhood Development Plan meets the basic conditions set out in the Planning Act¹ (they are not permitted to explore other considerations). The examiner will be considering whether the plan: -

- Has appropriate regard to national policy;
- Contributes to the achievement of sustainable development;
- Is in general conformity with the strategic policies in the development plan for the local area;
- Is based on up to date and robust evidence;
- Is compatible with human rights requirements; and
- Is compatible with EU obligations.

At the end of the examination, the examiner will issue a report to the Local Planning Authority, Town or Parish Council or Neighbourhood Forum. If the plan meets the basic conditions as set out above, the examiner will recommend that the plan should either: -

- Go forward to referendum;
- Go forward to referendum subject to modifications

If the examiner recommends changes to the Neighbourhood Development Plan to make sure it meets required standards, the Parish or Town Council or Neighbourhood Forum will need to decide whether to make those changes. If the changes are significant, it may be necessary to re-consult your local community before proceeding.

The Council will: -

- Publish the examiners report and plan proposal decision on the website;
- Publish the council's decision and reasons for this, on the website.

The examiner may conclude that the Neighbourhood Development Plan does not meet the basic conditions and no modifications could be made to ensure that it meets those conditions. The examiner will recommend that the plan should not proceed to referendum, the reasons will be explained through the report.

¹Basic conditions of Schedule 4B of the 1990 Planning Act (as amended)

Referendum

Following the examination process if the Neighbourhood Development Plan is approved it will need to be subject to a community referendum. For it to be taken forward for adoption, the neighbourhood plan will need to achieve more than 50% of votes in favour.

All registered voters living in the area covered by the Neighbourhood Development Plan will be entitled to vote. In some cases, voters from neighbouring areas may also be allowed to vote (i.e. where the impacts of the Neighbourhood Development Plan are significant, the inspector will indicate this in the decision).

If the Neighbourhood Area has been designated as a business area, an additional referendum must take place that allows non-domestic rate payers within the referendum area to vote.

The Council will arrange, pay for and carry out the referendum(s).

The referendum will be carried out in the same way as a poll for local or general elections. Notice of the poll will be given, and each person entitled to vote will be issued with details about the date, time and location of the poll. Postal and proxy votes will be provided where requested. Results of the referendum will be announced formally after the votes have been counted and verified.



Adoption

If the results of the referendum support the Neighbourhood Development Plan, the Council must bring it into effect. The final decision to make the Neighbourhood Development Plan part of the Council's Development Plan will be taken by Full Council as soon as is practical following the referendum, after which the Council will: -

- Publish a decision statement on the website setting out reasons for the decision;
- Provide details of where the decision can be inspected;
- Send a copy of the decision statement to the Parish Council, Town Council or Neighbourhood Forum;
- Send a copy of the decision statement to anyone else who requested to be notified of the decision;
- Publish the Neighbourhood Development Plan on the website;
- Provide details of where the plan can be inspected:

Once the necessary processes have been completed Neighbourhood Development Plans will be legally adopted as part of the Council's statutory development plan. This means that decisions on planning applications will need to be taken in line with the policies outlined in the Neighbourhood Development Plan.

Appendix A

Neighbourhood Planning (General) Regulations 2012

Schedule 1 – Consultation Bodies


For the purposes of the regulations 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;
- (c) the Coal Authority;
- (d) the Homes and Communities Agency;
- (e) Natural England;
- (f) the Environment Agency;
- (g) English Heritage;
- (h) Network Rail;
- (i) Highways Agency;
- (j) Marine Management Organisation;
- (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) Sewerage undertaker;
 - (v) Water undertaker;
- (m) Voluntary bodies whose activities benefit all or part of the neighbourhood area;
- (n) Bodies that represent the interests of different racial, ethnic or national groups in the neighbourhood area;
- (o) Bodies that represent the interests of different religious groups in the neighbourhood area;
- (p) Bodies that represent the interests of businesses in the neighbourhood area;
- (q) Bodies that represent the interests of disabled people in the neighbourhood area.



www.suffolkcoastal.gov.uk/communityledplanning 


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