

Neighbourhood *Planning*



Cheshire West and Chester Protocol for Neighbourhood Planning Support

Introduction (taken from PAS guidance)

Under the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans (NDPs) and orders and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 chapter 3) sets out the local planning authority (LPA) responsibilities as:

- Designating the area of the NDP
- Designating a forum (if necessary)
- Advising or assisting communities in the preparation of a neighbourhood plan
- Checking a submitted plan meets the legal requirements
- Arranging for the independent examination of the plan
- Determining whether the neighbourhood plan meets the basic conditions and other legal requirements
- Subject to the results of the referendum(s), bringing the plan into force

1990 Act Schedule 4B para 3 states:

“A local planning authority must give such advice or assistance to qualifying bodies as, in all the circumstances, they consider appropriate for the purpose of, or in connection with, facilitating the making of proposals for NDPs in relation to neighbourhood areas within their area”. This applies to NDP’s through S38A of the Planning and Compulsory Purchase Act 2004. There is no requirement to give financial assistance.

Support provided by Cheshire West and Chester Council

This note goes through the stages involved in neighbourhood planning and sets out the elements of support which can be provided by the Council at each stage of the process. It also highlights areas where we will expect neighbourhood planning groups to provide appropriate information or assistance to enable their plan to progress through the required stages in a timely manner.

A dedicated officer will be allocated to each neighbourhood plan (NP) to provide support and advice. In addition to this tailored assistance, the Council also provides general tools and advice including:

- Neighbourhood planning webpages with details of progress on all plans in the area: <http://www.cheshirewestandchester.gov.uk/neighbourhoodplanning>
- Neighbourhood planning toolkit, hosted on the website, with information and advice

- Email updates informing groups about changes including government funding and legislation.
- Newsletters to share information including progress on neighbourhood plans in the borough, good practice and neighbourhood planning news from elsewhere.
- Dedicated email address for queries:
neighbourhoodplanning@cheshirewestandchester.gov.uk

Please note that there may be times when neighbourhood planning support is temporarily reduced or suspended, for example in the period leading up to and during Local Plan Examinations. We will ensure that neighbourhood planning groups have plenty of notice of such periods.

1. Neighbourhood planning support - initial stages

Decision to prepare a neighbourhood plan

At the early stages, when community groups are considering whether to embark on a neighbourhood plan, we will provide advice by telephone or host a meeting at one of the Council's offices. To inform this discussion, it is useful for groups to consider in advance what they would seek to achieve through a neighbourhood plan.

The Council has a contract with Cheshire Community Action (CCA) to provide advice and support for groups in the early stages of neighbourhood planning. CCA can come to group meetings and advise on options (e.g. parish plans, neighbourhood plans, village design statements). This initial advice is provided free of charge as part of the contract with CWaC.

Establish the 'qualifying body'

To prepare a neighbourhood plan you must be a 'qualifying body'. This can be a town or parish council, or, in unparished areas, a neighbourhood forum.

Where two or more parishes have decided to come together to prepare a plan, one parish will need to take the lead as the qualifying body.

In unparished areas a neighbourhood forum must be established to coordinate preparation of the neighbourhood plan. A forum must include at least 21 members from different areas and sections of the community. A forum must have a written constitution.

It will be useful to establish a steering group at an early stage in the process to lead preparation of the plan. CCA can provide advice on appropriate governance arrangements.

Agree on the neighbourhood area

An early stage of the NP process is to define a neighbourhood area. This may be the parish/town council area, or it could be a smaller or larger area if that makes more sense. Two or more parishes may wish to pool resources and prepare a joint neighbourhood plan.

In unparished areas, the boundary will need to be defined. Please speak to us at an early stage regarding any proposed neighbourhood plans in unparished areas.

Please note that neighbourhood plan areas cannot overlap, so please be aware of what is going on in the surrounding area and discuss your proposals with neighbouring parishes/communities. The Council can provide information on the neighbourhood areas which have already been formally designated.

Formal designation of the neighbourhood area and forum (where applicable)

The first formal requirement of the process is to designate the neighbourhood area and, where applicable, neighbourhood forum.

An application form and guidance notes are available on the Council's neighbourhood planning webpage. The planning policy team can provide guidance and assistance with mapping if necessary.

The Council will aim to determine all applications in accordance with the Government's regulations:

- For neighbourhood areas which are the same as parish boundaries and the qualifying body is a parish council, within 8 weeks of the date when the application is first publicised by the Local Planning Authority; or
- For areas covering more than one planning authority, within 20 weeks of the date of first publication by the LPA or
- For all other areas, within 13 weeks of the date of first publication by the LPA.

Completing the application form accurately and providing clear and correct maps will help us determine the application quickly. Where your proposed neighbourhood area includes part of a neighbouring parish, please include confirmation from that parish that they are happy with the application.

Many parishes are subject to boundary change in 2015 following the Community Governance Review. Please speak to your contact planning officer for advice about the implications of boundary changes for neighbourhood planning work.

2. Preparing the plan

Dedicated planning officer support

The Council will allocate a dedicated officer from the planning policy team to support you through the neighbourhood planning process.

At an early stage, your contact planning officer can explain the key planning policies for your area and highlight any policies which may be subject to change, e.g. through the preparation of the Local Plan (Part Two). The neighbourhood plan needs to be in general conformity with strategic planning policies, so it is important to understand the policy context from the outset.

If for any reason we need to change officers we will inform you of this.

Preparing a project plan

At this stage it is helpful to draw up a project plan. This helps in understanding the plan preparation process, timescales and resource implications. Through their contract with CWaC, Cheshire Community Action can help with project planning.

Funding

The government have made funding available to support neighbourhood planning work for the period 2015-2018. Eligible community groups can apply for grants of up to £8,000 (more where there are more complex issues) via the Locality website at http://mycommunity.org.uk/programme/neighbourhood-planning/?_a=funding. Funds must be spent within six months or by the end of the financial year, whichever is sooner. This grant is available even if previous grants have been awarded.

Communities may need to identify additional sources of funding to support their neighbourhood planning work, particularly if consultancy support is likely to be required.

The Council will update neighbourhood planning groups when we become aware of funding opportunities via email bulletins or newsletters.

Through their contract with CWaC, Cheshire Community Action can provide assistance with identifying funding opportunities and submitting grant applications.

Community engagement

The early stages of plan preparation should involve extensive community engagement, to help identify the key issues which are important for the area. This should involve as wide a cross section of the community as possible, including businesses, developers and landowners. Through their contract with CWaC, Cheshire Community Action can provide support and advice on a range of methods of publicity and awareness raising.

A record of all consultation undertaken needs to be kept. This will form part of the consultation statement that forms part of the supporting documents to the plan at the formal submission stage.

Vision and objectives

The outcomes of the community engagement will enable you to identify key issues and prepare a vision and objectives. This will form the scope of the plan and will determine the type of evidence which will need to be collected. CCA will be able to provide advice on this through the contract with CWaC.

You may wish to consult on the draft vision and objectives to refine them, although this is not required by the regulations.

Evidence gathering

The proposals and policies within a neighbourhood plan need to be justified and supported by evidence. There is a large body of evidence already available via a range of sources.

There may also be a need to carry out additional primary survey work, for example local housing needs surveys, character assessments or open space assessments.

The Council provides links to a wide range of demographic, economic, social and environmental information via the neighbourhood planning toolkit. This will be kept under review and updated as necessary.

Through their contract with CWaC, Cheshire Community Action can provide community profiles for local areas which bring together a range of information in an easily readable form, to support the neighbourhood plan.

For specialist information, it may be helpful to buy in the services of a consultant. Consultants can help with undertaking technical surveys such as character assessments and housing needs surveys. The use of consultants may be particularly useful if you are considering identifying specific areas of land for development and need technical data to support the identification of potential sites. Advice on procuring consultants can be found in the CWaC neighbourhood planning toolkit.

Policy drafting

Once a vision and objectives have been drafted and evidence has been collated, work can start on policy drafting. Some communities have drafted policies themselves, others have brought in external consultants to help with this.

There is an increasing body of neighbourhood plans which are now finalised or at an advanced stage of preparation across the country. These plans may be useful in providing examples of policy wording and content.

Policy drafting is likely to be an iterative process, and may involve many drafts. The Council will support this process by reviewing drafts of policies and providing comments at key stages. **Please do not send us every policy iteration; we do not have the time to look at them all.** However, once you have a set of policies that you are relatively happy with, please send them to your contact planning officer who will provide initial comments. This should be at **least six weeks before you plan to do your pre-submission consultation** to allow us to review the plan and undertake the Strategic Environmental Assessment screening (see below). Depending on the scope and content of the plan, other council services will be consulted and their views fed back.

At this stage, it will be useful to have a meeting to discuss the plan, any concerns with draft policies, and the timescales for moving forwards. Planning officers can meet you at your nearest Council office (Chester, Winsford, Ellesmere Port or Frodsham).

Site allocations

If you are considering allocating specific sites for development, please discuss this with your contact planning officer at an early stage. Your planning officer will advise on the steps you need to go through, the evidence you need to support specific allocations, and also advise on conformity with the local plan. We would hope to be able to work with you

on identifying potential sites to ensure conformity with the local plan, reduce duplication of work and ensure that your plan is supported by robust evidence.

Please note that site allocations need to be fully justified and supported by evidence to demonstrate that they are deliverable. You need to have assessed alternative options to ensure that the sites proposed in the plan are the most appropriate.

Strategic environmental assessment (SEA)

Once your policies are well advanced and your planning officer is happy that there are no major issues of concern, then a strategic environmental assessment (SEA) screening will be undertaken by the Council. The screening will ascertain whether a formal SEA is required to support the neighbourhood plan. In most cases, SEA is not required but screening must still be done. The Council will consult with the statutory bodies (Natural England, Historic England and Environment Agency) for a six week period. This consultation can be carried out prior to, or at the same time as, your pre-submission consultation. Comments from the statutory bodies will be considered and a final screening determination published.

For more complex plans involving site allocations, SEA is likely to be required. Your contact planning officer can provide advice on this, but the SEA itself will need to be undertaken by the neighbourhood plan group. It may be useful to use the services of an external planning consultant to assist with SEA work.

Even if it is confirmed that SEA is not required, you may still wish to consider whether it is useful to undertake some form of sustainability appraisal. This is seen as good practice but is not compulsory. Sustainability appraisal helps ensure that you have fully considered the environmental, social and economic impacts of the plan. It can be a useful way of demonstrating how your neighbourhood plan contributes to achieving sustainable development (a requirement of the basic conditions).

Pre-submission consultation

Once you are happy with your draft plan you can proceed to the first formal six week consultation stage. The neighbourhood planning group needs to arrange this consultation, ensuring that the relevant regulations are complied with (The Neighbourhood Planning (General) Regulations 2012). Please ensure that you consult with the relevant bodies as set out in Schedule 1 of the Regulations. Please also be aware of the National Planning Practice Guidance (NPPG) which states that 'other public bodies, landowners and the development industry should be involved in preparing a draft neighbourhood plan'. Please see <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/consulting-on-and-publicising-a-neighbourhood-plan-or-order/>

Your planning officer can help by providing contact details for statutory consultees and other organisations on the council's Local Plan database. We can also put details of your consultation on our neighbourhood planning webpages with a link to your website.

Your planning officer will provide a coordinated council response to your consultation. Depending on the particular issues raised in your plan, this might include input from the following services:

- Planning policy
- Development management
- Transport strategy and highways
- Housing strategy
- Total environment (biodiversity, archaeology, conservation)
- Children's and young peoples' services
- Locality teams
- Regeneration teams
- Property services
- Economic development

At the end of the consultation period, you will need to consider the responses received and make changes to your plan as appropriate. The consultation statement needs to be updated with details of how the consultation was carried out, the bodies and individuals consulted, the comments made and any resultant changes to the neighbourhood plan.

Consultation statement and basic conditions statement

If you haven't already done this, you now need to prepare a consultation statement and basic conditions statement.

The consultation statement must:

- a. contain details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- b. explain how they were consulted;
- c. summarise the main issues and concerns raised by the persons consulted; and
- d. describe how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.

The basic conditions statement should set out: how the plan is in conformity with the National Planning Policy Framework (NPPF) and guidance issued by the Secretary of State; how it complies with strategic policies in the Local Plan; how it promotes the achievement of sustainable development; and how it is compliant with EU and human rights obligations.

Your planning officer can direct you to good examples of other neighbourhood plan consultation and basic conditions statements.

Prior to submission

Prior to submission of your neighbourhood plan, please send copies of the final versions of the neighbourhood plan itself, the basic conditions statement and any other supporting documents to your contact in the planning policy team. This will enable us to check that

the neighbourhood plan complies with the local plan and provide you with any feedback on this.

Submission stage

The neighbourhood planning regulations require that following documents are included in the formal submission:

- a. a map or statement which identifies the area to which the proposed neighbourhood development plan relates;
- b. a consultation statement;
- c. the proposed neighbourhood development plan;
- d. a 'basic conditions statement', and
- e. i) an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations (Sustainability Appraisal); or
ii) where it has been determined that the plan is unlikely to have significant environmental effects, a statement of reasons for the determination (screening statement).

Although not required by the regulations, it is also useful to include a document setting out sources of background evidence if this helps explain and justify your policies.

The submission documents should be what you consider to be the final version of the plan as you won't be able to make any further changes, or submit further supporting evidence unless the examiner asks for this.

Once we have received your submission documents, providing the documentation is all in order, the planning policy team will acknowledge receipt and arrange the six week 'publicity' stage.

The planning policy team will undertake the consultation as required by the regulations. If the six week period would fall around Christmas or Easter or other bank holidays then a slightly longer period may be appropriate. We will liaise with you regarding arrangements for the consultation. Please be aware that it is likely to take two weeks to get everything ready. If you are able to assist with placing site notices in appropriate locations around the neighbourhood area, this would be most appreciated.

We will acknowledge all comments submitted during the publicity period. At the end of the publicity stage, all representations received will be made available for public viewing via the CWaC website.

The planning policy team do not analyse or respond to comments; they will be forwarded to the examiner to be reviewed as part of the examination stage.

Appointment of an examiner

During or shortly after the publicity period, the planning policy team will initiate the arrangements for appointing an examiner. We will use the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). NPIERS will take up to four weeks to provide details of up to three potential examiners. We will discuss potential candidates with

you to ensure that we appoint someone mutually acceptable. If necessary, we will arrange for clarification meetings with potential examiners. This can be done through interviews or telephone conferences. We will involve you in this process.

If none of the examiners referred are suitable we would need to go back to NPIERS and ask for additional referrals.

On appointment, we will provide the examiner with all the relevant documentation, including the submitted plan and supporting documents, including information relating to SEA and habitats regulations assessment, and representations received during the publicity stage.

Examination

The main purpose of the examination is to ensure that your neighbourhood plan:

- meets European obligations.
- has regard to national planning policies.
- is in general conformity with the strategic policies of the Local Plan.
- is compatible with any adjoining neighbourhood plans.
- contributes to the achievement of sustainable development.

The examiner will decide on whether to conduct the examination by written representations or by holding a hearing session. Generally, written representations should be used. A public hearing must be held when the examiner considers it necessary to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

The examiner will prepare a report outlining their findings. They must make one of the following recommendations:

- a. that the neighbourhood plan should proceed to referendum, on the basis that it meets all legal requirements;
- b. that the neighbourhood plan as modified should proceed to referendum;
- c. that the neighbourhood plan does not proceed to referendum, on the basis that it does not meet the relevant legal requirements.

The overall length of time the examination takes will depend on the complexity of the plan.

On receipt of the report, CWaC will review the examiner's recommendation and decide on how to proceed. A report will be taken to the Council's Executive, who will then consider the examiner's report. The Executive generally meets each month - dates for forthcoming meetings can be seen at

<http://cmttpublic.cheshirewestandchester.gov.uk/ieListMeetings.aspx?Committeeld=443>.

Please note that we need to allow for around four weeks lead-in time for Executive to meet procedural requirements.

If the Executive is satisfied that the neighbourhood plan conforms with the basic conditions and other statutory requirements (subject to modifications if the examiner so recommends), then the decision can be made to proceed to referendum.

A few days after Executive, the decision and the reasons for it will be published in a **'decision statement'**. This will be placed on the website, and a copy sent to the town/parish council and anyone else who had asked to be notified.

If modifications are proposed and agreed, then these will be made by CWaC. Depending on the nature and complexity of the changes required, this may take a couple of weeks. The neighbourhood plan will be finalised and published on the website.

Referendum

Following the Council's decision to proceed to referendum, an **information statement** about the referendum and other specified documents required by the regulations must also be published. This signals the start of the referendum process. **The referendum date has to be at least 28 clear working days after the information statement and other documents are published.**

The referendum would follow a similar format to an election. All those registered to vote within the neighbourhood area would be eligible to participate. The regulations require that the ballot paper contains only the following question: "Do you want Cheshire West and Chester Borough Council to use the Neighbourhood Plan for xxxxx to help it decide planning applications in the neighbourhood area?" There would be two voting options, 'yes' or 'no'.

If more than 50 percent of those voting in the referendum voted 'yes', then Cheshire West and Chester Council would be required to 'make' the plan as soon as reasonably practical. The neighbourhood plan would then form part of the statutory development plan for the area. If there is a majority 'no' vote or a tied vote, then the neighbourhood plan would not come into legal force.

Making of the plan

If the referendum outcome is positive, then the Council's Executive will make the decision to formally 'make' the neighbourhood plan. This will give it full development plan status. A 'decision statement' will be published setting out the reasons for the decision and information about where the plan can be viewed.

Once the plan has been 'made' and is used in determining planning applications, it will assist planning officers greatly if you can refer to specific policies when making comments on applications rather than making general references to the plan.

Neighbourhood planning summary of activities and roles

Task	NP Steering Group	CWaC	Cheshire Community Action (as part of CWaC contract)
Deciding to prepare a neighbourhood plan	Consider options – think about what you want to achieve and whether a neighbourhood plan is the best way to do that.	Provide advice on options and pros and cons of neighbourhood plans, over the telephone or at a meeting at one of the Council offices.	Can attend a group meeting and provide advice on options and pros and cons of neighbourhood plans.
Decide on area and qualifying body	Agree neighbourhood area, in discussion with local community and neighbouring areas. Decide who will be the qualifying body. Establish forum in unparished areas.	Provide advice as necessary, including information about other designated areas in the borough. Provide advice on proposals for a neighbourhood forum.	Provide advice on process and help to set up a steering group.
Designate area and, where necessary, neighbourhood forum	Complete application form and submit to CWaC. Ensure all relevant information is provided with accurate maps.	Advice and assistance with mapping can be provided. Once an application is received it will be checked then consulted on for the required period. Providing all is in order, the area/forum will be formally designated and details of the decision publicised.	
Establish NP steering group, prepare project plan	Community to set up appropriate structures for taking forward the plan.	Advice and support.	CCA can advise on project planning and setting up steering groups.
Identify funding opportunities	Submit claim for funding from Locality if appropriate. Consider other funding sources.	Keep NP groups informed of funding opportunities as we become aware of them, by email and/or newsletter.	Can provide assistance with completing grant applications.

Task	NP Steering Group	CWaC	Cheshire Community Action (as part of CWaC contract)
Early community engagement and evidence gathering	NP steering group to lead, consult widely as they see fit. Gather evidence as appropriate, linked to key issues emerging from the consultation.	Advice and support. Provide links to a range of sources of information on the neighbourhood planning toolkit.	Provide support and advice with a range of consultation techniques. Attend meetings if necessary. Provide community profile (free of charge).
Draft vision and objectives, key issues	Steering group to prepare in light of consultation responses and evidence.	Advice and support. Can provide feedback/comments on drafts.	Provide advice and assistance.
Policy drafting	Draft policies which meet basic conditions and relate to community consultation. May wish to use external planning consultants to assist.	Provide advice on local plan policies which apply to the neighbourhood area. Provide comments on draft policies once they have reached a fairly advanced stage.	Not covered by contract with CWaC.
Site allocations	If including site allocations, need to undertake thorough assessment of site options. Use external consultants as necessary.	Provide advice on process and links with local plan work.	
SEA screening	Once policies are well advanced, send to CWaC for SEA screening.	Carry out draft SEA screening and consult with statutory bodies. Finalise screening determination in light of comments and publish.	
SEA report	If it is determined that SEA is required, this is the responsibility of the NP group. Use external consultants if necessary.	Provide support and advice.	
Pre-submission consultation	Arrange consultation on draft documents as required by regulations.	Provide contact details for statutory and other relevant consultees. Provide a council wide response to consultation within prescribed deadline.	

Task	NP Steering Group	CWaC	Cheshire Community Action (as part of CWaC contract)
Finalise plan and supporting documents	Amend plan as appropriate following consultation responses. Finalise consultation statement, basic conditions statement and evidence base.	Provide feedback on final draft policies and supporting documentation.	Not covered by contract with CWaC.
Formal submission and publicity	Submit documents to CWaC in line with regulations. Provide assistance with contact details for consultation, help with putting up site notices and placing copies of documents in public places. Include information about publicity stage on NP website.	Check documents meet requirements and acknowledge receipt. Print documents. Arrange six week publicity period, in accordance with regulations.	
Appoint examiner	Be available to discuss potential examiners and agree on final appointment.	Arrange for referral of potential examiners through NPIERS (or similar). Discuss potential candidates with NP steering group and agree on appointment. Finalise contract.	
Examination	May need to be involved with arranging venue for hearing session. Attend hearing and give evidence if necessary.	Provide examiner with necessary information, respond to queries in a timely manner. In the case of a hearing, arrange a venue and publicise arrangements. Attend hearing and give evidence if necessary. Keep steering group informed of progress.	
Examiner's report	Review report and note contents.	Review fact check report. Send copy of final report to steering group and other interested parties. Publish final report on website.	

Task	NP Steering Group	CWaC	Cheshire Community Action (as part of CWaC contract)
Executive	Discuss referendum date with CWaC.	If the report is positive, take a report to Executive to agree to progress to referendum. Discuss referendum date with steering group.	Not covered by contract with CWaC.
Publish decision statement and finalise plan	Assist with modifying plan by providing 'Word' version of plan. Review proposed amendments.	Publish decision statement after Executive meeting. Make any modifications to plan, in consultation with steering group. Publish final documentation on website.	
Referendum	Appropriate local publicity, taking account of purdah regulations.	Publish information statement 28 working days before referendum. Make arrangements for the referendum.	
Make plan		If referendum outcome is positive, Council will 'make' plan. Plan then has full development plan weight.	