

The five stages of a Neighbourhood Plan

The information below has been extracted from “The Power of Neighbourhood Planning” by Peter Edwards

1. Getting Started

It is essential to be well organised before you start. Many NPs come unstuck and fail to progress in the early stages as a lack of focus leads to confusion and inertia amongst those involved. There are some essential prerequisites.

The Steering Group

First and foremost, you need a core group of willing volunteers to manage the project and the process associated with it. Whether you are a parish council or a neighbourhood forum, there needs to be a committed and efficient group within your organisation prepared to take responsibility for the NDP. Let's call that 'the steering group' or 'SG'.

There is no minimum or maximum size for the SG. The number of members will depend on various factors such as the scale and complexity of the plan and the available capacity of the individuals involved.

It is also essential that the SG is willing and committed to the task in hand. It should be either be empowered to take executive decisions relating to the NDP on behalf of the qualifying body or be able to report efficiently to it, to enable the qualifying body itself to take decisions promptly.

Broad objectives

There should be a clear goal or broad objectives for the NDP. What is important is that your neighbourhood plan project has a clear focus – a plan for the plan!

Having an effective SG and clear objectives are obviously closely interrelated. How the SG is constituted and the objectives formulated will vary significantly from place to place.

You may be a small parish council with just a small core of active members all determined to produce a neighbourhood plan, in which case your NDP SG should simply be comprised of three or four including perhaps your chair and clerk. Your clear goal may simply be that united desire to produce your NDP. A small parish with a compact SG is unlikely to need any more complicated objectives than that.

Terms of Reference

Whatever scale and level of complexity you are operating on, a written constitution or terms of reference for the SG, contained in a single document, will provide a focus for the NDP and may record how and why the decision to start the neighbourhood plan was taken.

Documentation and accurate record-keeping are essential parts of the NDP process as they provide an evidential trail that can prove invaluable should any aspect of the process come under scrutiny.

It is the qualifying body – the parish council or neighbourhood forum – that has the responsibility for producing the draft neighbourhood plan that is submitted to the LPA under Regulation 16. The terms of reference should therefore confer the necessary authority on the SG to manage any part of the process of producing the draft NDP on behalf of the qualifying body.

Costs and funding

How the NDP is to be funded needs to be considered at an early stage. Various figures have been suggested for the range of typical costs associated with producing an NDP. In the early years of neighbourhood planning, estimated typical costs of anywhere from £10,000 to £100,000 plus were talked about.

Costs will vary according to a number of factors including the size (of the neighbourhood area and its population), the number, complexity and contentiousness of local development issues and, perhaps most significantly, the volunteer resources available to the qualifying body.

It is important to understand what the essential inputs into a neighbourhood plan are, what they are likely to cost and who bears those costs;

- The qualifying body is responsible for the costs of promoting, preparing, producing and consulting on a draft plan prior to its first formal submission to the LPA. Those costs are likely to include some expert reports, and, or, professional advice, the hire of venues for consultations and the design and printing of consultation and promotional material and the plan itself.
- The LPA meets all the costs of administering the draft plan through the statutory stages of publicity, consultation, examination and referendum, and is funded by central government to do so.

Grant Funding and applications

The government through its agent, Locality, makes available grants to contribute to the cost of an NDP and has done so from the inception of neighbourhood planning, with the grant scheme and amounts on offer being revised every couple of years or so.

Full details are available on www.neighbourhoodplanning.org/about/grant-funding/.

Grant applications must be accompanied by a project plan and timescale for your NDP to detail the timing of particular events and milestones in the process. You may only apply for grant to cover expenditure six months ahead and funds unspent after that must be returned. Locality will expect progress reports on grant-funded plans to ensure grant money is properly spent.

Use of independent consultants

Do we need to engage consultants to help us produce our neighbourhood plan? This is a question commonly asked by qualifying bodies as they embark on their NDP project and begin to consider the costs of doing so and how they are going to get started.

The question is also very relevant to an application for grant funding as it will obviously influence how much money is needed and applied for.

An effective NDP can no longer be produced by a light-touch, party line approach that is guided simply by PPG and general advice online; it will need independent professional advice and if the qualifying body does not have that resource in-house it will have to look outside for it. Many, if not most, qualifying bodies end up engaging consultants, either to provide ongoing support throughout the process or specific advice at certain stages of it.

Applying for designation of the neighbourhood area

The application for designation of the neighbourhood area is the first formal step in the making of an NDP and effectively fulfils three purposes; it should establish the area to be covered by the plan, establish or confirm the standing of the applicant as a valid qualifying body, and formally notify the LPA of the applicant's intention to make an NDP.

2. Issues and Options

So, the SG is established, the neighbourhood area designated and the imperative of local planning issues within the constraint of general conformity understood. Where do you go from here? What next? How does the fledgling NDP begin to take shape and acquire some content, some meat on the bones of all the rhetoric and good intentions?

This is for many neighbourhood planners, the most difficult part of the whole project ... getting off the ground ... deciding what your NDP should cover to how best to decide on what your NDP should cover!

As well as being often the most difficult part of the process, it is also the most important stage of the whole NDP. If the issues to be covered by your neighbourhood plan are not tested, agreed and clearly defined early on then the plan is likely to lack focus and the momentum essential to seeing the project through to completion may be lost or never even generated in the first place.

Initial consultation/questionnaire

The initial issues and options consultation is best conducted by a self-completed questionnaire designed to elicit what your parishioners or neighbourhood area residents consider to be the main issues for your neighbourhood plan and the options that should be considered for dealing with them.

Local meetings or exhibitions are another means of testing issues and options and may be used as well but a questionnaire that can be distributed in hard copy and online is, as a means of testing public opinion, preferable for a number of reasons. It can be almost guaranteed to reach all residents (even if some choose to ignore it) who will thereby have more opportunity, and be able to take more time, to consider and respond to it.

The format of questions, the timing of the questionnaire and the period allowed for response are not prescribed by statute so may be determined by the qualifying body. Generally, the minimum consultation period – the time allowed to respond to the questionnaire – should be between six and eight weeks, which to achieve the best response rate should not significantly overlap with major holiday periods.

It is essential that that the format, drafting and presentation of the questions elicits responses that can be easily understood and analysed.

Analysis of questionnaire responses

As with all NDP consultation exercises, the analysis of initial questionnaire responses should accurately and purposefully reflect local concerns and aspirations. Inevitably, the qualifying body leads that process and in its analysis of the response data will be guided partly by the objectives it has set.

The qualifying body should be able to provide clear reasons why certain options are to be progressed, or preferred, whilst others are not. Those reasons should relate directly to the consultation responses and will be set out in the consultation statement.

Preferred options

For any development proposal or planning issue there will normally be several preferred or possible options identified at an early stage that are, through a process of further, more detailed consultation, whittled down to the number that will be pursued.

The preferred options selected for further consideration may be proposals or site allocations for a particular development or type of development, or they may be proposals for generic planning policies.

A preferred option should not be identified and pursued as such unless it meets the basic conditions and is realistic and deliverable.

3. The substance of the plan

Having completed the analysis of the initial consultation responses and drawn conclusions on what the main themes and options should be, you are ready to start formulating the substance of the plan. This part of the process is about gathering relevant evidence and allowing what evidence to influence what the plan should reflect and what it should try to achieve.

A neighbourhood plan is not simply a glossy brochure of local aspirations, it must be purposeful if it is to be at all worthwhile, and to fulfil any purpose it must be focused and have a sound evidence base.

Gathering evidence

The evidence will, of course, vary depending on the main themes and the preferred options.

Procedural requirements

- *Basic Conditions Statement*

The need for conformity with the strategic policies of the local plan means that the evidence an emerging NDP must consider includes the local plan and any supporting policies, guidance and other documentation relating to the making of the local plan and the interpretation of its planning policies. This evidence should be kept to hand at every stage of the NDP process, from defining the main issues to drafting and fine-tuning the NDP planning policies.

- *Consultation Statement*
A consultation statement also has to be prepared and submitted with your NDP if it is to pass the examination. This is a summary of all the consultation events including the initial questionnaire and therefore should be produced as a draft working document at that stage.
- *Strategic Environmental Assessment*
Under the EU Strategic Environmental Assessment Directive (the “SEA Directive”) and the attendant UK Regulations the qualifying body will need to consider whether the NDP will need be subject to a *Strategic Environmental Assessment* (“SEA”). The product of an SEA is an environmental report and when submitting the NDP for examination either an environmental report, or a statement or reasons why one is not needed, is required.

Shaping the plan and its policies

Once preferred options have been selected and detailed consultations are underway for any options that require it, then the outline of the plan and the type of policies it needs to include will start to take shape.

The process of shaping the plan towards its first draft will comprise various inputs; the original objectives of the NDP and the different subject or policy areas that relate to those objectives, documentary evidence from third party sources (such as expert evidence on ecology, transport, or historic features), LPA advice and evidence on particular issues such as LHN and the responses and other evidence that comes from the various public consultations undertaken for the NDP.

The qualifying body should get to grips with, and be well briefed on, any contentious issues as early in the process as possible; if not dealt with they can come back to bite at a later stage when, they qualifying body may have little or not control on the decisions taken.

4. Preparing a draft plan

When all the consultation exercises are concluded and the assessment of evidence on all the subject areas of the emerging plan is complete, you are ready to begin drafting the plan itself.

A neighbourhood plan will be the most significant document most parish council ever produce. At the very least it will be a part of the statutory development plan and publicly available on the LPA website. It should stand up technically but must also be coherent and well presented, professionally, if possible, to maximise its impact.

There is no standard form or template for an NDP but a thorough introduction to the neighbourhood area and its characteristics is a good starting point. Further background information is also needed, on the area generally and on specific issues or parts of the area, to explain the imperatives behind the plan.

Planning policies with a purpose

As the essence of neighbourhood plan and the main reason for its existence, it follows that each of its planning policies must have a clear purpose and be effective in achieving that purpose. This cannot be over-emphasised; a neighbourhood plan without effective planning policies is simply not worthwhile.

Every neighbourhood plan policy should be clear and easily understood. The purpose of objective of the policy should be clear from the supporting text and based on evidence collected during the NDP process. The policy may be worded permissively, or restrictively subject to certain requirements being met. An NDP policy should not conflict with the strategic objectives of the local plan but it may impose detailed requirements not referred to elsewhere.

Professional expertise should be sought when drafting your neighbourhood plan policies.

Professional and independent review

Many LPA's offer an independent review of draft neighbourhood plans prior to examination. This may be a worthwhile exercise but it is not truly independent and the implications of that should be borne in mind.

5. The Statutory Stages

Regulation 14 – pre-submission consultation and publicity

The draft plan is publicised for six weeks under Regulation 14 the qualifying body is still in control of the plan and how this consultation and publicity – under Regulation 14 – may affect it.

That said, if changes are needed to the draft plan as a result of the six-week Regulation 14 consultation period, it is likely that the 'new' amended plan will have to go through another six-week period of Regulation 14 publicity in order to consult on the changes.

In order to avoid the costs, delays and uncertainty associated with a Regulation 14 re-run, the qualifying body should undertake informal consultation with the relevant consultation bodies first to flush out and resolve any issues before the statutory process begins. The consultation bodies themselves should be keen to provide their input and advise on their specialist areas. The LPA should also be willing to assist at this point.

Once having gone through the Regulation 14 stage, the draft plan will be ready for submission to the LPA under Regulation 16, effectively the submission of the plan for examination.

Regulation 16 – publicising a proposal

In submitting the plan to the LPA under Regulation 16 the qualifying body must ensure the plan proposals comply with the Regulation 15 requirements which include the presentation of a basic conditions statement and a consultation statement along with the draft plan.

The qualifying body effectively loses ownership of the draft NDP at this point, it must ensure that the submission version of the NDP not only complies with the Regulations but is also in a form – with effective and purposeful planning policies – that the qualifying body is happy with.

Examination and the examiner's report on the examination

The examination and the consideration of the examiner's report on the examination will in most cases exclude the qualifying body entirely. Any decisions on the examiner's report are taken by the LPA as it has the legal responsibility for bringing the draft NDP into force via the referendum.

Potential pitfalls with Regulation 16 and the examination process

It is important to emphasise that when the proposed NDP is presented to the LPA for publicity and consultation under Regulation 16, the qualifying body is effectively submitting its proposed NDP for examination and thereafter has very little, if any, control over it.

Whilst under Regulation 14 the qualifying body carries out the consultation and has the opportunity to amend the draft NDP in the light of representations made, once submitted to the LPA under Regulation 16 that opportunity has passed. It is only at or during the Regulation 14 consultation stage that the NDP and any amendments to it remain within the control of the qualifying body.

All too often a parish council that has spent several years and many thousands of pounds producing a neighbourhood plan, as it is encouraged to do, is left with no remedy against commercially motivated objections intended to undermine its work and the whole purpose of its NDP.

To stand any chance of avoiding this fate the qualifying body must fully understand how the statutory procedure operates from Regulation 14 onwards so that pitfalls can be anticipated and guarded against as much as possible.

Referendum

Once the LPA has decided to progress the draft NDP, still formally known as a 'plan proposal' at this stage, to a referendum the responsibility for arranging all aspects of that lies with the LPA.

The qualifying body has no formal duties or responsibility at this stage although it may well decide to informally publicise the referendum and to actively campaign for local support for the NDP, particularly if the draft plan is contentious or a low turnout is expected.

Typically, the turnout for an NDP referendum is low, often only around 20% or so, and at this crucial referendum stage every effort should be made to maximise voter interest and to capitalise on that for the future application of the NDP and its planning policies. On the other hand, and providing a majority vote in favour of the draft NDP is achieved, the qualifying body should not be discouraged by a low referendum turnout.

The neighbourhood plan in force

Having achieved a majority vote of support at the referendum, the LPA must decide to make the neighbourhood plan and in so doing will convert the draft plan or plan proposal so long in preparation into a neighbourhood development plan that becomes part of the statutory development plan and must be publicised as such on the LPA website.

Of course, in the unlikely event that less than 51% of those voting at the referendum supports the draft plan, then it progresses no further. From a practical perspective if it is to be rekindled, efforts should be made to address the unpopular elements of it and a suitably amended version must go back at least to the Regulation 14 stage.

Monitoring

The most obvious way of monitoring a newly made neighbourhood plan is to simply consider how often and how purposefully it is applied in local planning determinations.

Is the NDP referred to by planning officers in their consideration of local planning applications and if so, how is it applied? How are development proposals assessed against the NDP policies? Which NDP policies are regularly invoked? Are there NDP policies that should be considered in the determination of planning applications but for some reason are being ignored, or not interpreted in the way they are intended to be?

There seems little point in producing a neighbourhood plan if this basic level of monitoring – or put simply, local interest – is not engaged in. The whole point of making any development plan is for it to guide decisions on development in its area. If the qualifying body shows no interest in those decisions, then it will not know how its NDP is being applied and this begs the question as to whether it was worthwhile producing it in the first place.