

East Hampshire District Council

A guide to Neighbourhood Planning



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**East
Hampshire**
DISTRICT COUNCIL
PLANNING SERVICES
planning projects team

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East Hampshire District Council

A guide to Neighbourhood Planning

What is neighbourhood planning?

Neighbourhood planning is a way for communities to prepare a shared vision for their neighbourhood and shape the development and growth of their local area.

A neighbourhood plan is prepared by a parish council or neighbourhood forum for a designated neighbourhood area. Neighbourhood plans form part of the Development Plan and thus carry weight in planning decisions, with the extent of weight depending on how up to date the plans are.

A neighbourhood plan or a neighbourhood development order (which also encompasses another type of development order, namely community right to build orders) can be prepared, or both.

What is included in a neighbourhood plan?

A neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development. A neighbourhood plan includes development and land use policies (which can include site allocations) that guide development in the neighbourhood area. Any actions dealing with non-land use matters should be clearly identifiable and set out in a companion guide or annex.

By allocating sites and producing housing policies in neighbourhood plans it demonstrates that the plan is planning positively for new homes, and provides greater certainty for developers, infrastructure providers and the community. It also contributes to the local authorities' housing land supply, ensuring that the right homes are delivered in the right places.

Neighbourhood plans can be simple and short; they do not need to be overly complex or technical, making them easier to review and keep up to date.

The relationship between the Local Plan and a neighbourhood plan

Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan which covers their area. The Council has

prepared a Strategic Policy Assessment which clarifies the strategic policies in East Hampshire district, see www.easthants.gov.uk/planning-policy/neighbourhood-planning.

Policies in local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary (National Planning Policy Framework, NPPF 2018, see para. 33).

Neighbourhood Plans do not need to be reviewed every five years, however, if not updated, risk no longer being in conformity with strategic policies in the development plan, if the development plan is updated. If there is conflict between plans, the most recently adopted plan takes precedence.

However, in the reverse situation where a Local Plan is out of date and the presumption in favour of sustainable development is being applied, potentially threatening to undermine a recently made Neighbourhood Plan, provisions are made in the NPPF (2018, see para. 14) to provide a limited level (not blanket) of protection to Neighbourhood Plan policies. This is provided that certain criteria are met, including that the neighbourhood plan plans for housing to meet its identified need through policies and allocations.

The role of East Hampshire District Council in Neighbourhood Planning

The Council, as the local planning authority, has a duty to support and provide technical advice to any emerging neighbourhood plan, and a responsibility to make timely decisions.

The Council will:

- confirm and designate the proposed neighbourhood area
- attend certain meetings and provide information and advice at appropriate times
- run the Regulation 16 submission consultation
- organise the independent examination
- hold (and fund) the referendum
- 'make' the neighbourhood plan (if it is successful at referendum).

What the Council can do	What the Council cannot do
Attend certain meetings arranged by the Neighbourhood Planning Group (subject to officer availability)	Attend all meetings arranged by the Neighbourhood Planning Group
Provide informal advice on plan preparation	Lead on plan preparation
Provide existing evidence base to support plan preparation	Produce specific evidence base to support plan preparation
Provide a training session to use mapping software to produce maps	Provide continuous training sessions. Create or print flyers, posters, maps and/or documentation outside of regulation 16 consultation
Provide advice on satisfying legislative requirements	Provide or fund formal legal advice
Provide advice on how to collate/redact consultation responses	Assist in collating/redacting consultation responses
Provide a formal response to consultations	Make informal comments at every stage of the plan making process
Provide advice on promoting the neighbourhood plan	Promote the neighbourhood plan
Fund examination and the referendum of the plan	Provide monetary assistance
Add information to the Council's website	Set up or support an external webpage for the neighbourhood plan

The role of Hampshire County Council in Neighbourhood Planning

Hampshire County Council (HCC) has produced a guide to explain its role in the Neighbourhood Planning process.

The aim of the guide is to help those interested in preparing a Neighbourhood Plan to identify what information, guidance, help and support can be provided by the County Council. The guide:

- Explains the main HCC services that may have to be considered when carrying out neighbourhood planning
- Provides links to relevant policy guidance
- Explains the distinction between the role of HCC, the local Council and the national park authority.

The guide is available at www.hants.gov.uk/landplanningandenvironment/strategic-planning/ local and neighbourhood plans.

Official planning guidance

Whilst this document acts as an informal locally specific guide to neighbourhood planning, its main purpose is to provide answers to questions that the Council has frequently been asked about preparing neighbourhood plans. Official planning guidance on neighbourhood plans is available in the Government's Planning practice guidance (regularly updated). [See - www.gov.uk/government/collections/planning-practice-guidance](http://www.gov.uk/government/collections/planning-practice-guidance) / neighbourhood planning, and should be read alongside the local information in this document.

The key stages in neighbourhood planning

1. Designating neighbourhood area and if appropriate neighbourhood forum
2. Preparing a draft neighbourhood plan or Order
3. Pre-submission publicity and consultation
4. Submission of a neighbourhood plan or Order proposal to the local planning authority
5. Independent examination
6. Referendum
7. Bringing the neighbourhood plan or Order into force

More detail on each step is provided in the following sections.

Prior to commencing a Neighbourhood Plan

There are many things to consider before starting to prepare a neighbourhood plan; understanding process, resourcing and agreed key aims are the most important. Discussion with the Council (East Hampshire District Council, EHDC), the South Downs National Park Authority (SDNPA), and the local community should help to establish the potential aims and timescales of a neighbourhood plan, and whether they are achievable. It might not always be the optimum time to prepare a neighbourhood plan given their close relationship to Local Plans, and their scheduled reviews.

The Council and the SDNPA can direct Parish/Town Councils to relevant information to help inform early decision making, and provide information and advice regarding Local Plan timescales (see page 2 on the relationship between the neighbourhood plan and Local Plan for more information).

Any group that is progressing a neighbourhood plan can apply for funding. This money can help fund a planning consultant, evidence base work etc. See page 8 for more information on funding.

Frequently Asked Questions

Who can we contact for further information?

The planning policy team on 01730 234280 or by email neighbourhoodplanning@easthants.gov.uk

The South Downs National Park Authority on 01730 814810 or by email neighbourhood@southdowns.gov.uk

Can our parish/town produce a neighbourhood plan?

Yes – any parish/town can produce a neighbourhood plan. If your parish/town council does not already have a ‘made’ neighbourhood plan, the process can be started from the beginning.

What happens in areas split with the SDNPA?

Areas/parishes split between EHDC and SDNPA will have input from both authorities.

There will be a ‘lead authority’ that is usually decided by where the majority of the existing development lies; this is agreed by the two authorities. There will be input from the other authority throughout the process – however the main contact will be

with the 'lead'. Once a neighbourhood area has been designated, there will be input from both EHDC and SDNPA.

How can we gain funding?

Funding is available to prospective neighbourhood plans through Locality/My Community. Groups can generally apply for grant funding up to £9,000, although if there are complex issues, an additional £8,000 may be available.

The Council does not offer any funding to neighbourhood planning groups.

See <https://mycommunity.org.uk/take-action/neighbourhood-planning/> for more information.

What is the role of EHDC at this stage?

Once a parish has engaged with EHDC, the planning policy team will nominate an officer(s) that is the point of contact for the neighbourhood plan. An initial meeting will be arranged to discuss aspirations and timescales, and the plan's relationship to the Local Plan. This meeting may comprise of members of the qualifying body (from the parish/town council) and members of the steering group (a group of volunteers that is formed to help and assist the qualifying body with day to day tasks).

Step 1: Designating a neighbourhood area

- The Parish/town council submits an application to the local planning authority to designate a neighbourhood area
- The local planning authority publicises and consults on the area application for minimum 6 weeks (except where the neighbourhood area boundary is the same as the parish/town boundary)
- The local planning authority designates a neighbourhood area within the [statutory timescales](#)

An application to designate a neighbourhood area will include a map that identifies the area, a letter stating why the area should be designated and that the qualifying body is the correct and 'relevant body' to make the application. It is the qualifying body's job to submit and agree the neighbourhood planning area and submit the relevant documentation to EHDC/SDNPA.

The parish/town council will become the 'qualifying body' of the neighbourhood plan; direction on the plan shall be given by this group. A steering/working group may be set up by the parish/town council to help prepare the plan but ultimately the qualifying body is responsible for the content and should therefore be in continual dialogue with any steering/working group.

Frequently Asked Questions

Can there be more than one neighbourhood plan in a parish?

Yes - the application can apply to a whole parish/town or just part of it, or include more than one parish/town council area, if appropriate. However, the boundaries for separate neighbourhood areas cannot overlap.

What is a 'steering group/working party' and who can be involved?

A steering group or working party are volunteers that assist with the preparation of a neighbourhood plan. The steering group are directed by the qualifying body to carry out tasks (such as drafting). The parish/town council remains the qualifying body and all decisions must be finalised by them even if work is carried out by the steering group.

A working party or working group is typically a group or committee that focuses primarily on a work stream. Usually the people in this group have some expertise in this area.

A steering group/working party's main objective is to generate a neighbourhood plan for the designated area. They are the group responsible for drafting the document, collecting evidence and gathering the views of the local community.

The steering group should contain individuals from the community. Holding a community engagement event can be helpful to find people with a good cross-section of skills and resources. There must be at least one parish councillor, nominated by the parish council qualifying body. There should be a close working relationship between the qualifying body and any steering groups or working parties.

What is the role of EHDC at this stage?

The role of EHDC is to designate the neighbourhood area. If the area is split with EHDC and SDNPA, both authorities need to designate the area. If the neighbourhood area boundary is the same as the parish/town boundary then it will be designated without need for a consultation. Applications must be determined within 13 weeks of first being publicised, or 20 weeks where the application relates to more than one planning authority. A letter and map will be issued from the Council to the qualifying body and placed on the Council's website to confirm the designation.

However, if the area is **not the same as the parish/town boundary** then a 6-week designation consultation will need to be carried out by EHDC and the SDNPA (where applicable). Any representations will be received and considered. When the consultation has closed, EHDC and the SDNPA (where applicable) will decide whether to designate the area.

Step 2: Preparing a draft neighbourhood plan or Order

Qualifying body develops proposals (advised or assisted by the local planning authority)

- gather baseline information and evidence
- engage and consult those living and working in the neighbourhood area and those with an interest in or affected by the proposals (e.g. service providers)
- talk to land owners and the development industry
- identify and assess options
- determine whether a plan or an Order is likely to have significant environmental effect
- start to prepare proposals documents e.g. basic conditions statement

If housing allocations are proposed in a neighbourhood plan there will be a requirement to carry out a Habitats Regulations Assessment (HRA) and Strategic Environmental Assessment (SEA) on the preferred allocation option and reasonable alternatives (in the case of SEA).

The planning policy team/planning consultant appointed to support the neighbourhood planning group can give more in-depth advice on these legislative requirements, which will vary on a case by case basis.

Frequently Asked Questions

What evidence is needed to support a neighbourhood plan?

There is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.

If a neighbourhood plan wants to allocate land for housing it may be necessary to carry out a housing needs assessment. For any development that may have adverse effects on the environment; a Strategic environment assessment (SEA) may be needed (further information provided on pages 11 and 12).

The following Royal Town Planning Institute (RTPI) document provides useful information about what evidence base is and how it is relevant to a neighbourhood plan. www.rtpi.org.uk/media/1282921/how_to_gather_and_use_evidence.pdf

Do we need to appoint a planning consultant?

No, however some neighbourhood planning groups decide to do so.

Can the Council recommend a planning consultant?

No, the Council cannot recommend a planning consultant. The Council can share a list of known planning consultants, but the qualifying body should interview and decide who to appoint. There may be other suitable consultants in addition to those on EHDC's list.

What is the role of EHDC at this stage?

The Council will share relevant evidence, including that gathered to support its own plan-making, with the qualifying body.

Further information about Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)

What is a Strategic Environmental Assessment (SEA)?

SEA stands for 'Strategic Environmental Assessment'. It is fundamental that any draft neighbourhood plan meets the basic conditions (see page 18) for it to proceed to referendum. One of these conditions is that any plan is compatible with the EU obligations under the EU SEA Directive.

SEA is a tool that helps to demonstrate whether your plan will contribute to the achievement of sustainable development. The SEA will establish if there would be any significant environmental effects from implementing the neighbourhood plan's policies and proposals.

Further information on strategic environmental assessment and sustainability appraisal can be found in the National Planning Practice Guidance (NPPG) which can be accessed using the link below:

<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal#strategic-environmental-assessment-requirements-for-neighbourhood-plans>

Is a SEA needed for your neighbourhood plan?

It depends on the scope of the plan. Essentially, it is mandatory for any plan that sets out policies for the development of land to carry out an SEA, where those policies are likely to have significant environment effects.

All neighbourhood plans should therefore be screened against relevant SEA objectives, to determine whether they are likely to result in significant (positive or negative) environmental effects. The qualifying body will need to determine this matter, in the context of responses from the Environment Agency, Historic England and Natural England. The Council will need to be satisfied that the SEA determination is correct, for the plan to progress to referendum.

A full environmental assessment is likely to be required if the plan allocates sites for development, and/or if the neighbourhood area contains natural or heritage assets that would be affected by the neighbourhood plan's policies. Furthermore, any plan that is likely to have significant environmental effects that have not already been considered/mitigated through the adopted Local Plan: (the Joint Core Strategy: adopted May 2014) would require an SEA.

What is a Habitats Regulation Assessment (HRA) and is it needed?

A HRA is a Habitats Regulation Assessment. This assessment is carried out if any development is thought to have an adverse or significant impact on any protected species of animals or plants, or areas of special protection; these areas are typically referred to as Special Protection Areas (SPAs).

If a neighbourhood planning group suspects that their neighbourhood area may be affected by any of the above, EHDC may advise that an initial screening is carried out to determine whether a full HRA should be carried out.

What is the role of EHDC at this stage?

EHDC officers can help identify relevant objectives for the SEA process to inform both a screening assessment and the assessment itself. More details on the SEA process are available on the council's website.

<http://www.easthants.gov.uk/strategic-environment-assessment-sea>

Because SEA is a technical process neighbourhood planning groups are strongly advised to employ consultants to help them.

EHDC officers can equally provide help with regards to a HRA screening.

Step 3: Pre-submission publicity and consultation

The qualifying body:

- publicises the draft plan or Order and invites representations
- consults the consultation bodies as appropriate
- sends a copy of the draft plan or Order to the local planning authority
- where European Obligations apply, complies with relevant publicity and consultation requirements
- considers consultation responses and amends plan/Order if appropriate
- prepares consultation statement and other proposal documents

Once the plan is in a final draft state the qualifying body will start a consultation (known as regulation 14 stage, in accordance with the Neighbourhood Planning Regulations 2012). The consultation must last no less than six weeks and be publicised, so that it is brought to the attention of people living, working and undertaking business in the neighbourhood area.

The qualifying body must publicise:

- The draft neighbourhood plan
- Further information on where the plan can be viewed
- Further information on where and how representations can be made
- The date and time by which representations must be received by the qualifying body.

The qualifying body must keep and record all representations received during the consultation as this information will be required during the examination of the plan.

The plan will then be updated to reflect any modifications from the consultation representations, with note to those of the statutory consultees.

In this time the lead authority will contact the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) to arrange and appoint an examiner. It is helpful to give this aspect of the process as much lead in time as possible.

Frequently Asked Questions

Why does the parish council run this consultation and not the planning authority?

At this stage the qualifying body is still in charge of the promotion and drafting of the plan. It is only when the plan has been formally submitted to the local authority (next step) that the lead authority will lead the process on behalf of the qualifying body.

Are there certain consultation periods that should be avoided?

No. There are no regulated times a consultation should or should not be held. Regulations state that the publication of the consultation should reach people who “work, live and have business” within the designated neighbourhood area. It is at the discretion of the qualifying body to decide when to consult.

Who needs to be consulted at this stage?

The Neighbourhood Planning Regulations 2012 – regulation 3 (schedule 1 consultation bodies) sets out the bodies that will need to be consulted:

<http://www.legislation.gov.uk/ukxi/2012/637/schedule/1/made>

What happens after the consultation? What does the qualifying body do with received representations?

The qualifying body is required to produce a statement of consultation which sets out how it consulted, who it consulted, and a summary of the responses received along with how these have been considered in any amendments to the draft neighbourhood plan.

The qualifying body should make the necessary modifications to the plan before moving onto the next step.

What is the role of EHDC at this stage?

EHDC can advise of any regulatory requirements and how to consult with statutory consultees.

Step 4: Submission of a neighbourhood plan or Order proposal to the local planning authority

- Qualifying body submits the plan or Order proposal to the local planning authority
- Local planning authority checks that submitted proposal complies with all relevant legislation
- If the local planning authority finds that the plan or order meets the legal requirements it:
 - publicises the proposal for minimum 6 weeks and invites representations
 - notifies consultation bodies referred to in the consultation statement
 - appoints an independent examiner (with the agreement of the qualifying body)

The qualifying body submits the following submission documents to the lead authority:

- The submission neighbourhood plan
- A map and statement showing the area to which the neighbourhood plan relates
- The SEA scoping assessment
- A legal checklist and letter
- A consultation statement including appendices
- A basic condition statements

The Council will advertise the consultation on its website and organise for the consultation documents to be deposited at certain locations within the parish. This consultation is known as regulation 16 stage in accordance with the Neighbourhood Planning Regulations 2012.

Frequently Asked Questions

Does the qualifying body respond to the representations made during the regulation 16 consultation process?

No. At this stage representations that are made are sent straight to the independent examiner. The examiner can decide if a representation should result in a

modification to the plan and recommend that modification be made to ensure the neighbourhood plan meets the basic conditions test.

How long does it take the local authority to start the consultation from the submission of the neighbourhood plan?

This varies and is dependent upon how the documentation is submitted to the council. In past submissions, the Council has been able to start the consultation within 1-2 weeks.

What is the role of EHDC at this stage?

Once the plan has been submitted, the Council must be satisfied that the draft neighbourhood plan complies with all the relevant statutory requirements ready for examination. EHDC will also check that all the relevant submission documents have been submitted.

EHDC will start a statutory six-week consultation on the submitted neighbourhood plan and supporting documents. The Council will invite representations and notify any consultation body referred to in the consultation statement. When the consultation has closed EHDC will collate all the relevant documents and representations received and send this information to the independent examiner.

What is the funding used for that the government pays directly to the planning authority?

The money paid to the local authority is to fund the Council's resource to support the neighbourhood plan group including undertaking the formal consultation, finding an examiner, and to fund the examination process and referendum processes. A hearing may be needed as part of the examination.

Step 5: Independent examination

- local planning authority sends plan/Order proposal and representation to the independent examiner
- independent examiner undertakes examination
- independent examiner issues a report to the local planning authority and qualifying body
- local planning authority publishes report
- local planning authority considers report and reaches own view (except in respect of community right to build orders and proposals for modifications of neighbourhood plans where the modifications do not change the nature of the plan, where the report is binding)
- local planning authority takes the decision on whether to send the plan/Order to referendum

After the six-week consultation (step 4), EHDC will collate the responses alongside the submission documents and send them to the independent examiner. The examiner will usually reach a view by considering written representations. The basic conditions statement is thus important as it is the main way that a qualifying body can seek to demonstrate to the independent examiner that the plan meet the basic conditions.

The examiner will identify any modifications necessary for the plan to meet the basic conditions tests. If the changes are substantial a further consultation may be held. The local authority will oversee the plan and alongside the qualifying body, will decide whether to accept the modifications and update the submission neighbourhood plan.

It is not expected that the examination will include a public hearing, although an inspector can use this forum if it is considered necessary to ensure adequate examination of an issue or to give a person a fair chance to put a case. If required, there must be a minimum of four weeks allowed to advertise the public hearing and the examiner will invite representors that he/she wants to participate.

Frequently Asked Questions

What is the purpose of an examination?

The purpose of the examination and independent examiner is to ensure that the neighbourhood plan has met the basic conditions and that legislative requirements have been met throughout the process.

How long does the examination process take?

The examination process usually takes between 6-8 weeks, following the six-week consultation period. This could be longer if the examiner asks for any additional documentation or requires a public hearing.

What are the basic conditions?

There are five basic conditions that are relevant to a neighbourhood plan. These are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan
- The 'making' of the neighbourhood plan contributes to the achievement of sustainable development
- The 'making' of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)
- The 'making' of the neighbourhood plan does not breach, and is otherwise compatible with EU obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan

A neighbourhood plan needs to adhere to and 'meet' the basic conditions set out above. The examiner will test the neighbourhood plan against these to determine whether it should proceed to referendum.

What if a neighbourhood planning group does not want to accept the examiners modifications?

If the examiner considers that the plan does not meet the right standards, he/she will recommend changes and recommend if it should proceed to a referendum. EHDC will then need to consider the examiner's views and decide whether to make those changes.

If you do not wish to accept the changes, this should be discussed with EHDC before a decision is made to accept the changes and take the plan to referendum. **Note: This is the last opportunity that the qualifying body group can request the plan be withdrawn.**

If significant changes are being recommended, then the qualifying body may wish to re-consult the local community before proceeding.

What is the role of EHDC at this stage?

Once EHDC has sent the relevant documents to the independent examiner, the examiner will look at the neighbourhood plan documents against the basic conditions. All examination documentation and representations with personal information redacted will be placed on the planning policy webpages of the Council's website. EHDC will be notified by the examiner when they have reached a conclusion.

The examiner will issue their report to EHDC to share with the qualifying body. The local planning authority will consider the recommendations and decide whether to hold the referendum. EHDC will oversee any changes made to the plan alongside the qualifying body. EHDC can assist the qualifying body in understanding the implications of the modifications.

Step 6: Holding a Referendum

- relevant council publishes information statement
- relevant council publishes notice of referendum/s
- polling takes place (in a business area an additional referendum is held)
- results declared
- should more than half of those voting vote in favour of the neighbourhood plan, the plan comes into force as part of the statutory development plan for the area
- should more than half of those voting vote in favour of the Order, the Order only has legal effect once it is made by the local planning authority

Once the plan has had any modifications accepted and is updated accordingly, the Council as electoral authority will hold a referendum. The Council will be responsible for holding the referendum and supplying the supporting documentation.

A referendum will be held. A majority of votes (over 50% of those voting) in favour of the neighbourhood plan is sufficient for the plan to succeed.

Frequently Asked Questions

What is the question that is asked at referendum?

The question is as follows: "Do you want [insert name of local planning authority] to use the neighbourhood plan for [insert name of neighbourhood plan area] to help it decide planning applications in the neighbourhood area?"

NB: For parishes that are split between EHDC and the SDNPA, both authorities' names will appear on the ballot paper.

What does the result of the vote mean?

A majority yes vote at this stage would mean the local planning authority is required to 'make' (formally adopt) the plan and it would form part of its development plan – alongside the adopted Local Plan. A majority no vote at this stage would mean the planning authority wouldn't 'make' (formally adopt) the plan, and planning applications in the neighbourhood area would only need to adhere to policies in the Local Plan.

It is believed that two neighbourhood plans to date (Oct 2018) have failed at referendum, whilst 530 have been successful (March 2018). Therefore, whilst low risk, qualifying bodies should be aware of this as a possibility and continue to work closely with the community throughout the process.

What is the minimum turnout required at a neighbourhood plan referendum?

There is no minimum turnout required for a neighbourhood plan referendum. Therefore, even if turnout is very low, if there is a majority yes vote, the local authority would 'make' the plan.

What is the role of EHDC at this stage?

EHDC is the electoral authority.

Referendum documents will be compiled by EHDC. These documents will be made available on the Council's website and are a regulatory requirement. This includes;

- The final independent examiners report
- A map showing the neighbourhood plan area
- Notice of referendum and notice of poll

Step 7: Bringing the neighbourhood plan or Order into force

Once a neighbourhood plan has been successful at referendum, the planning authority(s) will make the plan. This means it is formally adopted.

- there are limited circumstances where the local planning authority is not required to make the neighbourhood plan or Order. These are where it considers that the making of the neighbourhood plan or Order would breach, or otherwise be incompatible with, any EU or human rights obligations
- in respect of proposals for modifications of neighbourhood plans where the modifications do not change the nature of the plan and meet the basic conditions, a referendum is not required. The local planning authority is required to make the modified neighbourhood plan

Frequently Asked Questions

What role does a local authority have once the Neighbourhood Plan has been approved at a referendum?

After a neighbourhood plan has been approved at referendum by the local community, it is 'made' by the local planning authority. If the plan is split between EHDC and the SDNPA then both authorities must 'make' the plan.

This is done at the authorities' council meeting. Councillors officially agree to make the neighbourhood plan a part of the planning authorities' development plan (although in practice this happens when there is a majority vote).

Once the plan has been formally made by the planning authority, it then sits alongside adopted local plans as part of the development plan.

Reviewing and monitoring a neighbourhood plan

What is the expected lifetime of a neighbourhood plan?

As with Local Plans, Neighbourhood Plans have a plan period; often 15 years. However, this does not mean the plan once adopted, is valid for that period without review and update. Policies in Local Plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.

Neighbourhood Plans do not need to be reviewed every five years, however, if not updated, risk no longer being in conformity with strategic policies in the development plan, if the development plan is updated. If there is conflict between plans, the most recently adopted plan takes precedence.

It is good practise to monitor and review neighbourhood plan policies to ensure that the policies are delivering the intended outcomes and to reflect any changes to the planning authority's Local Plan.

If a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, a neighbourhood plan may benefit from the protections set out in paragraph 14 of the National Planning Policy Framework. What this means is that relevant policies for the supply of housing in a NP, that is part of the development plan, should not be deemed to be 'out-of-date' under paragraph 49 of the National Planning Policy Framework where all of the following circumstances arise at the time the decision is made:

- The NP became part of the development plan 2 years or less before the date on which the decision is made;
- the neighbourhood plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites.

In order for a neighbourhood plan to meet the criteria set in paragraph 14b of the Framework, the 'policies and allocations' in the plan should meet the identified housing requirement in full, whether it is derived from the housing figure for the neighbourhood area set out in the relevant strategic policies, an indicative figure provided by the local planning authority, or where it has exceptionally been determined by the neighbourhood planning body.

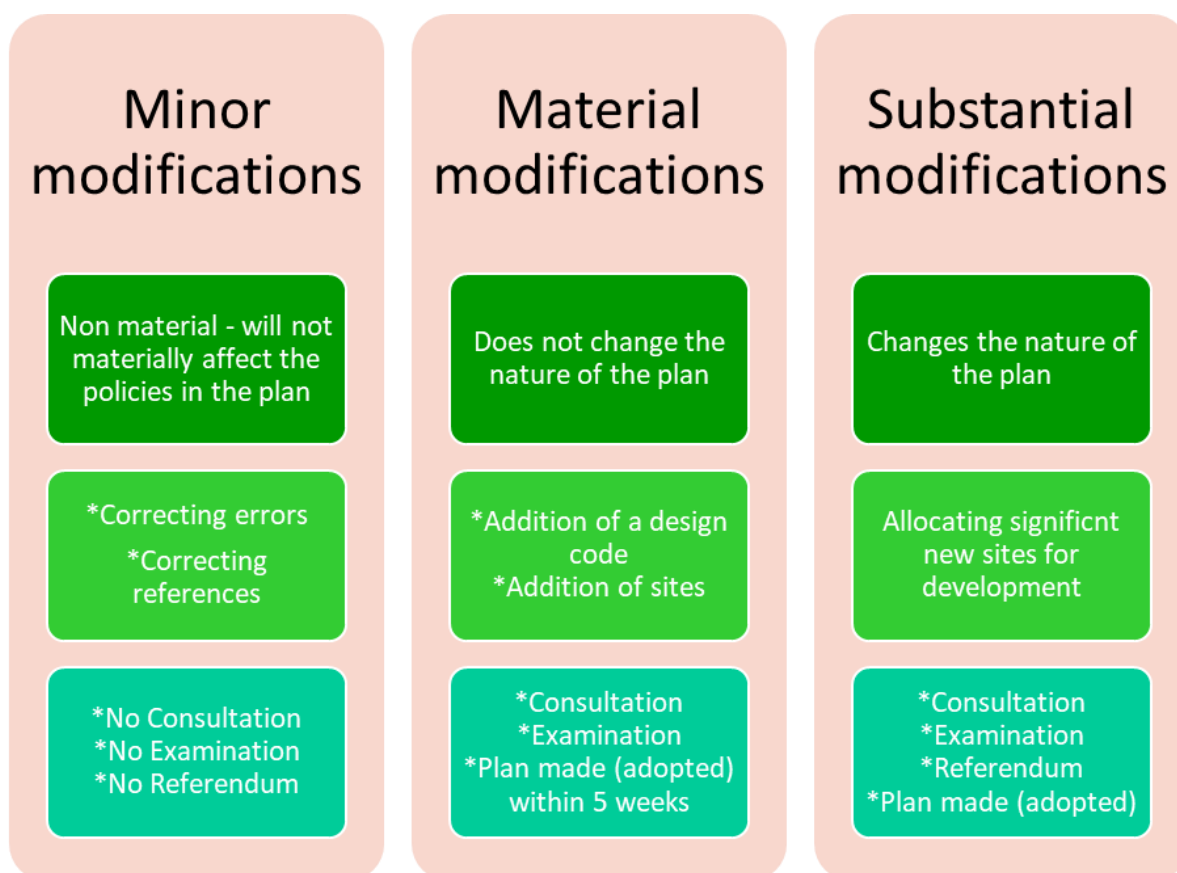
Updating or reviewing a Neighbourhood Plan

Unlike Local Plans, there is not a requirement for made/adopted NPs to consider a review every 5 year so a review could be considered at any time if there is:

- A change in local circumstances;
- Issues with policy wording or references;
- Updates to the Local Plan, national planning policy or a ministerial statement.

Policies in a neighbourhood plan may become out of date if they conflict with policies in the local plan or may become less robust if it has been in force for a period of time. The plan can be reviewed in part and does not necessarily mean a full review.

There are 3 types of modifications which can be made to a neighbourhood plan and the process will depend on the degree of change which the modification involves.



If reviewing a NP, the key step is to decide whether the change is minor, a material modification or substantial modification. New allocations, changes to Settlement Policy Boundaries or new policies are seen as **substantial modification**. However, this would be at the discretion of the examiner. Funding is currently available for all parish councils seeking to review and update made/adopted NPs.

To make it clearer, the following should be considered:

Minor modifications

Minor (non-material) modifications to a neighbourhood plan or Order would not materially affect the policies in the plan or permission granted by the Order. A local planning authority may make such updates at any time, only with the consent of the qualifying body. Consultation, examination and referendum are not required.

Material or Substantial modifications

To make modifications that materially affect the policies in a plan, the process in the NPPG guidance must be followed, and additionally the qualifying body and the local authority must state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons. Then the qualifying body must decide whether to proceed with the examination after the examiner has 25

decided whether the modifications proposed change the nature of the plan.

A referendum is not required if the modifications do not change the nature of the plan. If they do, the local planning authority would publicise and consider the examiner's report in line with the procedure for making a new neighbourhood plan.

As stated earlier, the examiner decides whether modifications change the nature of the plan.

Monitoring a made neighbourhood plan

Regular monitoring of your neighbourhood plan and how effective it is will help you decide whether to undertake a review. Is it still providing the planning policy you intended when it was first produced? A neighbourhood plan should include a section (or appendix) that shows how the policies in the plan will be monitored. The steering group or the planning authority will monitor the policies. The Council's [Monitoring Report](#) is a useful example.

Do Neighbourhood Plan reviews receive funding?

There is funding available for reviews - it is the same process as the initial stages of starting a neighbourhood plan; as discussed previously.

What is the £10,000 review fund to be used for? Does the qualifying body/neighbourhood plan group receive any of that money?

The £10,000 goes wholly to the local authority. The money the Council receives is to fund the examiner and referendum.

Further frequently asked questions

Is neighbourhood planning compulsory?

No, neighbourhood planning is optional, not compulsory. Any group considering preparing a neighbourhood plan should discuss the process, opportunities and risks with the Council and the community. The group is also advised to carry out their own research and discuss with other groups their experiences.

What assistance is available for Neighbourhood Planning

The Council will provide guidance and assist where possible (as set out on page 4). There is free, helpful information on the Locality website - <http://locality.org.uk/>

Grants and support is available via the My Community website - <http://mycommunity.org.uk/take-action/neighbourhood-planning/>

In March 2018, the government announced a £23 million fund – being delivered by Locality and Groundwork – to help local groups develop neighbourhood plans.

The maximum grant available is £17,000, if there are complex issues.

What is the difference between a neighbourhood plan or a village design statement, a village plan or a community plan?

The sentiment of village design statements (VDSs) and neighbourhood plans can roughly be the same. However, neighbourhood plans have a statutory weighting whereas VDSs do not. A village plan or community plan can also deal with matters that are not directly connected to the development of land.

VDS can be ‘material considerations’ for a planning application and where they may be helpful for the planning authority in determining a planning decision, they are something that the authority will need to keep in mind.

A community plan sets out a long-term vision by identifying local problems and opportunities.

A neighbourhood plan forms part of the ‘development plan’ alongside the local plan – so holds the same statutory weighting as a local plan. Planning legislation requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Planners will look at both the adopted local plan and made neighbourhood plan when making planning application decisions, but a VDS is likely to be one of many material considerations.

How long does Neighbourhood planning take?

Neighbourhood planning is a lengthy process and there is a lot of work 'outside of plan making' that needs to be done. Generally, the greater the scope of the neighbourhood plan the longer the process will take, due to the evidence that needs to be collected.

However typically a plan can take anywhere between 18 months to 2 or more years.

Can neighbourhood planning stop development in an area?

No. Neighbourhood plans cannot be used to stop development. Planning should be positive and promote sustainable development.

Do parish and town councils with a neighbourhood plan determine planning applications within their plan area?

No. East Hampshire District Council and the South Downs National Park Authority, where applicable, will continue to determine planning applications in their respective areas.

What happens if preparation of a neighbourhood plan stops?

The qualifying body can stop preparing a neighbourhood plan at any time; however, there is one exception to this. Near the final stages of the process when the independent examiner has issued his/her report, the council will issue a decision notice. Once the decision notice has been implemented the plan must go through to referendum. If the referendum has a positive outcome, then the council must make the plan.

What happens once a Neighbourhood Plan is made?

Once a neighbourhood plan has received a majority 'yes' vote, the document is made by Full Council at this stage and becomes part of the Council's development plan and its policies will have the same weight as the local plan. For example, when a planning

application is being reviewed in a made neighbourhood plan area, a planning officer will have as much regard to the Neighbourhood Plan as they will the Local Plan.

How are planning decisions made? (Planning balance and weight)

Planning is about comparing the benefits of a proposed development with the harm it would cause. Very rarely are developments entirely without harm, or entirely without benefit. The more important an impact, the more weight it is given in the overall planning balance.

All planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. When a planning authority makes a planning decision, the policies in the development plan are the first thing to be examined. Policies, impacts and harm are weighed to arrive at an overall decision. Note: a proposal may not comply with all aspects of a policy in a Local Plan or Neighbourhood Plan, but it may be considered in the overall planning balance that the proposal is appropriate to be approved.

Glossary

AMR – Authority Monitoring Report is the main mechanism for assessing the performance and effects of East Hampshire District Council’s Development Plan and the timescales set out in the Local Development Scheme (LDS).

Designated – When the council formally identifies the area that the neighbourhood plan shall have jurisdiction.

Development Plan – Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.

EHDC – East Hampshire District Council.

Evidence Base – Information gathered to support the Neighbourhood Plan.

GIS – Geographical Information System, typically used for mapping purposes.

HRA – Habitats Regulation Assessment. Also known as an Appropriate Assessment. Used to assess the impacts of proposals and land-use plans against the conservation objectives of a European Protected site and to ascertain whether it would adversely affect the integrity of that site.

JCS – Joint Core Strategy (Part 1 Local Plan), adopted 2014.

Local Plan – The plan for the future development in the area, drawn up by the Local Planning Authority in consultation with the community.

Localism Act – An act to devolve greater powers to councils and neighbourhoods and give local communities more control over housing and planning decisions.

Locality – A national network of community-led organisations that work with neighbourhood planning groups.

Making a plan/ ‘made’ – This is the formal description of what happens when a neighbourhood plan has received a positive decision at referendum. It is then formally adopted as a planning document by the local authority/district council, in regulatory terms this is called ‘making a neighbourhood plan.’

Mitigate/Mitigated – Measures to mitigate are ones taken which reduce negative impacts.

Neighbourhood area – the area in which the neighbourhood plan will influence. Typically, within EHDC this area follows the parish boundary however this does not have to be the case if the council agrees with the justification. The neighbourhood area also influences who will be able to vote at referendum. It is the role of EHDC (and the SDNPA where applicable) to designate the neighbourhood area.

Neighbourhood Plan - A plan prepared by a Neighbourhood Forum for a particular neighbourhood area.

Qualifying body – The group of people that lead on the neighbourhood plan. All formal regulatory decisions are made by this group. For EHDC, it is the parish or town council that will be the neighbourhood plan qualifying body.

Referendum – A vote by the electoral area on a single political or social question, in this case it will be the electorate's decision on whether the neighbourhood plan should be 'made'.

Regulations – Rules or directives made by national government through legislation that are implemented by local government.

Regulation 14 – The consultation on the draft neighbourhood plan, led by the qualifying body.

Regulation 15 – When the qualifying body submits their submission neighbourhood plan (plan proposal) and subsequent documentation to the Council.

Regulation 16 – The consultation on the submission neighbourhood plan and documents, led by the local planning authority.

Screening assessment – Formal process to find out if a 'full assessment' is needed. Typically to do with HRA and SEA.

SDNPA – South Downs National Park Authority.

SEA – Strategic Environmental Assessment.

Statutory consultees – Organisations or bodies (defined in the regulations) which are legally required to be consulted.

Steering group – A committee that decides on the priorities and manages the general course of operations for the neighbourhood plan. All decisions made by the steering group must be finalised by the qualifying body.

Strategic policies – Policies and site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2004.

Working group – A committee or group appointed to study and report on a question or subject area within the neighbourhood plan. They can make recommendations to the steering group and qualifying body.