

## 5.0 How the local community can prepare a Neighbourhood Plan or Order

- 5.1 The Localism Act 2011 introduced the opportunity for local people to prepare neighbourhood plans and orders. These may be prepared by parish and town councils or neighbourhood forums.
- 5.2 Neighbourhood Plans set out policies for the development and use of land in a local area or neighbourhood. They are required to be in general conformity with strategic policies in the local plan. Once adopted a neighbourhood plan forms part of the development plan for the area and has the same status as a local plan.
- 5.3 Neighbourhood development orders grant planning permission for specific developments within a designated neighbourhood area and remove the requirement to submit a planning application for this type of development.
- 5.4 Local planning authorities (LPAs) have a statutory duty to help local communities who are preparing neighbourhood plans, however the plan-making process itself must be community led. Neighbourhood plans are required to undergo independent examination and be subject to a referendum of the local community.
- 5.5 As part of the statutory duty to support that the LPA must undertake, set out in the Neighbourhood Planning (General Regulations) 2012 regulations, the LPA must give advice and assistance to the Parish Council or Neighbourhood Forum. Figure 1 below broadly sets out how the LPAs carry out this duty to advise and assist Parish Councils and Neighbourhood Forums at each of the key stages. The amount of support provided will be subject to both the resources available and the needs of the Parish Council/Neighbourhood Forum. Further detailed guidance has been prepared by the LPAs and is available online with particular note of the relevant support offer for each LPA:
  - Cambridge City Council [Neighbourhood Plan Guidance Note](#)
  - South Cambridgeshire District Council [Neighbourhood Planning Toolkit and support offer](#)
- 5.6 Appendix 3 identifies other sources of information regarding neighbourhood planning. This will be kept under review and updated when necessary.

**Figure 1: Broad overview of how the LPAs will provide advice and support for neighbourhood planning**

*SCDC: South Cambridge District Council*

*CCC: Cambridge City Council*

<b>Step One: Getting Started</b>	
<p>The local planning authority (LPA) will provide advice online as a first port of call for enquiries about neighbourhood planning;</p> <p>The LPA will meet with parish councils in South Cambridgeshire or community/ residents groups in Cambridge City who may be interested in preparing a Neighbourhood Plan to discuss:</p> <ul style="list-style-type: none"> <li>• the requirements of preparing a plan,</li> <li>• any other options that might also be available to meet local objectives and whether the Parish Council or community organisation has the necessary information to decide what approach would be best for them; and</li> <li>• identifying the area within which their plan would apply – know as the neighbourhood area.</li> </ul>	
	CCC: the requirements of forming a neighbourhood forum



<b>Step Two: Designating a Neighbourhood Area/Forum</b>	
SCDC: Application Form for a neighbourhood area to be completed and submitted by the parish council. The LPA can assist by preparing a map to show the proposed Neighbourhood Area.	CCC: Application forms for creating a neighbourhood forum and a neighbourhood area to be completed and submitted by relevant local organisation. The LPA can assist by preparing a map to show the proposed Neighbourhood Area.
Where consultation is required for a neighbourhood area this will be for a minimum of six weeks undertaken by the LPA. The publicity for public consultation will correspond with the timescales and methods set out in Table 3 of the SCI.	



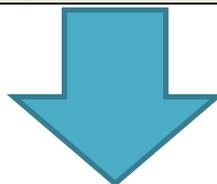
<b>Step Three: Preparing the Plan and Evidence Base</b>	
<p>Once the Neighbourhood Area is designated, the LPA will meet with the Parish Council/Neighbourhood Forum to advise on:</p> <ul style="list-style-type: none"> <li>• The Local Plan and emerging LPA policy and guidance documents</li> <li>• What support the LPA can give during plan making process</li> <li>• Regulatory and legal requirements, including the requirement to meet the</li> </ul>	

#### Basic Conditions<sup>34</sup>

- Sources of grants and technical support
- Effective methods of public engagement
- Mapping support
- Other sources of information including providing a lending library of resources
- The use of a planning consultant who specialises in neighbourhood planning.

During the preparation of the plan the LPA will:

- Provide information about where to find the data for building the evidence base for the plan
- Share information on contacts for key consultees
- Highlight the key allocations and designations on the Local Plan Policies Map that will impact the neighbourhood plan area
- Provide constructive comments<sup>35</sup> on emerging draft policies in the Neighbourhood Plan against the Basic Conditions
- Provide access to a Planning Toolkit which includes a range of guidance and specialist advice, subject to capacity, on how to prepare a neighbourhood plan such as gathering an evidence base and on planning issues that may need to be included in a Plan, such as local housing need.



#### **Step Four: Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA) and Habitat Regulation Assessment (HRA)**

There is a statutory requirement for neighbourhood plans to carry out an SEA and HRA assessment to ensure:

- The emerging neighbourhood plan provides a high level of protection of the environment (SEA)
- The emerging neighbourhood plan protects and improves Europe's most important habitats and species (HRA).

A Neighbourhood Development Order may also require an Environmental Impact Assessment (EIA) to ensure that the full knowledge of any significant effects on the environment are known.

Other European directives, or future equivalent, may apply in particular circumstances of a draft neighbourhood plan or Order and the LPA will be able to advise at this stage.

SCDC: The LPA will organise and pay for the SEA and HRA Screening of the neighbourhood plan up to a maximum cost of £1,000. If the cost is higher than

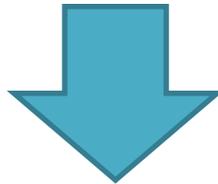
CCC: The LPA will make the neighbourhood forum aware of their statutory requirements at this stage and advise on third party technical support

<sup>34</sup> [www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum](http://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum)

<sup>35</sup> The LPA will require 3 weeks notice of when documents or policies will be submitted for comment. The LPA will then seek to respond with comments within 3 weeks of receiving the draft policies/plan.

this or a repeat screening is required then this will need to be funded by the Parish Council. The LPA will also advise on third party technical support packages for any neighbourhood plan that requires a full SEA or HRA.

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#### **Step Five: Pre-submission consultation and preparing the Plan for submission**

SCDC: Where appropriate, the LPA will offer up to a maximum of £1,000, towards a single pre-submission health check of the draft neighbourhood plan before the parish council submits their neighbourhood plan and supporting documents to the LPA. Not all neighbourhood plans are eligible for this offer and the eligibility requirements are set out in the Neighbourhood Planning Toolkit<sup>36</sup>.

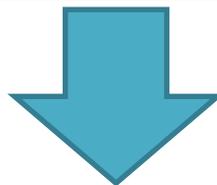
CCC: The LPA will advise the neighbourhood forum of the value of having a pre-submission health check of the draft neighbourhood plan before they submit the Plan and supporting documents to the LPA.



#### **Step Six: Submission of the Neighbourhood Plan for Public Examination**

The final stages of preparing the neighbourhood plan are undertaken with the LPA as the lead rather than the Parish Council or Neighbourhood Forum. The LPA will keep the Parish Council/Neighbourhood Forum informed of progress and liaise with them to resolve any issues as the plan goes through the examination and referendum stages of the process. This will include liaising with the Parish Council or Neighbourhood Forum regarding:

- The appointment of an examiner;
- Arrangements for any public hearing that might be necessary;
- Changes proposed in the Examiner's Report to ensure the Plan meets the Basic Condition tests; and
- Any changes to the neighbourhood plan.



<sup>36</sup> [SCDC Neighbourhood Planning Toolkit](#)

### **Step Seven: Public Referendum and Adoption**

Subject to a successful outcome of the Public Examination, the LPA will then inform the Parish Council or Neighbourhood Forum of the council's decision to proceed to referendum and subsequent timescales. The organising of the public referendum and publicity regarding its outcome will be undertaken by the elections team at the council, rather than by the LPA.

Subject to a successful referendum, the Neighbourhood Plan will then be made by the Council as part of the statutory development plan for the area.