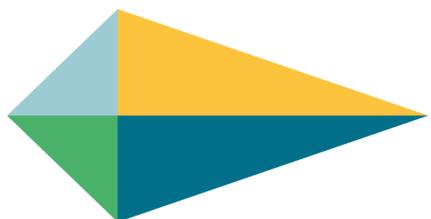


Neighbourhood Planning

How to go about it

Learning from our experience to date

March 2021



EASTSUFFOLK
C O U N C I L

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Introduction

This booklet has been designed as a short guide for anyone interested in neighbourhood planning in the East Suffolk area.

The booklet has been produced to help local communities led by Town and Parish Councils who may be thinking of going down the neighbourhood plan route, to understand the process and to provide answers to the types of questions that commonly arise. It will also be helpful for those officers and councillors who may be less familiar with, or new to, the neighbourhood plan process.

The information contained is a combination of the broad stages of neighbourhood plan preparation from Locality: Neighbourhood Planning Road Map Guide, Planning Practice Guidance, and local experience of neighbourhood plans so far.

In addition to providing information as to the work involved in preparing a neighbourhood plan there are a number of questions which we are commonly asked.

How long does a neighbourhood plan take to prepare?

Across East Suffolk, our experience to date shows that neighbourhood plans are taking around three years to produce regardless of their level of complexity, or the range of issues covered. This seems to be the case regardless of whether a planning consultant is employed, or not. This timescale may reduce over time as more plans are produced, however, to date nine plans have been made across the district and this appears to be an average time from start to finish. Therefore, it is important to ensure that you have a strong working group who are prepared to invest the required time into the project.

Is there funding is available?

Yes: grants are available from central government via Locality. Up to date information is best obtained direct from the Locality website www.neighbourhoodplanning.org. There is no funding available from the local authority.

When thinking about costs, it is important to think more generally about the level of resource needed to prepare the plan. This includes the time commitment that those preparing the neighbourhood plan will need to invest, and what other help might be available 'in kind'. This could be help with printing or use of consultation venues cost free.

Who is responsible for preparing the plan?

It is the Town or Parish Council who are ultimately responsible for preparing the neighbourhood plan (the Qualifying Body). A working group may be set up to undertake the work. The Council's Active Communities Team can help you with this.

REMEMBER:

The District Council can provide advice insofar as we are involved in supporting groups undertaking neighbourhood plans. Talk to other Towns/Parishes who have, or are in the process of, preparing a neighbourhood plan to learn from their experience of **all** aspects of the process. Check out examples of neighbourhood plan Examiners Reports.

FINALLY: It is worth noting that many of the stages are statutory and are directed by legislation and the guidance therein.

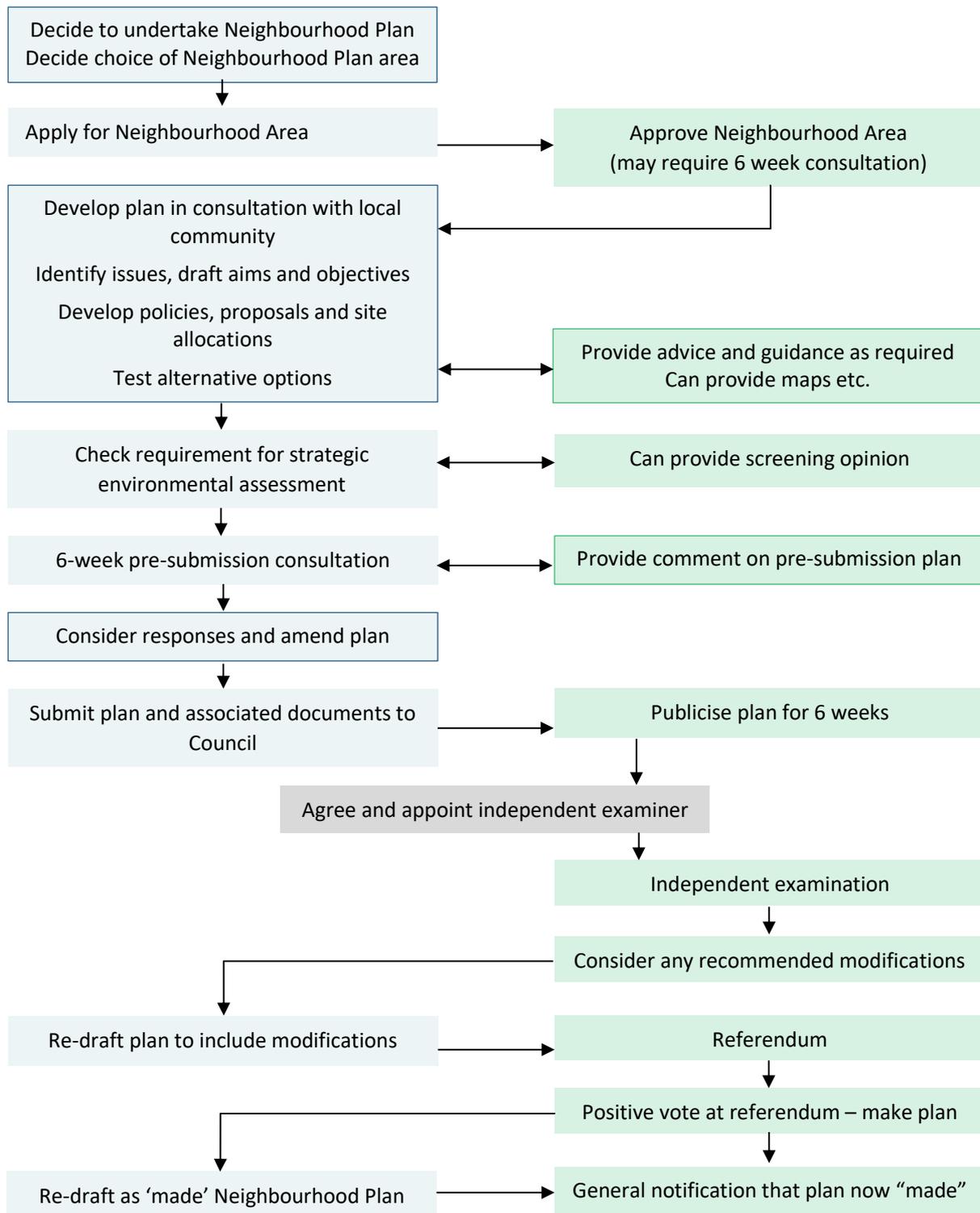
Typical Process – Neighbourhood Plan

(Average time – 2 to 3 years)

The following stages are statutory and are directed by national legislation.

Town/Parish Council Role

District Council Role



Before You Start

Talk to your local planning authority:



Planning Policy and Delivery Team

Dickon.Povey@eastsoffolk.gov.uk / 01502 523043

Communities Team

communities@eastsoffolk.gov.uk / 01502 562111 / 01394

Planning Practice Guidance states: “The community should consult the local planning authority before making an area application”.

- What has prompted you to think about undertaking a neighbourhood plan?
- What are your local issues? Have you discussed them as a local community?
- Is a neighbourhood plan the most appropriate tool for dealing with issues identified?
- Do you have the necessary resources to undertake a plan, particularly, interested individuals with the right mix of skills to progress the work?

The purpose of the discussion is to assist you and your local community in coming to your own decision as to whether a neighbourhood plan is the most appropriate tool to address the issues identified and to understand the likely development pressures your community might realistically face.

Experience has shown that not being clear, or not having a reasonably good idea as to what your likely issues are, at this stage, can result in abortive work. On occasion it can result in a later decision not to progress the neighbourhood plan.

Should you decide to prepare a neighbourhood plan, the Council is there to help and support you through the process. The Neighbourhood Planning Regulations require Councils in their role as Local Planning Authority to undertake specific tasks as a neighbourhood plan progresses through to adoption (see diagram pg 6). To avoid any unnecessary delays, the Cabinet Member with Responsibility for Planning has delegated authority for all stages up to ‘making’ the plan. Some elements are also delegated to principal officers such a signing off (agreeing) an area designation and the decision statement which is agreed by the Head of Service. The final stage is subject to a decision by full Council.

Be aware that you will need to make sure that you are clear in terms of your responsibilities and requirements in respect of data protection regulations and with regard to ordnance survey copyright licensing for any maps you may wish to produce.

Further Sources of Help and Information

East Suffolk Council Policy & Delivery Team

- planningpolicy@eastsoffolk.gov.uk

Communities Team

- communities@eastsoffolk.gov.uk

Other sources of information

- www.eastsuffolk.gov.uk/planning/neighbourhood-planning
- <https://neighbourhoodplanning.org/>
- <https://neighbourhoodplanning.org/network/champions-map/>
- <https://local.gov.uk/pas/planning-policy/neighbourhood-plans>
- <https://neighbourhoodplanning.org/toolkits-and-guidance/>
- <https://www.cpre.org.uk/resources/how-to-shape-where-you-live-a-guide-to-neighbourhood-planning/>
- <https://mycommunity.org.uk/neighbourhood-planning>

Plan Stages

Stage 1: Getting Established

Designation of neighbourhood area, building evidence base, publicity & engagement

Qualifying Body (QB) Role (Town/Parish Council)	Local Planning Authority (LPA) Role/ Support East Suffolk Council	Additional Comments (Lessons to date)
<p>Regulation 5 (5A) – QB Apply for a Neighbourhood Area designation</p>	<p>Application form available to download from eastsuffolk.gov.uk website.</p> <p>LPA can provide a map of your proposed neighbourhood plan area on request.</p>	<p>It is possible for a neighbourhood plan area to cover more than one parish. If you choose this route a copy of the formal Parish/Town Council resolution for each Parish/Town Council should be provided alongside the application form.</p>
<p><i>Advisory:</i> <i>Work with LPA to identify local groups and contacts to build up local database and identify the most appropriate means by which to bring area designation to the attention of the local community.</i> <i>This database will form the basis for your later consultations.</i></p>	<p>On receipt of your application the Council will allocate a Lead Officer (LPA Lead) from within the Planning Policy and Delivery Team as your link into the Council and the person who will work with you throughout the neighbourhood plan process.</p> <p>Regulation 6, 6A (5A) – LPA determine Neighbourhood Area designation in accordance with timescales set out in legislation.</p> <p>As soon as is possible and within a reasonable timescale we will fact check the submitted information and confirm its acceptability and the area will generally be designated within two/three weeks: If single parish area. (No consultation required)</p> <p>Within 13 weeks: if more than 1 parish involved (minimum 6-week consultation period)</p> <p>Within 20 weeks: if more than 1 LPA involved (minimum 6-week consultation period)</p>	<p>Note: Under the 2012 Regulations there is no need to consult where the application relates to a single Parish area. This makes early discussion with the LPA (and hopefully the local community) even more advisable ahead of submitting your neighbourhood area application.</p> <p>Note: A small number of parishes in East Suffolk also fall within the Broads. The Broads Authority is the local planning authority for the Broads. For these parishes decisions on their neighbourhood plans will need to be taken by both the Council and the Broads Authority.</p>

	<p>Regulation 7 – Local Planning Authority publicise the Neighbourhood Area decision. (see advisory)</p>	
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Stage 2: Preparing the Plan

Key elements but not an exhaustive list

Qualifying Body (QB)Role (Town/Parish Council)	Local Planning Authority (LPA) Role/ Support East Suffolk Council	Additional Comments (Lessons to date)
<p>IT IS THIS STAGE OF THE PLAN MAKING PROCESS THAT TAKES THE MOST AMOUNT OF TIME.</p> <p>Taking time to get things right at the draft plan stage will save time in the long run and maximise chances of a successful examination and referendum.</p> <ul style="list-style-type: none"> • Familiarise yourselves with the Neighbourhood Planning Regulations 2012 (as amended); • Familiarise yourselves with the basic conditions your plan will be tested against; • Familiarise yourself with the relevant local plan and understand how the neighbourhood plan fits into the strategy of the local plan • Learn from the experience of others. Examiners Reports and Consultation Statements can be particularly useful; • Have a clear understanding of what a land use plan can and cannot do so as to help manage community expectations; • Accept that your initial timescales for completing the plan will almost certainly change; • Accept that not everyone will be interested in the neighbourhood plan. What is important is that you give them the opportunity to have their say and get involved; and • Be clear how your plan fits with other strategic and national policies and guidance. <p>Useful references:</p> <ul style="list-style-type: none"> • Locality Neighbourhood Plans Roadmap Guide 2018; • Locality Writing Planning Policies by Tony Burton; • Locality Strategic Environmental Assessment; • Locality Toolkit Site Assessment for Neighbourhood Plans. • Community Consultation Questionnaires - guide* • Suffolk County Council Guides; * • LPA local plan evidence base; * • Npiers Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and examiners. <p>* available on the East Suffolk website http://www.eastsuffolk.gov.uk/planning/neighbourhoodplanning/preparing-a-neighbourhood-plan/</p>		<p>If you choose to use a consultant, be clear as to what you want them to do. There will be a lot of preparation work that you can undertake yourselves.</p> <p>The LPA has a duty to support groups undertaking neighbourhood plans. Details of the support offered will be included in a new Statement of Community Involvement (SCI) which sets out the way in which the Council will provide support at key stages in the production of Neighbourhood Plans. Ahead of then details are set out in Service Level Agreements provided to each neighbourhood plan group once their area has been designated.</p>
<p>Roles and Responsibilities; Processes and Procedures</p> <p>You will need to consider matters such as:</p> <ul style="list-style-type: none"> • Who is going to do the work? 	<p>The Councils' Active Communities Team can provide help and advice on this element of getting started on a neighbourhood plan. This includes amongst other things working group arrangements; project planning and applying for funding. Further advice if needed may be provided by the Council's</p>	<p>The Town or Parish Council is the Qualifying Body and ultimately responsible for preparing the plan. Many prefer to set up a Working Group or similar to undertake</p>

<ul style="list-style-type: none"> • How is the work going to be carried out? • Reporting procedures; • Budgets; • Project planning. 	<p>Monitoring Officer for example in relation to declarations of interest.</p> <p>Your LPA lead will provide you with a Service Level Agreement (SLA). The SLA sets out what type of help can be expected including where appropriate timescales for responding to requests, or attendance at meetings.</p>	<p>the work. The working group may include a wider membership than town or parish councillors, for example local residents or business representatives.</p> <p>It is important to get this element of your neighbourhood plan process right from the start if the actual planning work is to progress smoothly.</p>
<p>Identify /clarify issues that the neighbourhood plan will address.</p> <p>Obtain a list of current (and emerging) planning policies for your town/parish including information on any likely housing requirement.</p> <p>Draft consultation plan/ strategy** which considers how best to engage with the community and uses a range of tools including online/electronic tools and social media as well as considering how to tap into existing resources. If appropriate draft and circulate questionnaire to households and businesses.</p> <p>Undertake whatever follow-up is required to ensure a good response rate achieved in terms of numbers returned and geographic and demographic spread. Example - Framlingham met separately with mother and toddler groups as this demographic was missing from their questionnaire responses.</p> <p>There is also a need to utilise digital methods of consultation and communication such as websites and social media for example</p> <p>Analyse responses and undertake additional consultation if required</p> <p>Use combination of responses and policy information to determine where new neighbourhood plan</p>	<p>The Active Communities Team can help/advise with preparation and analysis of questionnaires (see link above).</p> <p>The LPA Lead will provide list of planning policies / wider planning matters, particularly those strategic policies that currently apply to your area and an indicative housing number on request.</p>	<p>Once you have undertaken an initial analysis of responses to your questionnaire you may find it useful to meet with your LPA Lead to talk through issues, current policy approaches and what neighbourhood plan policies could seek to achieve. This discussion will also help to clarify the extent of current permitted development rights that may be relevant to your area, and the LPA approach to matters such as identifying new conservation areas and Tree Preservation Orders.</p> <p>The LPA Lead will be able to help you identify any evidence gaps and provide informal first thoughts as to whether further strategic environmental assessment work is likely to be required. Be aware if you are thinking of allocating sites that alternative options will need to</p>

<p>policy could add value or address specific local concerns.</p> <p><i>Advisory: This stage may identify a wider range of issues than can be dealt with in a land use planning document, but which are nonetheless important locally. Many neighbourhood plans contain an appendix of Other (non-land use planning e.g. speeding traffic) Matters setting out how it is intended that these will be addressed.</i></p>		<p>be assessed (see reference above)</p>
<p>Identify / obtain supporting evidence</p> <p>Identify any evidence gaps.</p> <p>Ensure funding is in place to pay for work commissioned.</p> <p>Commission new evidence/studies to be undertaken as appropriate.</p> <p>Advisory: Policies need to be supported by an appropriate evidence base. If you are proposing housing allocations what will be the potential impact on schools, local roads or sewerage systems for example. Have you spoken to the relevant authority or organisation? eg Suffolk County Council for education and local highways.</p> <p>If the plan is going to allocate sites, a 'call for sites' exercise will need to be undertaken. a plan which includes site allocations is likely to need SEA (Strategic Environmental Assessment) and that an early screening exercise is recommended in order that the SEA can be undertaken to inform the selection of appropriate sites.</p>	<p>LPA Lead can help identify existing evidence which may be of relevance and any other known studies which may be work in progress.</p> <p>LPA Lead can advise where additional evidence would need to be produced - for example a policy proposing higher car parking standards than those adopted by the Council would need to be justified through evidence and be supported by the County Council as highway authority.</p>	<p>The amount of work required at this stage will depend on the range of issues you choose to include within your neighbourhood plan.</p> <p>You may wish to commission your own evidence. Great Bealings Parish Council commissioned work from Suffolk Wildlife Trust to help inform their neighbourhood plan.</p> <p>Bredfield Parish Council commissioned Aecom to undertake site assessment work to help identify housing allocation options</p> <p>Kesgrave which has gone through examination commissioned the Landscape Partnership to do a landscape study for example which was well received by ESC Landscape Officer.</p>
<p>Engagement / discussion (essential throughout the NP process)</p> <p>Speak to other neighbourhood plan groups to learn from their experience.</p>	<p>LPA is required to undertake consultation at specific points in the neighbourhood plan process. See diagram pg 5.</p> <p>To comply with GDPR the LPA will provide the QB with a standard request</p>	<p>Other neighbourhood plan groups have been more than willing to share their experiences of local consultation /</p>

Look at examples of Communication Strategies submitted with plans which have reached examination stage.

Draft a communication strategy setting out how and when you will involve the wider community. (** see communication strategy above).

Undertake consultation and engagement in accordance with communication strategy.

Set up and maintain a database showing who has been consulted and when; who has responded; comments received; how you have responded to comments received and any changes made to your plan as a consequence.

Be clear in terms of responsibilities under General Data Protection Regulations. Liaise with LPA Lead when producing consultation documentation.

Submit Consultation Statement with Submission Draft Neighbourhood Plan to LPA. (check other examples)

Undertake minimum 6-week Pre-Submission consultation.

Advisory: Plan preparation is an iterative process. It may take several rounds of consultation/events for example to test views on Vision and Objectives ahead of consultation on draft policies.

You need to demonstrate that people have had the opportunity to get involved and that you have attempted to involve all ages etc. Framlingham did additional meetings with Parent and Toddler groups when realised no responses from this age group.

regarding the sharing of data so that respondents to Reg 14 can be notified at Reg 16.

LPA Lead can help provide advice and guidance in how the QB might want to respond to comments received.

engagement, both good and bad.

Responsibility for publicising the neighbourhood plan switches from the QB at pre-submission stage to the LPA at submission stage. Individual residents commenting on the pre-submission draft plan would need to opt in to enable their details to be shared with the LPA for the purposes of being kept informed of the next stage of the neighbourhood plan process.

All comments received will be in the public domain so be aware of your responsibilities under data protection rules.

Stage 3: Drafting the Plan

Meeting the basic conditions, Environmental assessment, Pre-submission consultation

Qualifying Body (QB) Role (Town/Parish Council)	Local Planning Authority (LPA) Role/support	Additional Comments (Lessons to date)
<p>5. Draft Plan</p> <p>Use analysis of issues as identified through early engagement and consideration of issues as set out above to help identify policy topics.</p> <p>You will need to check whether the issue is already covered in Local Plan policies as the NP should be adding local detail rather than repeating the LP policies.</p> <p>Research guidance on how to write policies. Read examples of examiners reports.</p> <p>Consider whether or not to employ a consultant to help with this aspect of plan preparation.</p> <p>Ensure policies are supported by evidence.</p> <p>Ensure policies as drafted are clear and unambiguous.</p> <p>Provide copy of draft Pre-Submission plan to LPA for informal comment ahead of formal consultation stage (see below).</p>	<p>LPA Lead can provide comment on early drafts of document and act as critical friend.</p> <p>Can advise when discussions are required with other service providers.</p> <p>LPA Lead can provide informal comments on draft Pre-Submission plan including meeting to talk through any concerns.</p>	<p>Providing the LPA with the opportunity to input at this stage can help ensure that policies as drafted would operate as envisaged. It can help identify any draft policies which are not strictly land-use policies and should be deleted/moved to an 'other matters' section.</p> <p>A typical trap when first drafting your plan is to assume that the reader has the same level of knowledge of your area as you do. Having a critical friend will help to identify these types of issue.</p>
<p>Environmental Assessment</p> <p>Read Locality: Screening neighbourhood plans for Strategic Environmental Assessment – A toolkit for neighbourhood planners.</p> <p>If screening hasn't taken place already the plan should be screened prior to pre-submission consultation.</p> <p>Screening can be undertaken by either QB or LPA.</p> <p>More complex plans may require a full Sustainability Appraisal including a Strategic Environmental Assessment</p>	<p>If requested LPA Lead will provide screening opinion.</p> <p>If QB undertaking screening LPA Lead can provide examples.</p>	<p>One of the basic conditions for a neighbourhood plan is that it does not breach and is otherwise compatible with EU obligations. To meet this condition with regard to strategic environmental assessment (SEA) a neighbourhood plan group needs to have either a statement of reasons as to why SEA is not required, or where SEA is deemed necessary, and environmental report (and non-technical summary) which documents the findings of the SEA.</p> <p>If additional environmental evidence is required, you may well</p>

<p>and potentially Appropriate Assessment and screening under the Habitats Regulations.</p>		<p>need to commission (and pay) for this.</p>
<p>6. Regulation 14: Pre-Submission consultation and publicity (not less than 6 weeks)</p> <p>Consult on pre-submission draft plan including publicising associated evidence and SEA screening opinion.</p> <p>Re-consider and amend plan as appropriate in response to comments received.</p> <p>Re-draft plan as submission version neighbourhood plan.</p> <p>Update / maintain the Consultation Statement as a record of changes made in response to consultation responses</p> <p><i>Advisory: If as a result of responses received you propose major changes to your plan you will need to repeat the stage.</i></p>	<p>May provide comment on the Pre-submission draft plan if unable to comment before then or if there are outstanding issues.</p>	<p>In the decision-making process, it is only at this stage that the neighbourhood plan begins to gain limited weight in the determination of planning applications.</p> <p>The opportunity is available at this point to discuss comments received and your intended responses with the Council before redrafting your plan ahead of submission.</p> <p>You may wish to commission a health check of your revised plan before submission. The purpose of a health check is to spotlight issues that may lead to delay or lead to rejection of the plan at examination and to recommend solutions to potential problems. There will be a fee to pay for this service</p>

Stage 4: Bringing the Plan into Force

Submission, Publicity, Independent examination, Referendum, Made

Qualifying Body Role (Town/Parish Council)	Local Planning Authority Role /Support	Additional Comment (Lessons to date)
<p>IT IS FROM THIS STAGE ON THAT YOUR PLAN BEGINS TO CARRY WEIGHT IN THE DECISION-MAKING PROCESS.</p> <ul style="list-style-type: none"> • This part of the plan making process is largely the responsibility of the LPA including payment of the examiner and the referendum process. • From the date of the referendum onwards the timetable to “making” the plan is subject to strict time requirements under the Regulations. 		
<p>(Reg 15) Submit draft Neighbourhood Plan and associated documents to LPA.</p> <p>Provide the District Council with a list of organisations previously consulted and those individual respondents who have opted to allow their details to be shared with the Council.</p>	<p>(Reg 16) Publicise Plan Proposal (not less than 6 weeks) and publish responses on the website following the end of the consultation.</p>	<p>Responses received are not formally considered by the LPA but passed to the examiner.</p> <p>The opportunity exists for the QB to comment on representations received or may be asked for by the examiner. Not all examiners ask for this however it is worthwhile this being done so it is ready if the Examiner does ask for it.</p>
<p>(Reg 17): Discuss and agree with LPA the appointment of the Examiner.</p> <p>This process can begin as soon as your plan is submitted to the LPA.</p>	<p>(Reg 17) Following discussion with QB appoint Examiner</p> <p>Submit documents to the Examiner to independently assess the neighbourhood plan.</p>	<p>Examination process is normally by means of written representation, but regulations do allow for a public hearing.</p> <p>It is not unusual for the examiner to pose additional written questions to both the QB and the LPA. Questions and responses are published on the Councils website.</p>
<p>EXAMINER’S REPORT (draft and final)</p> <p>Draft Report: Provided to the LPA and the QB for fact checking. This is not an opportunity to raise new issues, but clarification may be sought if necessary.</p> <p>Final Report. The examiner will recommend whether or not the plan should proceed to referendum, and whether this is with or without modification and the referendum area. A recommendation to proceed to referendum subject to modifications is the most common outcome.</p>		
<p>Discuss and agree modifications with LPA and amend plan for republication as Referendum Draft Plan.</p>	<p>Regulation 18 / 18A – Publish Examiners Report on the website.</p> <p>Discuss each modification with the QB.</p> <p>Formally consider and respond to each modification recommended by the</p>	<p>The Decision Statement is the formal trigger for the start of the referendum process and indicative timings through to the Council meeting which will ‘make’ the neighbourhood plan.</p> <p>It is the Council’s Elections Section which is responsible for running the referendum. The referendum</p>

	<p>examiner (the Decision Statement) and the referendum area. Include confirmation as to whether the LPA is satisfied that the plan does not breach and is otherwise compatible with EU obligations and Convention Rights</p>	<p>process is similar to that for a general election.</p> <p>The Regulations provide additional provisions should the LPA disagree with the examiner’s recommendations.</p>
<p>REFERENDUM:</p> <p>Standard YES/NO question set out in Regulation:</p> <p>"Do you want xxxxxxxx District Council to use the xxxxxxxx neighbourhood plan to help it decide planning applications in the neighbourhood area?"</p> <p>A positive vote is achieved if 50% +1 of those persons who voted, vote ‘YES’.</p> <p>A neighbourhood plan which has received a ‘YES’ vote at referendum carries full weight in the determination of relevant planning applications and appeals. This means that any relevant planning application/appeal should be determined in accordance with policies in the neighbourhood plan unless material considerations indicate otherwise.</p>		<p>QB may be involved in booking polling station, nominating count observers.</p> <p>QB can encourage people to vote but cannot influence which way to vote. Note financial restrictions apply. Any concerns - Council’s Monitoring Officer can provide legal advice.</p> <p>LPA Lead may be involved in count.</p> <p>Count will usually be undertaken the day following the referendum.</p>
<p>The LPA has 8 weeks starting the day after the referendum to decide whether or not to ‘make’ the Plan.</p> <p>Making the plan is essentially a formality, provided it has received a Yes vote and referendum. The report to Council provides the final opportunity for the LPA to confirm that it is content that the neighbourhood plan does not breach, and is otherwise compatible with EU obligations and Convention Rights</p>		<p>The final decision is made by the Council.</p> <p>It is at this point that the neighbourhood plan becomes a part of the statutory Development Plan for the district and relevant old policies are replaced or superseded.</p>
<p>Amend plan for republication as the “made” plan as directed by the LPA Lead (as per Council decision).</p> <p>Assist as requested by the LPA in bringing the made neighbourhood plan to peoples’ attention</p>	<p>Regulation 19 – LPA to publish the decision as to whether or not to “make” the plan. (confirms decision of Council)</p> <p>Request QB to amend neighbourhood plan for republication as “made” plan.</p> <p>Regulation 20 - Publicise the ‘made’ plan including on LPA website, QB website. General notification by means of parish noticeboards; parish/local magazines and directly to those who have requested to be notified, and</p>	<p>This may feel like the end of the process, but it will be important to monitor how policies are performing and progress with implementing any site allocations.</p> <p>Whilst there is no requirement to review your plan it is good practice to undertake regular reviews and modification as appropriate**. This will help ensure that policies remain “up to date” in respect of decisions on planning applications/appeals and changes in national legislation</p>

	<p>other consultees internal and external to the LPA.</p> <p>Organise for hard copies of the plan to be printed and distributed to Parish/Town Council and local libraries.</p>	<p>**It should be noted that there is a separate guidance document regarding reviewing your plan which is available on the Council website</p>
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